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SUBTITLE G: WASTE DISPOSAL
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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 R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9 at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg.

13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1281, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9108, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6584, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 12760, effective July 17, 2003; amended in R04-16 at 28 Ill. Reg. 10693, effective July 19, 2004; amended in R05-8 at 29 Ill. Reg. 6003, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2992, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 791, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11786, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 986, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18611, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17734, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. 3213, effective March 4, 2013; amended in R14-13 at 38 Ill. Reg. 12442, effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1607, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11367, effective August 9, 2016; amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 721.101 Purpose and Scope

a) This Part identifies those solid wastes that are subject to regulation as hazardous wastes under 35 Ill. Adm. Code 702, 703, and 722 through 728, and which are subject to the notification requirements of ~~section Section 3010 of the Resource Conservation and Recovery Act (RCRA) RCRA~~ (42 USC 6930-6901 et seq.). In this Part:

1) Subpart A ~~of this Part~~ defines the terms "solid waste" and "hazardous waste", identifies those wastes that are excluded from regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728, and establishes special management requirements for hazardous waste produced by VSQGs ~~conditionally exempt small quantity generators~~ and hazardous waste that is recycled.

2) Subpart B ~~of this Part~~ sets forth the criteria used to identify characteristics of hazardous waste and to list particular hazardous wastes.

3) Subpart C ~~of this Part~~ identifies characteristics of hazardous wastes.

4) Subpart D ~~of this Part~~ lists particular hazardous wastes.

b) Limitations on definition of solid waste.

1) The definition of solid waste contained in this Part applies only to wastes that also are hazardous for purposes of the regulations implementing Subtitle C of RCRA. For example, it does not apply to materials (such as non-hazardous scrap, paper, textiles or rubber) that are not otherwise hazardous wastes and that are recycled.

2) This Part identifies only some of the materials that are solid wastes and hazardous wastes under Sections 1004(5), 1004(27) and 7003 of RCRA. A material that is not defined as a solid waste in this Part, or is not a hazardous waste identified or listed in this Part, is still a hazardous waste for purposes of those Sections if, in the case of Section 7003 of RCRA, the statutory elements are established.

c) For the purposes of Sections 721.102 and 721.106 the following definitions apply:

1) A "spent material" is any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.

2) "Sludge" has the same meaning used in 35 Ill. Adm. Code 720.110.

3) A "by-product" is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

4) A material is "reclaimed" if it is processed to recover a usable product, or if it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents. In addition, for purposes of Section 721.104(a)(23) and (a)(24) smelting, melting,

and refining furnaces are considered to be solely engaged in metals reclamation if the metal recovery from the hazardous secondary materials meets the same requirements as those specified for metals recovery from hazardous waste found in 35 Ill. Adm. Code 726.200(d)(1) through (d)(3), and if the residuals meet the requirements specified in 35 Ill. Adm. Code 726.212.

- 5) A material is "used or reused" if either of the following is true:
 - A) It is employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or
 - B) It is employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorus precipitant and sludge conditioner in wastewater treatment).
- 6) "Scrap metal" is bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, or wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, or railroad box cars) that when worn or superfluous can be recycled.
- 7) A material is "recycled" if it is used, reused, or reclaimed.
- 8) A material is "accumulated speculatively" if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that, during the calendar year (commencing on January 1), the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. Materials must be placed in a storage unit with a label indicating the first date that the material began to be accumulated. If placing a label on the storage unit is not practicable, the accumulation period must be documented through an inventory log or other appropriate method. In calculating the percentage of turnover, the 75 percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under Section 721.104(c) are not to be included in making the calculation. Materials that are already defined as solid wastes also are not to be included in making the calculation. Materials are no longer in this category once they are removed from accumulation for recycling, however.

BOARD NOTE: Various segments of this Part and 35 Ill. Adm. Code 720 use the verbal phrase "accumulated speculatively" and the noun phrase

2) Discarded material.

A) A discarded material is any material that is described as follows:

i) It is abandoned, as described in subsection (b);

ii) It is recycled, as described in subsection (c);

iii) It is considered inherently waste-like, as described in subsection (d); or

iv) It is a military munition identified as a solid waste in 35 Ill. Adm. Code 726.302.

B) This subsection (a)(2)(B) corresponds with 40 CFR 261.2(a)(2)(ii), which USEPA has removed and marked "reserved-". This statement maintains structural consistency with the corresponding federal regulations.

~~(b)~~ A material is a solid waste if it is abandoned in one of the following ways:

1) It is disposed of;

2) It is burned or incinerated;

3) It is accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated; or

4) Sham recycled, as explained in subsection (g).

c) A material is a solid waste if it is recycled, ~~or~~ accumulated, stored, or treated before recycling, ~~as~~ specified in subsections (c)(1) through (c)(4), if one of the following occurs with regard to the material:

1) The material is used in a manner constituting disposal.

A) A material that is noted with a "yes" in column 1 of the table in Appendix Z ~~of this Part~~ is a solid waste when one of the following occurs :

i) The material is applied to or placed on the land in a manner that constitutes disposal; or

ii) The material is used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).

B) However, a commercial chemical product that is listed in Section 721.133 is not a solid waste if it is applied to the land and that is its ordinary manner of use.

2) The material is burned for energy recovery.

A) A material that is noted with a "yes" in column 2 of the table in Appendix Z of this Part is a solid waste when one of the following occurs:

i) It is burned to recover energy;

ii) It is used to produce a fuel or is otherwise contained in fuels (in which case the fuel itself remains a solid waste);

iii) It is contained in fuels (in which case the fuel itself remains a solid waste).

B) However, a commercial chemical product that is listed in Section 721.133 is not a solid waste if it is itself a fuel.

3) Reclaimed. A material noted with a "No" in column 3 of the table in Appendix Z ~~of this Part~~ is not a solid waste when reclaimed (except as provided under Section 721.104(a)(17)). A material noted with a "Yes" in column 3 of Appendix Z ~~of this Part~~ is a solid waste when reclaimed, unless it meets the requirements of Section 721.104(a)(17), (a)(23), (a)(24), or (a)(27).

4) Accumulated speculatively. A material noted with "yes" in column 4 of the table in Appendix Z ~~of this Part~~ is a solid waste when accumulated speculatively.

d) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:

1) USEPA ~~hazardous~~ hazardous waste numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.

2) A secondary material fed to a halogen acid furnace that exhibits a characteristic of a hazardous waste or which is listed as a hazardous waste, as defined in Subpart C or D ~~of this Part~~, except for brominated material that meets the following criteria:

A) The material must contain a bromine concentration of at least 45 percent;

B) The material must contain less than a total of one percent of toxic organic compounds listed in Appendix H ~~of this Part~~; and

C) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).

3) The following criteria are used to add wastes to the list:

A) Disposal method or toxicity.

i) The material is ordinarily disposed of, burned, or incinerated; or

ii) ~~The material contains toxic constituents listed in Appendix H of this Part~~ and these constituents are not ordinarily found in raw materials or products for which the material substitutes (or are found in raw materials or products in smaller concentrations) and is not used or reused during the recycling process; and

B) The material may pose a substantial hazard to human health and the environment when recycled.

e) Materials that are not solid waste when recycled.

1) A material is not a solid waste when it can be shown to be recycled by fulfilling one of the following conditions:

A) It is used or reused as an ingredient in an industrial process to make a product, provided the material is not being reclaimed; or

B) It is used or reused as effective substitutes for commercial products; or

C) It is returned to the original process from which it is generated, without first being reclaimed or land disposed. The material must be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the material must be managed in such a manner that there is no placement on the land. In cases where the material is generated and reclaimed within the primary mineral processing industry, the conditions of the exclusion found at Section 721.104(a)(17) apply rather than this provision.

2) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (described in subsections (e)(1)(A) through (e)(1)(C)):

A) A material used in a manner constituting disposal or used to produce a product that is applied to the land; or

B) A material burned for energy recovery, used to produce a fuel, or contained in fuels; or

C) A material accumulated speculatively; or

D) A material listed in subsections (d)(1) and (d)(2).

f) Documentation of claims that a material is not a solid waste or is conditionally exempt from regulation. A respondent in an action to enforce regulations implementing Subtitle C of RCRA or Section 21 of the Environmental Protection Act that raises a claim that a certain material is not a solid waste or that the material is conditionally exempt from regulation must demonstrate that there is a known market or disposition for the material and that the material meets the terms of the exclusion or exemption. In doing so, the person must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste or that the material is exempt from regulation. In addition, an owner or operator of a facility claiming that it actually is recycling a material must show that it has the necessary equipment to recycle that material.

g) Sham recycling. A hazardous secondary material found to be sham recycled is considered discarded and a solid waste. Sham recycling is recycling that is not legitimate recycling, as defined in 35 Ill. Adm. Code 720.143.

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

Section 721.103 Definition of Hazardous Waste

a) A solid waste, as defined in Section 721.102, is a hazardous waste if the following is true of the waste:

1) It is not excluded from regulation as a hazardous waste pursuant to Section 721.104(b); and

2) It meets any of the following criteria:

A) It exhibits any of the characteristics of hazardous waste identified in Subpart C ~~of this Part~~. However, any mixture of a waste from the extraction, beneficiation, and processing of ores and minerals excluded pursuant to Section 721.104(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste pursuant to Subpart C ~~of this Part~~ is a hazardous waste only if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred, or if the mixture continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the toxicity characteristic to such mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentration for any contaminant listed in Section 721.124 that would not have been exceeded by the excluded waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.

B) It is listed in Subpart D ~~of this Part~~ and has not been excluded from the lists in Subpart D ~~of this Part~~ pursuant to 35 Ill. Adm. Code 720.120 and 720.122.

C) This subsection (a)(2)(B) corresponds with 40 CFR 261.3(a)(2)(iii), which USEPA removed and marked as "reserved" at 66 Fed. Reg. 27266 (May 16, 2001). This statement maintains structural consistency with the federal regulations.

D) It is a mixture of solid waste and one or more hazardous wastes listed in Subpart D ~~of this Part~~ and has not been excluded from this subsection (a)(2) pursuant to 35 Ill. Adm. Code 720.120 and 720.122 or subsection (g) or (h); however, the following mixtures of solid wastes and hazardous wastes listed in Subpart D ~~of this Part~~ are not hazardous wastes (except by application of subsection (a)(2)(A) or (a)(2)(B)) if the generator demonstrates that the mixture consists of wastewater the discharge of which is subject to regulation under either 35 Ill. Adm. Code 309 or 310 (including wastewater at facilities that have eliminated the discharge of wastewater) and the following is true of the waste:

i) It is one or more of the following solvents listed in Section 721.131: benzene, carbon tetrachloride, tetrachloroethylene, trichloroethylene or the scrubber waters derived from the combustion of these spent solvents, provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million, or the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 1 part per million on an average weekly basis. Any facility that uses benzene as a solvent and claims this exemption must use an aerated biological wastewater treatment system and must use only lined surface impoundments or tanks prior to secondary clarification in the wastewater treatment system. A facility that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information required by this subsection (a)(2)(D)(i) or that the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the

sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected;

ii) It is one or more of the following spent solvents listed in Section 721.131: methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents, 2-ethoxyethanol, or the scrubber waters derived from the combustion of these spent solvents, provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million, or the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 25 parts per million on an average weekly basis. A facility that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information required by this subsection (a)(2)(D)(ii) or that the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected;

iii) It is one of the following wastes listed in Section 721.132, provided that the wastes are discharged to the refinery oil recovery sewer before primary oil/water/solids separation: heat exchanger bundle cleaning sludge from the petroleum refining industry (USEPA hazardous waste number K050), crude oil storage tank sediment from petroleum refining operations (USEPA hazardous waste number K169), clarified slurry oil tank sediment or in-line filter/separation solids from petroleum refining operations (USEPA hazardous waste number K170), spent hydrotreating catalyst (USEPA hazardous waste number K171), and spent hydrorefining catalyst (USEPA hazardous waste number K172);

iv) It is a discarded hazardous waste, commercial chemical product or chemical intermediate listed in Section 721.121, 721.132, or 721.133 arising from de minimis losses of these materials. For purposes of this subsection (a)(2)(D)(iv), "de minimis" losses are inadvertent releases to a wastewater treatment system, including those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing. Any manufacturing facility that claims an exemption for de minimis quantities of a waste listed in Section 721.131 or 721.132, or any nonmanufacturing facility that claims an exemption for de minimis quantities of wastes listed in Subpart D of this Part, must either have eliminated the discharge of wastewaters or have included in its federal Clean Water Act (33 USC 1251 et seq.) permit application or wastewater pretreatment submission to the Agency or the wastewater pretreatment Control Authority pursuant to 35 Ill. Adm. Code 307 of the constituents for which each waste was listed (in Appendix G ~~of this Part~~); and the constituents in Table T to 35 Ill. Adm. Code 728 for which each waste has a treatment standard (i.e., land disposal restriction constituents). A facility is eligible to claim the exemption once the Agency or Control Authority has been notified of possible de minimis releases via the Clean Water Act permit application or the wastewater pretreatment submission. A copy of the Clean Water Act permit application or the wastewater pretreatment submission must be placed in the facility's on-site files;

v) It is wastewater resulting from laboratory operations containing toxic (T) wastes listed in Subpart D ~~of this Part~~, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system or provided that the wastes' combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation;

vi) It is one or more of the following wastes listed in Section 721.132: wastewaters from the production of carbamates and carbamoyl oximes (USEPA hazardous waste number K157), provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that cannot be demonstrated to be reacted in the process, destroyed through treatment, or recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight, or the total measured concentration of

these chemicals entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 5 parts per million on an average weekly basis. A facility that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information required by this subsection (a) (2) (D) (vi) or that the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or

vii) It is wastewater derived from the treatment of one or more of the following wastes listed in Section 721.132: organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (USEPA hazardous waste number K156), provided that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter, or the total measured concentration of these chemicals entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 5 milligrams per liter on an average weekly basis. A facility that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails

to include the information required by this subsection (a)(2)(D)(vii) or that the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected.

E) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of this Part. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix H of this Part).

i) The rebuttable presumption does not apply to a metalworking oil or fluid containing chlorinated paraffins if it is processed through a tolling arrangement, as described in 35 Ill. Adm. Code 739.124(c), to reclaim metalworking oils or fluids. The presumption does apply to a metalworking oil or fluid if such an oil or fluid is recycled in any other manner, or disposed of.

ii) The rebuttable presumption does not apply to a used oil contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to a used oil contaminated with CFCs that have been mixed with used oil from a source other than a refrigeration unit.

b) A solid waste that is not excluded from regulation pursuant to subsection (a)(1) becomes a hazardous waste when any of the following events occur:

1) In the case of a waste listed in Subpart ~~D-of-this-Part~~, when the waste first meets the listing description set forth in Subpart D of this Part.

2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in Subpart ~~D-of-this-Part~~ is first added to the solid waste.

3) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in Subpart ~~C-of-this-Part~~.

c) Unless and until it meets the criteria of subsection (e), a hazardous waste will remain a hazardous waste.

BOARD NOTE: This subsection (c) corresponds with 40 CFR 261.3(c)(1). The Board has codified 40 CFR 261.3(c)(2) at subsection (e).

d) Any solid waste described in subsection (e) is not a hazardous waste if it meets the following criteria:

1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in Subpart C ~~of this Part~~. (However, wastes that exhibit a characteristic at the point of generation may still be subject to 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.)

2) In the case of a waste that is a listed waste pursuant to Subpart D ~~of this Part~~, a waste that contains a waste listed pursuant to Subpart D ~~of this Part~~, or a waste that is derived from a waste listed in Subpart D ~~of this Part~~, it also has been excluded from subsection (e) pursuant to 35 Ill. Adm. Code 720.120 and 720.122.

e) Specific inclusions and exclusions.

1) Except as otherwise provided in subsection (e)(2), (g), or (h), any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate (but not including precipitation run-off), is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)

2) The following solid wastes are not hazardous even though they are generated from the treatment, storage, or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste:

A) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332).

B) Wastes from burning any of the materials exempted from regulation by Section 721.106(a)(3)(C) and (a)(3)(D).

C) Nonwastewater residues, such as slag, resulting from high temperature metal recovery (HTMR) processing of K061, K062, or F006 waste in the units identified in this subsection (e)(2) that are disposed of in non-hazardous waste units, provided that these residues meet the generic exclusion levels identified in the tables in this subsection (e)(2)(C) for all constituents and the residues exhibit no characteristics of hazardous waste. The types of units identified are rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations, or

the following types of industrial furnaces (as defined in 35 Ill. Adm. Code 720.110): blast furnaces; smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces); and other furnaces designated by the Agency pursuant to that definition.

i) Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and when the process or operation generating the waste changes.

ii) Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements. The generic exclusion levels are the following:

Generic exclusion levels for K061 and K062 nonwastewater HTMR residues: Constituent Maximum for any single composite sample (mg/l) Antimony 0.10 Arsenic 0.50 Barium 7.6 Beryllium 0.010 Cadmium 0.050 Chromium (total) 0.33 Lead 0.15 Mercury 0.009 Nickel 1.0 Selenium 0.16 Silver 0.30 Thallium 0.020 Vanadium 1.26 Zinc 70

Generic exclusion levels for F006 nonwastewater HTMR residues: Constituent Maximum for any single composite sample (mg/l) Antimony 0.10 Arsenic 0.50 Barium 7.6 Beryllium 0.010 Cadmium 0.050 Chromium (total) 0.33 Cyanide (total) (mg/kg) 1.8 Lead 0.15 Mercury 0.009 Nickel 1.0 Selenium 0.16 Silver 0.30 Thallium 0.020 Zinc 70

iii) A one-time notification and certification must be placed in the facility's files and sent to the Agency (or, for out-of-State shipments, to the appropriate Regional Administrator of USEPA or the state agency authorized to implement federal 40 CFR 268 requirements) for K061, K062, or F006 HTMR residues that meet the generic exclusion levels for all constituents, which do not exhibit any characteristics, and which are sent to RCRA Subtitle D (municipal solid waste landfill) units. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the RCRA Subtitle D unit receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the calendar year, but no later than December 31. The notification must include the following information: the name and address of the non-hazardous waste management unit receiving the waste shipment; the USEPA hazardous waste number and treatability group at the initial point of generation; and the treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows:

"I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. I am aware that

there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

D) Biological treatment sludge from the treatment of one of the following wastes listed in Section 721.132: organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (USEPA hazardous waste number K156) and wastewaters from the production of carbamates and carbamoyl oximes (USEPA hazardous waste number K157).

E) Catalyst inert support media separated from one of the following wastes listed in Section 721.132: spent hydrotreating catalyst (USEPA hazardous waste number K171) and spent hydrorefining catalyst (USEPA hazardous waste number K172).

BOARD NOTE: This subsection (e) would normally correspond with 40 CFR 261.3(e), a subsection that has been deleted and marked "reserved" by USEPA. Rather, this subsection (e) corresponds with 40 CFR 261.3(c)(2), which the Board codified here to comport with codification requirements and to enhance clarity.

f) Notwithstanding subsections (a) through (e) and provided the debris, as defined in 35 Ill. Adm. Code 728.102, does not exhibit a characteristic identified at Subpart ~~C-of-this-Part~~, the following materials are not subject to regulation under 35 Ill. Adm. Code 702, 703, 720, 721 to 726, or 728:

1) Hazardous debris as defined in 35 Ill. Adm. Code 728.102 that has been treated using one of the required extraction or destruction technologies specified in Table F to 35 Ill. Adm. Code 728; persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or

2) Debris, as defined in 35 Ill. Adm. Code 728.102, that the Agency, considering the extent of contamination, has determined is no longer contaminated with hazardous waste.

g) Exclusion of certain wastes listed in Subpart ~~D-of-this-Part~~ solely because they exhibit a characteristic of ignitability, corrosivity, or reactivity.

1) A hazardous waste that is listed in Subpart ~~D-of-this-Part~~ solely because it exhibits one or more characteristics of ignitability, as defined under Section 721.121; corrosivity, as defined under Section 721.122; or reactivity, as defined under Section 721.123 is not a hazardous waste if the waste no longer exhibits any characteristic of hazardous waste identified in Subpart ~~C-of-this-Part~~.

2) The exclusion described in subsection (g)(1) also pertains to the following:

A) Any mixture of a solid waste and a hazardous waste listed in Subpart D ~~of this Part~~ solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity, as regulated under subsection (a) (2) (D); and

B) Any solid waste generated from treating, storing, or disposing of a hazardous waste listed in Subpart D ~~of this Part~~ solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity, as regulated under subsection (e) (1).

3) Wastes excluded pursuant to this subsection (g) are subject to 35 Ill. Adm. Code 728 (as applicable), even if they no longer exhibit a characteristic at the point of land disposal.

4) Any mixture of a solid waste excluded from regulation in Section 721.104 (b) (7) and a hazardous waste listed in Subpart D ~~of this Part~~ solely because the listed hazardous waste exhibits one or more of the characteristics of ignitability, corrosivity, or reactivity, as regulated under subsection (a) (2) (D), is not a hazardous waste if the mixture no longer exhibits any characteristic of hazardous waste identified in Subpart C ~~of this Part~~ for which USEPA listed the hazardous waste listed in Subpart D ~~of this Part~~.

h) Eligible radioactive mixed waste.

1) Hazardous waste containing radioactive waste is no longer a hazardous waste when it meets the eligibility criteria and conditions of Subpart N of 35 Ill. Adm. Code 726 (i.e., it is "eligible radioactive mixed waste").

2) The exemption described in subsection (h) (1) also pertains to the following:

A) Any mixture of a solid waste and an eligible radioactive mixed waste; and

B) Any solid waste generated from treating, storing, or disposing of an eligible radioactive mixed waste.

3) Waste exempted pursuant to this subsection (h) must meet the eligibility criteria and specified conditions in 35 Ill. Adm. Code 726.325 and 726.330 (for storage and treatment) and in 35 Ill. Adm. Code 726.410 and 726.415 (for transportation and disposal). Waste that fails to satisfy these eligibility criteria and conditions is regulated as hazardous waste.

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

Section 721.104 Exclusions

a) Materials that are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

1) Sewage.

A) Domestic sewage (untreated sanitary wastes that pass through a sewer system); and

B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment.

2) Industrial wastewater discharges that are point source discharges with National Pollutant Discharge Elimination System (NPDES) permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act ~~{415 ILCS 5/12(f)}~~ and 35 Ill. Adm. Code 309.

BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored, or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

3) Irrigation return flows.

4) Source, by-product, or special nuclear material, as defined by section 11 of the Atomic Energy Act of 1954, as amended (42 USC 2014), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

5) Materials subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process.

6) Pulping liquors (i.e., black liquors) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively, as defined in Section 721.101(c).

7) Spent sulfuric acid used to produce virgin sulfuric acid provided, ~~unless~~ it is not accumulated speculatively, as defined in Section 721.101(c).

8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated, where they are reused in the production process, provided that the following is true:

A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

C) The secondary materials are never accumulated in such tanks for over 12 months without being reclaimed; and

D) The reclaimed material is not used to produce a fuel or used to produce products that are used in a manner constituting disposal.

9) Wood preserving wastes.

A) Spent wood preserving solutions that have been used and which are reclaimed and reused for their original intended purpose;

B) Wastewaters from the wood preserving process that have been reclaimed and which are reused to treat wood; and

C) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in subsections (a)(9)(A) and (a)(9)(B), so long as they meet all of the following conditions:

i) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water-borne plants in the production process for their original intended purpose;

ii) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or groundwater or both;

iii) Any unit used to manage wastewaters or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;

iv) Any drip pad used to manage the wastewaters or spent wood preserving solutions prior to reuse complies with the standards in Subpart W of 35 Ill. Adm. Code 725, regardless of whether the plant generates a total of less than 100 kg/month of hazardous waste; and

v) Prior to operating pursuant to this exclusion, the plant owner or operator prepares a one-time notification to the Agency stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records until closure of the facility. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the Agency for reinstatement. The Agency must reinstate the exclusion in writing if it finds that the plant has returned to compliance with all conditions and that the violations are not likely to recur. If the Agency denies an application, it must transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. The applicant under this subsection

(a) (9) (C) (v) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act ~~[415 ILCS 5/40]~~.

10) USEPA ~~hazardous~~ hazardous waste numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the waste from the point it is generated to the point it is recycled to coke ovens, to tar recovery, to the tar refining processes, or prior to when it is mixed with coal.

11) Nonwastewater splash condenser dross residue from the treatment of USEPA hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

12) Certain oil-bearing hazardous secondary materials and recovered oil, as follows:

A) Oil-bearing hazardous secondary materials (i.e., sludges, by-products, or spent materials) that are generated at a petroleum refinery (standard industrial classification (SIC) code 2911) and are inserted into the petroleum refining process (SIC code 2911: including, but not limited to, distillation, catalytic cracking, fractionation, or thermal cracking units (i.e., cokers)), unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this subsection (a) (12), provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated or sent directly to another petroleum refinery and still be excluded under this provision. Except as provided in subsection (a) (12) (B), oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (i.e., from sources other than petroleum refineries) are not excluded under this Section. Residuals generated from processing or recycling materials excluded under this subsection (a) (12) (A), where such materials as generated would have otherwise met a listing under Subpart D ~~of this Part~~, are designated as USEPA hazardous waste number F037 listed wastes when disposed of or intended for disposal.

B) Recovered oil that is recycled in the same manner and with the same conditions as described in subsection (a) (12) (A). Recovered oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and

transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5172). Recovered oil does not include oil-bearing hazardous wastes listed in Subpart D ~~of this Part~~; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil, as defined in 35 Ill. Adm. Code 739.100.

13) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

14) Shredded circuit boards being recycled, provided that they meet the following conditions:

A) The circuit boards are stored in containers sufficient to prevent a release to the environment prior to recovery; and

B) The circuit boards are free of mercury switches, mercury relays, nickel-cadmium batteries, and lithium batteries.

15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with federal Clean Air Act regulation 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.

16) This subsection (a)(16) corresponds with 40 CFR 261.4(a)(16), marked "reserved" by USEPA. This statement maintains structural consistency with the federal regulations.

17) Spent materials (as defined in Section 721.101) (other than hazardous wastes listed in Subpart D of this Part) generated within the primary mineral processing industry from which minerals, acids, cyanide, water, or other values are recovered by mineral processing or by beneficiation, provided that the following is true:

A) The spent material is legitimately recycled to recover minerals, acids, cyanide, water, or other values;

B) The spent material is not accumulated speculatively;

C) Except as provided in subsection (a)(17)(D), the spent material is stored in tanks, containers, or buildings that meet the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support (except that smelter buildings may have partially earthen floors, provided that the spent material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment (as defined in 35 Ill. Adm. Code 720.110), and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If a tank or container contains any particulate that may be subject to wind

dispersal, the owner or operator must operate the unit in a manner that controls fugitive dust. A tank, container, or building must be designed, constructed, and operated to prevent significant releases to the environment of these materials.

D) The Agency must allow by permit in writing that solid mineral processing spent materials only may be placed on pads, rather than in tanks, containers, or buildings if the facility owner or operator can demonstrate the following: the solid mineral processing secondary materials do not contain any free liquid; the pads are designed, constructed, and operated to prevent significant releases of the spent material into the environment; and the pads provide the same degree of containment afforded by the non-RCRA tanks, containers, and buildings eligible for exclusion.

i) The Agency must also consider whether storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, and air exposure pathways must include the following: the volume and physical and chemical properties of the spent material, including its potential for migration off the pad; the potential for human or environmental exposure to hazardous constituents migrating from the pad via each exposure pathway; and the possibility and extent of harm to human and environmental receptors via each exposure pathway.

ii) Pads must meet the following minimum standards: they must be designed of non-earthen material that is compatible with the chemical nature of the mineral processing spent material; they must be capable of withstanding physical stresses associated with placement and removal; they must have runoff and runoff controls; they must be operated in a manner that controls fugitive dust; and they must have integrity assurance through inspections and maintenance programs.

iii) Before making a determination under this subsection (a)(17)(D), the Agency must provide notice and the opportunity for comment to all persons potentially interested in the determination. This can be accomplished by placing notice of this action in major local newspapers, or broadcasting notice over local radio stations.

BOARD NOTE: See Subpart D of 35 Ill. Adm. Code 703 for the RCRA Subtitle C permit public notice requirements.

E) The owner or operator provides a notice to the Agency, providing the following information: the types of materials to be recycled, the type and location of the storage units and recycling processes, and the annual quantities expected to be placed in land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.

F) For purposes of subsection (b)(7), mineral processing spent materials must be the result of mineral processing and may not include

any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.

18) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process (SIC code 2911) along with normal petroleum refinery process streams, provided that both of the following conditions are true of the oil:

A) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in Section 721.121) or toxicity for benzene (Section 721.124, USEPA hazardous waste number ~~eeed~~-D018);

B) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An "associated organic chemical manufacturing facility" is a facility for which all of the following is true: its primary SIC code is 2869, but its operations may also include SIC codes 2821, 2822, and 2865; it is physically co-located with a petroleum refinery; and the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials (i.e., sludges, by-products, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.

19) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid, unless the material is placed on the land or accumulated speculatively, as defined in Section 721.101(c).

20) Hazardous secondary materials used to make zinc fertilizers, provided that the following conditions are satisfied:

A) Hazardous secondary materials used to make zinc micronutrient fertilizers must not be accumulated speculatively, as defined in Section 721.101(c)(8).

B) A generator or intermediate handler of zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers must fulfill the following conditions:

i) It must submit a one-time notice to the Agency that contains the name, address, and USEPA identification number of the generator or intermediate handler facility, that provides a brief description of the secondary material that will be subject to the exclusion, and which identifies when the manufacturer intends to begin managing excluded zinc-bearing hazardous secondary materials under the conditions specified in this subsection (a)(20).

ii) It must store the excluded secondary material in tanks, containers, or buildings that are constructed and maintained in a way that prevents releases of the secondary materials into the environment. At a minimum, any building used for this purpose must be an engineered structure made of non-earthen materials that provide structural support, and it must have a floor, walls, and a roof that prevent wind dispersal and contact with rainwater. A tank used for this purpose must be structurally sound and, if outdoors, it must have a roof or cover that prevents contact with wind and rain. A container used for this purpose must be kept closed, except when it is necessary to add or remove material, and it must be in sound condition. Containers that are stored outdoors must be managed within storage areas that fulfill the conditions of subsection (a)(20)(F) ~~+~~.

iii) With each off-site shipment of excluded hazardous secondary materials, it must provide written notice to the receiving facility that the material is subject to the conditions of this subsection (a)(20).

iv) It must maintain records at the generator's or intermediate handler's facility for no less than three years of all shipments of excluded hazardous secondary materials. For each shipment these records must, at a minimum, contain the information specified in subsection (a)(20)(G).

C) A manufacturer of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must fulfill the following conditions:

i) It must store excluded hazardous secondary materials in accordance with the storage requirements for generators and intermediate handlers, as specified in subsection (a)(20)(B)(ii).

ii) It must submit a one-time notification to the Agency that, at a minimum, specifies the name, address, and USEPA identification number of the manufacturing facility and which identifies when the manufacturer intends to begin managing excluded zinc-bearing hazardous secondary materials under the conditions specified in this subsection (a)(20).

iii) It must maintain for a minimum of three years records of all shipments of excluded hazardous secondary materials received by the manufacturer, which must at a minimum identify for each shipment the name and address of the generating facility, the name of transporter, and the date on which the materials were received, the quantity received, and a brief description of the industrial process that generated the material.

iv) It must submit an annual report to the Agency that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and

the industrial processes from which the hazardous secondary materials were generated.

D) Nothing in this Section preempts, overrides, or otherwise negates the provision in 35 Ill. Adm. Code 722.111 that requires any person who generates a solid waste to determine if that waste is a hazardous waste.

E) Interim status and permitted storage units that have been used to store only zinc-bearing hazardous wastes prior to the submission of the one-time notice described in subsection (a)(20)(B)(i), and that afterward will be used only to store hazardous secondary materials excluded under this subsection (a)(20), are not subject to the closure requirements of 35 Ill. Adm. Code 724 and 725.

F) A container used to store excluded secondary material must fulfill the following conditions:

i) It must have containment structures or systems sufficiently impervious to contain leaks, spills, and accumulated precipitation;

ii) It must provide for effective drainage and removal of leaks, spills, and accumulated precipitation; and

iii) It must prevent run-on into the containment system.

BOARD NOTE: Subsections (a)(20)(F)(i) through (a)(20)(F)(iii) are derived from 40 CFR 261.4(a)(20)(ii)(B)(1) through (a)(20)(ii)(B)(3). The Board added the preamble to these federal paragraphs as subsection (a)(20)(F) to comport with Illinois Administrative Code codification requirements.

G) Required records of shipments of excluded hazardous secondary materials must, at a minimum, contain the following information:

i) The name of the transporter and date of the shipment;

ii) The name and address of the facility that received the excluded material, along with documentation confirming receipt of the shipment; and

iii) The type and quantity of excluded secondary material in each shipment.

BOARD NOTE: Subsections (a)(20)(G)(i) through (a)(20)(G)(iii) are derived from 40 CFR 261.4(a)(20)(ii)(D)(1) through (a)(20)(ii)(D)(3). The Board added the preamble to these federal paragraphs as subsection (a)(20)(G) to comport with Illinois Administrative Code codification requirements.

21) Zinc fertilizers made from hazardous wastes or hazardous secondary materials that are excluded under subsection (a)(20), provided that the following conditions are fulfilled:

A) The fertilizers meet the following contaminant limits:

i) For metal contaminants:

Constituent Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm) Arsenic 0.3 Cadmium 1.4 Chromium 0.6 Lead 2.8 Mercury 0.3

ii) For dioxin contaminants, the fertilizer must contain no more than eight parts per trillion of dioxin, measured as toxic equivalent (TEQ).

B) The manufacturer performs sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less frequently than once every six months, and for dioxins no less frequently than once every 12 months. Testing must also be performed whenever changes occur to manufacturing processes or ingredients that could significantly affect the amounts of contaminants in the fertilizer product. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at concentrations above the applicable limits. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the products introduced into commerce.

C) The manufacturer maintains for no less than three years records of all sampling and analyses performed for purposes of determining compliance with subsection (a)(21)(B). Such records must at a minimum include the following:

i) The dates and times product samples were taken, and the dates the samples were analyzed;

ii) The names and qualifications of the persons taking the samples;

iii) A description of the methods and equipment used to take the samples;

iv) The name and address of the laboratory facility at which analyses of the samples were performed;

v) A description of the analytical methods used, including any cleanup and sample preparation methods; and

vi) All laboratory analytical results used to determine compliance with the contaminant limits specified in this subsection (a)(21).

22) Used CRTs.

A) Used, intact CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste within the United States, unless they are disposed of or speculatively accumulated, as defined in Section 721.101(c)(8), by a CRT collector or glass processor.

B) Used, intact CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste when exported for recycling, provided that they meet the requirements of Section 721.140.

C) Used, broken CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste, provided that they meet the requirements of Section 721.139.

D) Glass removed from CRTs is not a solid waste provided that it meets the requirements of Section 721.139(c).

23) Hazardous secondary materials reclaimed under the control of the generator. Hazardous secondary material generated and legitimately reclaimed within the United States or its territories and under the control of the generator, provided that the material complies with subsections (a)(23)(A) and (a)(23)(B):

A) Excluded hazardous secondary materials.

i) The hazardous secondary material is generated and reclaimed at the generating facility. (For purposes of this subsection (a)(23)(A)(i), "generating facility" means all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator.);

ii) The hazardous secondary material is generated and reclaimed at different facilities, if the reclaiming facility is controlled by the generator or if both the generating facility and the reclaiming facility are controlled by a person as defined in 35 Ill. Adm. Code 720.110, and if the generator provides one of the following certifications:

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

or

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

For purposes of this subsection (a)(23)(A)(ii), "control" means the power to direct the policies of the facility, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate facilities on behalf of a different person, as defined in 35 Ill. Adm. Code 720.110, cannot be deemed to "control" such facilities. The generating and receiving facilities must both maintain at their

facilities for no less than three years records of hazardous secondary materials sent or received under this exclusion. In both cases, the records must contain the name of the transporter, the date of the shipment, and the type and quantity of the hazardous secondary material shipped or received under the exclusion. These requirements may be satisfied by routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations); or

iii) The hazardous secondary material is generated pursuant to a written contract between a tolling contractor and a toll manufacturer and is reclaimed by the tolling contractor, if the tolling contractor certifies as follows:

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

The tolling contractor must maintain at its facility for no less than three years records of hazardous secondary materials received pursuant to its written contract with the tolling manufacturer, and the tolling manufacturer must maintain at its facility for no less than three years records of hazardous secondary materials shipped pursuant to its written contract with the tolling contractor. In both cases, the records must contain the name of the transporter, the date of the shipment, and the type and quantity of the hazardous secondary material shipped or received pursuant to the written contract. These requirements may be satisfied by routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations). For purposes of this subsection (a)(23)(A)(ii), "tolling contractor" means a person who arranges for the production of a product or intermediate made from specified unused materials through a written contract with a toll manufacturer. "Toll manufacturer" means a person who produces a product or intermediate made from specified unused materials pursuant to a written contract with a tolling contractor.

B) Management of hazardous secondary materials.

i) The hazardous secondary material is contained, as defined in 35 Ill. Adm. Code 720.110. A hazardous secondary material released to the environment is discarded material and a solid waste unless it is immediately recovered for the purpose of reclamation. Hazardous secondary material managed in a unit with leaks or other continuing or

intermittent unpermitted releases is discarded material and a solid waste;

ii) The hazardous secondary material is not speculatively accumulated, as defined in Section 721.101(c)(8);

iii) Notice is provided, as required by 35 Ill. Adm. Code 720.142;

iv) The hazardous secondary material is not otherwise subject to material-specific management conditions under subsection (a) when reclaimed, and it is not a spent lead acid battery (see 35 Ill. Adm. Code 726.180 and 733.102);

v) Persons performing the recycling of hazardous secondary materials under this exclusion must maintain documentation of their legitimacy determination on-site. Documentation must be a written description of how the recycling meets all four factors in 35 Ill. Adm. Code 720.143(a). Documentation must be maintained for three years after the recycling operation has ceased; and

vi) The emergency preparedness and response requirements found in Subpart M of this Part are met.

24) Hazardous secondary materials transferred for off-site reclamation. Hazardous secondary material that is generated and then transferred to a verified reclamation facility for the purpose of reclamation is not a solid waste if the management of the material fulfills the conditions of subsections (a)(24)(A) through (a)(24)(G):

A) The hazardous secondary material must not be speculatively accumulated, as defined in Section 721.101(c)(8).

B) No person or facility other than the hazardous secondary material generator, the transporter, an intermediate facility, or a reclaimer manages the material; the hazardous secondary material must not be stored for more than 10 days at a transfer facility, as defined in Section 721.110; and the hazardous secondary material must be packaged according to applicable USDOT regulations codified as 49 CFR 173, 178, and 179, incorporated by reference in 35 Ill. Adm. Code 720.111, while in transport.

C) The hazardous secondary material must not otherwise be subject to material-specific management conditions pursuant to other provisions of this subsection (a) when reclaimed, and the hazardous secondary material must not be a spent lead-acid battery (see 35 Ill. Adm. Code 726.180 and 733.102).

D) The reclamation of the hazardous secondary material must be legitimate, as determined pursuant to 35 Ill. Adm. Code 720.143.

E) The hazardous secondary material generator must satisfy each of the following conditions:

i) The hazardous secondary material must be contained as defined in 35 Ill. Adm. Code 720.110. A hazardous secondary material released to the environment is discarded and a solid waste unless it is immediately recovered for the purpose of recycling. Hazardous secondary material managed in a unit that leaks or which otherwise continuously releases hazardous secondary material is discarded material and a solid waste.

ii) The hazardous secondary material generator must arrange for transport of hazardous secondary materials to a verified reclamation facility in the United States. A "verified reclamation facility" is a facility that has been granted a verified facility determination pursuant to 35 Ill. Adm. Code 720.131(d), or a reclamation facility where the management of the hazardous secondary material is regulated by any of 35 Ill. Adm. Code 724, 725, 726, or 727. If the hazardous secondary material will pass through an intermediate facility, the facility must be a "verified intermediate facility" that has been granted a verified facility determination pursuant to 35 Ill. Adm. Code 720.131(d) or management of the hazardous secondary materials at that facility must be regulated by any of 35 Ill. Adm. Code 724, 725, 726, or 727, and the hazardous secondary material generator must make contractual arrangements with the intermediate facility to ensure that the hazardous secondary material is sent to the reclamation facility identified by the hazardous secondary material generator.

iii) The hazardous secondary material generator must maintain certain records at the generating facility for a minimum of three years that document every off-site shipment of hazardous secondary materials. The documentation for each shipment must, at a minimum, include the following information about the shipment: the name of the transporter and date of the shipment; the name and address of each reclaimer and intermediate facility to which the hazardous secondary material was sent; and the type and quantity of hazardous secondary material in the shipment.

BOARD NOTE: The Board combined and moved the shipping documentation and records retention requirements of corresponding 40 CFR 261.4(a)(24)(v)(C) and (a)(24)(v)(C)(1) through (a)(24)(v)(C)(3) to this single subsection (a)(24)(E)(iii). This combination allowed compliance with codification requirements relating to the maximum permissible indent level.

iv) The hazardous secondary material generator must maintain at the generating facility, for a minimum of three years, for every off-site shipment of hazardous secondary materials, confirmations of receipt from each reclaimer and intermediate facility to which its hazardous secondary materials were sent. Each confirmation of receipt must include the name and address of the reclaimer (or intermediate facility), the type and quantity of the hazardous secondary materials received, and the date on which the facility received the hazardous secondary materials. The generator may satisfy this requirement using routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations of receipt).

v) The hazardous secondary material generator must comply with the emergency preparedness and response conditions in Subpart M ~~of this Part~~.

F) The reclaimer of hazardous secondary material or any intermediate facility, as defined in 35 Ill. Adm. Code 720.110, that manages material which is excluded from regulation pursuant to this subsection (a) (24) must satisfy all of the following conditions:

i) The owner or operator of a reclamation or intermediate facility must maintain at its facility for a minimum of three years records of every shipment of hazardous secondary material that the facility received and, if applicable, for every shipment of hazardous secondary material that the facility received and subsequently sent off-site from the facility for further reclamation. For each shipment, these records must, at a minimum, contain the following information: the name of the transporter and date of the shipment; the name and address of the hazardous secondary material generator and, if applicable, the name and address of the reclaimer or intermediate facility from which the facility received the hazardous secondary materials; the type and quantity of hazardous secondary material in the shipment; and, for hazardous secondary materials that the facility subsequently transferred off-site for further reclamation after receiving it, the name and address of the (subsequent) reclaimer and any intermediate facility to which the facility sent the hazardous secondary material.

BOARD NOTE: The Board combined the provisions from 40 CFR 261.4(a)(24)(vi)(A) and (a)(24)(vi)(A)(1) through (a)(24)(vi)(A)(3) that enumerate the required information into this single subsection (a)(24)(F)(i). This combination allowed compliance with codification requirements relating to the maximum permissible indent level.

ii) The intermediate facility must send the hazardous secondary material to the reclaimers designated by the generator of the hazardous secondary materials.

iii) The reclaimer or intermediate facility that receives a shipment of hazardous secondary material must send a confirmation of receipt to the hazardous secondary material generator for each off-site shipment of hazardous secondary materials. A confirmation of receipt must include the name and address of the reclaimer (or intermediate facility), the type and quantity of the hazardous secondary materials received, and the date on which the facility received the hazardous secondary materials. The reclaimer or intermediate facility may satisfy this requirement using routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations of receipt).

iv) The reclaimer or intermediate facility must manage the hazardous secondary material in a manner that is at least as protective of human health and the environment as that employed for analogous raw material,

and the material must be contained. An "analogous raw material" is a raw material for which the hazardous secondary material substitutes and that serves the same function and has similar physical and chemical properties as the hazardous secondary material.

v) A reclaimer of hazardous secondary materials must manage any residuals that are generated from its reclamation processes in a manner that is protective of human health and the environment. If any residuals of the reclamation process exhibit a characteristic of hazardous waste, as defined in Subpart C ~~of this Part~~, or if the residuals themselves are specifically listed as hazardous waste in Subpart D ~~of this Part~~, those residuals are hazardous waste. The reclaimer and any subsequent persons must manage that hazardous waste in accordance with the applicable requirements of 35 Ill. Adm. Code: Subtitle G or similar regulations authorized by USEPA as equivalent to 40 CFR 260 through 272.

vi) The reclaimer and intermediate facility must have financial assurance that satisfies the requirements of Subpart H ~~of this Part~~.

vii) The reclaimer and intermediate facility must have been granted a solid waste determination pursuant to 35 Ill. Adm. Code 720.131(d), or have a RCRA Part B permit or be subject to interim status standards that address the management of the hazardous secondary materials; and

G) Any person claiming the exclusion for recycled hazardous secondary material pursuant to this subsection (a)(24) must provide notification as required by 35 Ill. Adm. Code 720.142.

25) This subsection (a)(25) corresponds with 40 CFR 261.4(a)(25), which USEPA removed and marked "reserved-". This statement maintains structural consistency with the corresponding federal regulations.

26) Solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes from the point of generation, provided that all of the following conditions are fulfilled:

A) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes-". The containers must be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is full, when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;

B) The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for cleaning;

C) At the point of being sent for cleaning on-site or at the point of being transported off-site for cleaning, the solvent-contaminated wipes must contain no free liquids, as defined in 35 Ill. Adm. Code 720.110;

D) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable regulations found in this Part and 35 Ill. Adm. Code 720, 722 through 728, and 733;

E) Generators must maintain at their site the following documentation:

i) The name and address of the laundry or dry cleaner that is receiving the solvent-contaminated wipes;

ii) The documentation that the 180-day accumulation time limit in 35 Ill. Adm. Code 721.104(a)(26)(B) is being met; and

iii) A description of the process the generator is using to ensure that the solvent-contaminated wipes contain no free liquids at the point of being laundered or dry cleaned on-site or at the point of being transported off-site for laundering or dry cleaning; and

F) The solvent-contaminated wipes are sent to a laundry or dry cleaner whose discharge, if any, is regulated under sections 301 and 402 or section 307 of the federal Clean Water Act (33 USC 1311 and 1341 or 33 USC 1317) or equivalent Illinois or sister-state requirements approved by USEPA pursuant to 33 USC 1311 through 1346 and 1370.

27) Hazardous secondary material that is generated and then transferred to another person for the purpose of remanufacturing is not a solid waste, provided that the following conditions are fulfilled:

BOARD NOTE: The North American Industrial Classification System (NAICS) codes used in this subsection (a)(27) are defined in the NAICS Manual, available from the Office of Management and Budget and incorporated by reference in 35 Ill. Adm. Code 720.111.

A) The hazardous secondary material consists of one or more of the following spent solvents: toluene, xylenes, ethylbenzene, 1,2,4-trimethylbenzene, chlorobenzene, n-hexane, cyclohexane, methyl tert-butyl ether, acetonitrile, chloroform, chloromethane, dichloromethane, methyl isobutyl ketone, N,N-dimethylformamide, tetrahydrofuran, n-butyl alcohol, ethanol, or methanol.

B) The hazardous secondary material originated from using one or more of the solvents listed in subsection (a)(27)(A) in a commercial grade for reacting, extracting, purifying, or blending chemicals (or for

rinsing out the process lines associated with these functions) in the pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), or the paints and coatings manufacturing sectors (NAICS 325510).

C) The hazardous secondary material generator sends the hazardous secondary material spent solvents listed in subsection (a)(27)(A) to a remanufacturer in the pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), or the paints and coatings manufacturing sectors (NAICS 325510).

D) After remanufacturing one or more of the solvents listed in subsection (a)(27)(A), the use of the remanufactured solvent must be limited to reacting, extracting, purifying, or blending chemicals (or for rinsing out the process lines associated with these functions) in the pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), and the paints and coatings manufacturing sectors (NAICS 325510) or to using them as ingredients in a product. These allowed uses correspond to chemical functional uses enumerated in 40 CFR 711.15(b)(4)(i)(C) (Reporting Information to EPA), incorporated by reference in 35 Ill. Adm. Code 720.111, including Industrial Function Category Codes U015 (solvents consumed in a reaction to produce other chemicals) and U030 (solvents that become part of the mixture);

BOARD NOTE: The Board observes that the citation to Toxic Substances Control Act function categories and use of the word "including" to preface specific example Industrial Function Category Codes does not expand the range of permissible uses beyond the express limitations recited in the first segment of this subsection (a)(27)(D) and subsection (a)(27)(E).

E) After remanufacturing one or more of the solvents listed in subsection (a)(27)(i), the use of the remanufactured solvent does not involve cleaning or degreasing oil, grease, or similar material from textiles, glassware, metal surfaces, or other articles. (These disallowed continuing uses correspond to chemical functional uses in Industrial Function Category Code U029 (solvents (for cleaning and degreasing)) in 40 CFR 711.15(b)(4)(i)(C), incorporated by reference in 35 Ill. Adm. Code 720.111.

F) Both the hazardous secondary material generator and the remanufacturer must fulfill the following requirements:

i) The generator and remanufacturer must notify USEPA Region 5 and the Agency, and update the notification every two years per 35 Ill. Adm. Code 720.142;

ii) The generator and remanufacturer must develop and maintain an up-to-date remanufacturing plan that identifies the information enumerated in subsection (a) (27) (G);

BOARD NOTE: The Board moved corresponding 40 CFR 261.4(a) (27) (vi) (B) (1) through (a) (27) (vi) (B) (1) to appear as subsections (a) (27) (G) (i) through (a) (27) (G) (v) to comport with codification requirements.

iii) The generator and remanufacturer must maintain records of shipments and confirmations of receipts for a period of three years from the dates of the shipments;

iv) The generator and remanufacturer must, prior to remanufacturing, store the hazardous spent solvents in tanks or containers that meet technical standards found in Subparts I and J ~~of this Part~~, with the tanks and containers being labeled or otherwise having an immediately available record of the material being stored;

v) The generator and remanufacturer must, during remanufacturing, and during storage of the hazardous secondary materials prior to remanufacturing, the remanufacturer certifies that the remanufacturing equipment, vents, and tanks are equipped with and are operating air emission controls in compliance with the applicable Clean Air Act regulations of 40 CFR 60, 61 and 63, incorporated by reference in 35 Ill. Adm. Code 720.111; or, absent such Clean Air Act standards for the particular operation or piece of equipment covered by the remanufacturing exclusion, are in compliance with the appropriate standards in Subparts AA (vents), BB (equipment) and CC (tank storage) ~~of this Part~~; and

vi) The generator and remanufacturer must meet the requirements prohibiting speculative accumulation in Section 721.101(c) (8).

G) The following information items are required elements for a remanufacturing plan.

i) The name, address and USEPA ID number of the generators and the remanufacturers;

ii) The types and estimated annual volumes of spent solvents to be remanufactured;

iii) The processes and industry sectors that generate the spent solvents;

iv) The specific uses and industry sectors for the remanufactured solvents; and

v) A certification from the remanufacturer stating as follows:
"On behalf of [insert remanufacturer facility name], I certify that this facility is a remanufacturer under pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics

and resins manufacturing (NAICS 325211), and/or the paints and coatings manufacturing sectors (NAICS 325510), and will accept the spent solvent(s) for the sole purpose of remanufacturing into commercial-grade solvent(s) that will be used for reacting, extracting, purifying, or blending chemicals (or for rinsing out the process lines associated with these functions) or for use as product ingredient(s). I also certify that the remanufacturing equipment, vents, and tanks are equipped with and are operating air emission controls in compliance with the appropriate Clean Air Act regulations under 40 CFR ~~part~~ 60, ~~part~~ 61 or ~~part~~ 63, or, absent such Clean Air Act standards for the particular operation or piece of equipment covered by the remanufacturing exclusion, are in compliance with the appropriate standards in Subparts AA (vents), BB (equipment) and CC (tank storage)."

BOARD NOTE: Subsections (a)(27)(G)(i) through (a)(27)(G)(v) correspond with 40 CFR 261.4(a)(27)(vi)(B)(1) through (a)(27)(vi)(B)(1), moved to this subsection (a)(27)(G) to comport with codification requirements.

b) Solid wastes that are not hazardous wastes. The following solid wastes are not hazardous wastes:

1) Household waste, including household waste that has been collected, transported, stored, treated, disposed of, recovered (e.g., refuse-derived fuel), or reused. "Household waste" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste must not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this Part, if the following describe the facility:

A) The facility receives and burns only the following waste:

i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); or

ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

B) The facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

BOARD NOTE: The U.S. Supreme Court determined, in *City of Chicago v. Environmental Defense Fund, Inc.*, 511 U.S. 328, 114 S. Ct. 1588, 128 L. Ed. 2d 302 (1994), that this exclusion and RCRA section 3001(i) (42 USC 6921(i)) do not exclude the ash from facilities covered by this subsection (b)(1) from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), USEPA granted facilities managing ash from such

facilities that is determined a hazardous waste under Subpart C ~~of this Part~~ until December 7, 1994 to file a Part A permit application pursuant to 35 Ill. Adm. Code 703.181. At 60 Fed. Reg. 6666 (Feb. 3, 1995), USEPA stated that it interpreted that the point at which ash becomes subject to RCRA Subtitle C regulation is when that material leaves the combustion building (including connected air pollution control equipment).

2) Solid wastes generated by any of the following that are returned to the soil as fertilizers:

A) The growing and harvesting of agricultural crops, or

B) The raising of animals, including animal manures.

3) Mining overburden returned to the mine site.

4) Coal and fossil fuel combustion waste.

A) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

B) The following wastes generated primarily from processes that support the combustion of coal or other fossil fuels that are co-disposed with the wastes in subsection (b)(4)(A), except as provided by 35 Ill. Adm. Code 726.112 for facilities that burn or process hazardous waste:

i) Coal pile run-off. For purposes of this subsection (b)(4), coal pile run-off means any precipitation that drains off coal piles.

ii) Boiler cleaning solutions. For purposes of this subsection (b)(4), boiler cleaning solutions means water solutions and chemical solutions used to clean the fire-side and waterside of the boiler.

iii) Boiler blowdown. For purposes of this subsection (b)(4), boiler blowdown means water purged from boilers used to generate steam.

iv) Process water treatment and demineralizer regeneration wastes. For purposes of this subsection (b)(4), process water treatment and demineralizer regeneration wastes means sludges, rinses, and spent resins generated from processes to remove dissolved gases, suspended solids, and dissolved chemical salts from combustion system process water.

v) Cooling tower blowdown. For purposes of this subsection (b)(4), cooling tower blowdown means water purged from a closed cycle cooling system. Closed cycle cooling systems include cooling towers, cooling ponds, or spray canals.

vi) Air heater and precipitator washes. For purposes of this subsection (b) (4), air heater and precipitator washes means wastes from cleaning air preheaters and electrostatic precipitators.

vii) Effluents from floor and yard drains and sumps. For purposes of this subsection (b) (4), effluents from floor and yard drains and sumps means wastewaters, such as wash water, collected by or from floor drains, equipment drains, and sumps located inside the power plant building; and wastewaters, such as rain runoff, collected by yard drains and sumps located outside the power plant building.

viii) Wastewater treatment sludges. For purposes of this subsection (b) (4), wastewater treatment sludges refers to sludges generated from the treatment of wastewaters specified in subsections (b) (4) (B) (i) through (b) (4) (B) (vi).

5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.

6) Chromium wastes.

A) Wastes that fail the test for the toxicity characteristic (Section 721.124 and Appendix B ~~to this Part~~) because chromium is present or which are listed in Subpart D ~~of this Part~~ due to the presence of chromium, that do not fail the test for the toxicity characteristic for any other constituent or which are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, if the waste generator shows the following:

i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;

ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

iii) The waste is typically and frequently managed in non-oxidizing environments.

B) The following are specific wastes that meet the standard in subsection (b) (6) (A) (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic):

i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome

tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue;

iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and through-the-blue;

vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries; and

viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.

7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

A) For purposes of this subsection (b)(7), beneficiation of ores and minerals is restricted to the following activities: crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water or carbon dioxide; roasting; autoclaving or chlorination in preparation for leaching (except where the roasting (or autoclaving or chlorination) and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; floatation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat tank, and in situ leaching.

B) For the purposes of this subsection (b)(7), solid waste from the processing of ores and minerals includes only the following wastes as generated:

i) Slag from primary copper processing;

- ii) Slag from primary lead processing;
- iii) Red and brown muds from bauxite refining;
- iv) Phosphogypsum from phosphoric acid production;
- v) Slag from elemental phosphorus production;
- vi) Gasifier ash from coal gasification;
- vii) Process wastewater from coal gasification;
- viii) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
- ix) Slag tailings from primary copper processing;
- x) Fluorogypsum from hydrofluoric acid production;
- xi) Process wastewater from hydrofluoric acid production;
- xii) Air pollution control dust or sludge from iron blast furnaces;
- xiii) Iron blast furnace slag;
- xiv) Treated residue from roasting and leaching of chrome ore;
- xv) Process wastewater from primary magnesium processing by the anhydrous process;
- xvi) Process wastewater from phosphoric acid production;
- xvii) Basic oxygen furnace and open hearth furnace air pollution control dust or sludge from carbon steel production;
- xviii) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
- xix) Chloride processing waste solids from titanium tetrachloride production; and
- xx) Slag from primary zinc production.

C) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials or with normal mineral processing raw materials remains excluded under this subsection (b) if the following conditions are fulfilled:

- i) The owner or operator processes at least 50 percent by weight normal beneficiation raw materials or normal mineral processing raw materials; and

ii) The owner or operator legitimately reclaims the secondary mineral processing materials.

8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

9) Solid waste that consists of discarded arsenical-treated wood or wood products that fails the test for the toxicity characteristic for USEPA hazardous waste numbers ~~codes~~ D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons that utilize the arsenical-treated wood and wood products for these materials' intended end use.

10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (USEPA hazardous waste numbers ~~codes~~ D018 through D043 only) and which are subject to corrective action regulations under 35 Ill. Adm. Code 731.

11) This subsection (b)(11) corresponds with 40 CFR 261.4(b)(11), which expired by its own terms on January 25, 1993. This statement maintains structural parity with USEPA regulations.

12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems, that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

13) Non-terne plated used oil filters that are not mixed with wastes listed in Subpart D of this Part, if these oil filters have been gravity hot-drained using one of the following methods:

A) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;

B) Hot-draining and crushing;

C) Dismantling and hot-draining; or

D) Any other equivalent hot-draining method that will remove used oil.

14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

15) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed of, under the following circumstances:

A) The following conditions must be fulfilled:

i) The solid wastes disposed of would meet one or more of the listing descriptions for the following USEPA hazardous waste numbers that are generated after the effective date listed for the waste:

USEPA Hazardous

Waste Numbers Listing Effective Date K169, K170, K171, and K172 February 8, 1999
K174 and K175 May 7, 2001
K176, K177, and K178 May 20, 2002
K181 August 23, 2005

ii) The solid wastes described in subsection (b)(15)(A)(i) were disposed of prior to the effective date of the listing (as set forth in that subsection);

iii) The leachate or gas condensate does not exhibit any characteristic of hazardous waste nor is derived from any other listed hazardous waste; and

iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under section 307(b) or 402 of the federal Clean Water Act (33 USC 1317(b) or 1342).

B) Leachate or gas condensate derived from K169, K170, K171, K172, K176, K177, K178, or K181 waste will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: if the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation (e.g., shutdown of wastewater treatment system), provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of this subsection (b)(15) after the emergency ends.

16) This subsection (b)(16) corresponds with 40 CFR 261.4(b)(16), which USEPA has marked "reserved-". This statement maintains structural parity with USEPA regulations.

17) This subsection (b)(17) corresponds with 40 CFR 261.4(b)(17), which pertains exclusively to waste generated by a specific facility outside Illinois. This statement maintains structural parity with USEPA regulations.

18) Solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation provided that all of the following conditions are fulfilled:

A) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes-". The containers must be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is

full, when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;

B) The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for disposal;

C) At the point of being transported for disposal, the solvent-contaminated wipes must contain no free liquids, as defined in 35 Ill. Adm. Code 720.110;

D) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable regulations found in this Part and 35 Ill. Adm. Code 720, 722 through 728, and 733;

E) Generators must maintain at their site the following documentation:

i) The name and address of the landfill or combustor that is receiving the solvent-contaminated wipes;

ii) The documentation that the 180 day accumulation time limit in 35 Ill. Adm. Code 721.104(b)(18)(B) is being met; and

iii) A description of the process the generator is using to ensure that the solvent-contaminated wipes contain no free liquids at the point of being transported for disposal; and

F) The solvent-contaminated wipes are sent for disposal at one of the following facilities:

i) A municipal solid waste landfill regulated under RCRA Subtitle D regulations: 35 Ill. Adm. Code 810 through 815, including the landfill design criteria of 35 Ill. Adm. Code 811.303 through 811.309, 811.315 through 811.317, and Subpart E of 35 Ill. Adm. Code 811 or 35 Ill. Adm. Code 814.302 and 814.402; 40 CFR 258, including the landfill design criteria of 40 CFR 258.40; or equivalent regulations of a sister state that USEPA has approved pursuant to 42 USC 6943 and 6947; or

ii) A hazardous waste landfill regulated under RCRA Subtitle C regulations: 35 Ill. Adm. Code 724 or 725; 40 CFR 264 or 265; or equivalent regulations of a sister state that USEPA has approved pursuant to 42 USC 6926; or

iii) A municipal waste combustor or other combustion facility regulated under section 129 of the Clean Air Act (42 USC 7429) or equivalent Illinois or sister-state regulations approved by USEPA pursuant to 42 USC 7429; or

iv) A hazardous waste combustor, boiler, or industrial furnace regulated under RCRA Subtitle C regulations: 35 Ill. Adm. Code 724 or 725 or Subpart H of 35 Ill. Adm. Code 726; 40 CFR 264 or 265 or subpart H of 40 CFR 266; or equivalent regulations of a sister state that USEPA has approved pursuant to 42 USC 6926.

c) Hazardous wastes that are exempted from certain regulations. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728 or to the notification requirements of section 3010 of RCRA (42 USC 6930) until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials.

d) Samples.

1) Except as provided in subsections ~~subsection~~ (d)(2) and (d)(4), a sample of solid waste or a sample of water, soil, or air that is collected for the sole purpose of testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, and 722 through 728. The sample qualifies when it fulfills one of the following conditions:

A) The sample is being transported to a laboratory for the purpose of testing;

B) The sample is being transported back to the sample collector after testing;

C) The sample is being stored by the sample collector before transport to a laboratory for testing;

D) The sample is being stored in a laboratory before testing;

E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or

F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

2) In order to qualify for the exemption in subsection (d)(1)(A) or (d)(1)(B), a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must do the following:

A) Comply with USDOT, U.S. Postal Service (USPS), or any other applicable shipping requirements; or

B) Comply with the following requirements if the sample collector determines that USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample:

i) Assure that the following information accompanies the sample: The sample collector's name, mailing address, and telephone number; the laboratory's name, mailing address, and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample; and

ii) Package the sample so that it does not leak, spill, or vaporize from its packaging.

3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1).

4) In order to qualify for the exemption in subsections (d)(1)(A) and (d)(1)(B), the mass of a sample that will be exported to a foreign laboratory or that will be imported to a U.S. laboratory from a foreign source must additionally not exceed 25 kg.

e) Treatability study samples.

1) Except as is provided in subsections ~~subsection~~ (e)(2) and (e)(4), a person that generates or collects samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of section 3010 of RCRA (42 USC 6930) ~~the Resource Conservation and Recovery Act~~. Nor are such samples included in the quantity determinations of ~~Section 721.105 and~~ 35 Ill. Adm. Code 722.114 and 722.116 ~~722.134(d)~~ when:

A) The sample is being collected and prepared for transportation by the generator or sample collector;

B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or

C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

2) The exemption in subsection (e)(1) is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that the following conditions are fulfilled:

A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1,000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2,500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated waste stream;

B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of hazardous waste, and 1 kg of acute hazardous waste;

C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements of subsection (e) (2) (C) (i) or (e) (2) (C) (ii) are met.

i) The transportation of each sample shipment complies with USDOT, USPS, or any other applicable shipping requirements; or

ii) If the USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number;

D) The sample is shipped to a laboratory or testing facility that is exempt under subsection (f), or has an appropriate RCRA permit or interim status;

E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

i) Copies of the shipping documents;

ii) A copy of the contract with the facility conducting the treatability study; and

iii) Documentation showing the following: The amount of waste shipped under this exemption; the name, address, and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and whether or not unused samples and residues were returned to the generator; and

F) The generator reports the information required in subsection (e) (2) (E) (iii) in its report under 35 Ill. Adm. Code 722.141.

3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity

limits in excess of those specified in subsections (e) (2) (A), (e) (2) (B), and (f) (4), for up to an additional 5,000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste under the circumstances set forth in either subsection (e) (3) (A) or (e) (3) (B), subject to the limitations of subsection (e) (3) (C):

A) In response to requests for authorization to ship, store, and conduct further treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.

B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies when the following occurs: There has been an equipment or mechanical failure during the conduct of the treatability study, there is need to verify the results of a previously-conducted treatability study, there is a need to study and analyze alternative techniques within a previously-evaluated treatment process, or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

C) The additional quantities allowed and timeframes allowed in subsections (e) (3) (A) and (e) (3) (B) are subject to all the provisions in subsections (e) (1) and (e) (2) (B) through (e) (2) (F). The generator or sample collector must apply to the Agency and provide in writing the following information:

i) The reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;

ii) Documentation accounting for all samples of hazardous waste from the waste stream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;

iv) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or

equipment improvements have been made to protect against further breakdowns; and

v) Such other information as the Agency determines is necessary.

4) In order to qualify for the exemption in subsection (e)(1)(A), the mass of a sample that will be exported to a foreign laboratory or testing facility, or that will be imported to a U.S. laboratory or testing facility from a foreign source must additionally not exceed 25 kg.

545) Final Agency determinations pursuant to this subsection (e) may be appealed to the Board.

f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 722 through 726, and 728 or to the notification requirements of ~~Section~~ 3010 of RCRA ~~the Resource Conservation and Recovery Act~~ (42 USC 6930), provided that the requirements of subsections (f)(1) through (f)(11) are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11). Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection (f).

2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.

3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including non-hazardous solid waste) added to "as received" hazardous waste.

5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.

7) The facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

A) The name, address, and USEPA identification number of the generator or sample collector of each waste sample;

B) The date the shipment was received;

C) The quantity of waste accepted;

D) The quantity of "as received" waste in storage each day;

E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

F) The date the treatability study was concluded;

G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.

8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

9) The facility prepares and submits a report to the Agency, by March 15 of each year, that includes the following information for the previous calendar year:

A) The name, address, and USEPA identification number of the facility conducting the treatability studies;

B) The types (by process) of treatability studies conducted;

- C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);
- D) The total quantity of waste in storage each day;
- E) The quantity and types of waste subjected to treatability studies;
- F) When each treatability study was conducted; and
- G) The final disposition of residues and unused sample from each treatability study.

10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703, and 721 through 728, unless the residues and unused samples are returned to the sample originator under the exemption of subsection (e).

11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

g) Dredged material that is not a hazardous waste. Dredged material that is subject to the requirements of a permit that has been issued under section 404 of the Federal Water Pollution Control Act (33 USC 1344) is not a hazardous waste. For the purposes of this subsection (g), the following definitions apply:

"Dredged material" has the meaning ascribed it in 40 CFR 232.2 (Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

"Permit" means any of the following:

A permit issued by the U.S. Army Corps of Engineers (Army Corps) under section 404 of the Federal Water Pollution Control Act (33 USC 1344);

A permit issued by the Army Corps under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 USC 1413); or

In the case of Army Corps civil works projects, the administrative equivalent of the permits referred to in the preceding two paragraphs of this definition, as provided for in Army Corps regulations (for example, see 33 CFR 336.1, 336.2, and 337.6).

h) Carbon dioxide stream injected for geologic sequestration. Carbon dioxide streams that are captured and transported for purposes of injection into an underground injection well subject to the requirements for Class VI carbon sequestration injection wells, including the requirements in 35 Ill. Adm. Code 704 and 730, are not a hazardous waste, provided the following conditions are met:

1) Transportation of the carbon dioxide stream must be in compliance with U.S. Department of Transportation requirements, including the pipeline safety laws (chapter 601 of subtitle VIII of 49 USC, incorporated by reference in 35 Ill. Adm. Code 720.111) and regulations (49 CFR 190 through 199, incorporated by reference in 35 Ill. Adm. Code 720.111) of the U.S. Department of Transportation, and pipeline safety regulations adopted and administered by a state authority pursuant to a certification under 49 USC 60105, incorporated by reference in 35 Ill. Adm. Code 720.111, and 49 CFR 171 through 180, incorporated by reference in 35 Ill. Adm. Code 720.111, as applicable.

BOARD NOTE: The parenthetical language relating to pipeline transportation does not preclude transportation by air, water, highway, or rail that complies with U.S. Department of Transportation regulations at 49 CFR 171 through 180. For this reason, the Board has added citations of those regulations.

2) Injection of the carbon dioxide stream must be in compliance with the applicable requirements for Class VI carbon sequestration injection wells, including the applicable requirements in 35 Ill. Adm. Code 704 and 730;

3) No hazardous wastes may be mixed with, or otherwise co-injected with, the carbon dioxide stream; and

4) Required Certifications.

A) Any generator of a carbon dioxide stream, who claims that a carbon dioxide stream is excluded under this subsection (h), must have an authorized representative (as defined in 35 Ill. Adm. Code 720.110) sign a certification statement worded as follows:

"I certify under penalty of law that the carbon dioxide stream that I am claiming to be excluded under 35 Ill. Adm. Code 721.104(h) has not been mixed with hazardous wastes, and I have transported the carbon dioxide stream in compliance with (or have contracted with a pipeline operator or transporter to transport the carbon dioxide stream in compliance with) U.S. Department of Transportation requirements, including the pipeline safety laws (49 USC 60101 et seq.) and regulations (49 CFR Parts 190 through 199) of the U.S. Department of Transportation, and the pipeline safety regulations adopted and administered by a state authority pursuant to a certification under 49 USC 60105, as applicable, for injection into a well subject to the requirements for the Class VI Underground Injection Control Program of the federal Safe Drinking Water Act (42 USC 300f et seq.)."

B) Any Class VI carbon sequestration injection well owner or operator, who claims that a carbon dioxide stream is excluded under this subsection (h), must have an authorized representative (as defined in 35 Ill. Adm. Code 720.110) sign a certification statement worded as follows:

"I certify under penalty of law that the carbon dioxide stream that I am claiming to be excluded under 35 Ill. Adm. Code 721.104(h) has not been mixed with, or otherwise co-injected with, hazardous waste at the UIC Class VI permitted facility, and that injection of the carbon dioxide stream is in compliance with the applicable requirements for UIC Class VI wells, including the applicable requirements in 35 Ill. Adm. Code 704 and 730."

C) The signed certification statement must be kept on-site for no less than three years, and must be made available within 72 hours after a written request from the Agency or USEPA, or their designee. The signed certification statement must be renewed every year that the exclusion is claimed, by having an authorized representative (as defined in 35 Ill. Adm. Code 720.110) annually prepare and sign a new copy of the certification statement within one year after the date of the previous statement. The signed certification statement must also be readily accessible on the facility's publicly-available website (if such website exists) as a public notification with the title of "Carbon Dioxide Stream Certification" at the time the exclusion is claimed.

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

Section 721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators (Repealed)

~~a) A generator is a conditionally exempt small quantity generator (CESQG) in a calendar month if it generates no more than 100 kilograms of hazardous waste in that month.~~

~~b) Except for those wastes identified in subsections (e), (f), (g), and (j) of this Section, a CESQG's hazardous wastes are not subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728, and the notification requirements of section 3010 of Resource Conservation and Recovery Act (42 USC 6930), provided the generator complies with subsections (f), (g), and (j) of this Section.~~

~~c) When making the quantity determinations of this Part and 35 Ill. Adm. Code 722, the generator must include all hazardous waste that it generates, except the following hazardous waste:~~

~~1) Hazardous waste that is exempt from regulation under Section 721.104(e) through (f), 721.106(a)(3), 721.107(a)(1), or 721.108;~~

~~2) Hazardous waste that is managed immediately upon generation only in on site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;~~

~~3) Hazardous waste that is recycled, without prior storage or accumulation, only in an on site process subject to regulation under Section 721.106(e)(2);~~

~~4) Hazardous waste that is used oil managed pursuant to Section 721.106(a)(4) and 35 Ill. Adm. Code 739;~~

~~5) Hazardous waste that is spent lead acid batteries managed pursuant to Subpart C of 35 Ill. Adm. Code 726;~~

~~6) Hazardous waste that is universal waste managed pursuant to Section 721.109 and 35 Ill. Adm. Code 733; and~~

~~7) Hazardous waste that is an unused commercial chemical product (that is listed in Subpart D of 35 Ill. Adm. Code 721 or which exhibits one or more characteristics in Subpart C of 35 Ill. Adm. Code 721) that is generated solely as a result of a laboratory clean out conducted at an eligible academic entity pursuant to Section 722.313. For purposes of this subsection (c)(7), the term "eligible academic entity" has the meaning given that term in 35 Ill. Adm. Code 722.300.~~

~~d) In determining the quantity of hazardous waste it generates, a generator need not include the following:~~

- ~~1) Hazardous waste when it is removed from on site storage;~~
- ~~2) Hazardous waste produced by on site treatment (including reclamation) of its hazardous waste so long as the hazardous waste that is treated was counted once;~~
- ~~3) Spent materials that are generated, reclaimed, and subsequently reused on site, so long as such spent materials have been counted once.~~

~~e) If a generator generates acute hazardous waste in a calendar month in quantities greater than those set forth in subsections (c)(1) and (c)(2) of this Section, all quantities of that acute hazardous waste are subject to full regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728, and the notification requirements of section 3010 of the Resource Conservation and Recovery Act (42 USC 6930).~~

~~1) A total of one kilogram of one or more of the acute hazardous wastes listed in Section 721.131 or 721.133(e); or~~

~~2) A total of 100 kilograms of any residue or contaminated soil, waste, or other debris resulting from the clean up of a spill, into or on any land or water, of any one or more of the acute hazardous wastes listed in Section 721.131 or 721.133(e).~~

~~BOARD NOTE: "Full regulation" means those regulations applicable to generators of 1,000 kg or greater of hazardous waste in a calendar month.~~

~~f) In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in subsection (c)(1) or (c)(2) of this Section to be excluded from full regulation under this Section, the generator must comply with the following requirements:~~

~~1) 35 Ill. Adm. Code 722.111.~~

~~2) The generator may accumulate acute hazardous waste on site. If the generator accumulates at any time acute hazardous wastes in quantities greater than set forth in subsection (c)(1) or (c)(2) of this Section, all of those accumulated wastes are subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728, and the applicable notification requirements of section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(a), for accumulation of wastes on site, begins when the accumulated wastes exceed the applicable exclusion limit.~~

~~3) A CESQG may either treat or dispose of its acute hazardous waste in an on site facility or ensure delivery to an off site treatment, storage, or disposal facility, any of which, if located in the United States, meets any of the following conditions:~~

~~A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;~~

~~B) The facility has interim status under 35 Ill. Adm. Code 702, 703, and 725;~~

~~C) The facility is authorized to manage hazardous waste by a state with a hazardous waste management program approved by USEPA pursuant to 40 CFR 271;~~

~~D) The facility is permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill facility, the landfill is subject to 35 Ill. Adm. Code 810 through 814 or federal 40 CFR 258;~~

~~E) The facility is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, the unit is subject to federal 40 CFR 257.5 through 257.30, incorporated by reference in 35 Ill. Adm. Code 720.111;~~

~~BOARD NOTE: The Illinois non-hazardous waste landfill regulations, 35 Ill. Adm. Code 810 through 814, do not allow the disposal of hazardous waste in a landfill regulated under those rules. The Board intends that subsections (f)(3)(D) and (f)(3)(E) of this Section impose a federal requirement on the hazardous waste generator. The Board specifically does not intend that these subsections authorize any disposal of conditionally exempt small quantity generator waste in a landfill not specifically permitted to accept the particular hazardous waste.~~

~~F) The facility is one that fulfills one of the following conditions:~~

~~i) It beneficially uses or reuses or legitimately recycles or reclaims its waste; or~~

~~ii) It treats its waste prior to beneficial use or reuse or legitimate recycling or reclamation; or~~

~~G) For universal waste managed under 35 Ill. Adm. Code 733 or federal 40 CFR 273, the facility is a universal waste handler or destination facility subject to 35 Ill. Adm. Code 733 or federal 40 CFR 273.~~

~~g) In order for hazardous waste generated by a CESQG in quantities of 100 kilograms or less of hazardous waste during a calendar month to be excluded from full regulation under this Section, the generator must comply with the following requirements:~~

~~1) The hazardous waste determination requirements of 35 Ill. Adm. Code 722.111;~~

~~2) The CESQG may accumulate hazardous waste on site. If it accumulates at any time 1,000 kilograms or greater of the generator's hazardous waste, all of those accumulated wastes are subject to regulation pursuant to the special provisions of 35 Ill. Adm. Code 722 applicable to generators of greater than 100 kg and less than 1,000 kg of hazardous waste in a calendar month, as well as 35 Ill. Adm. Code 702, 703, and 723 through 728, and the applicable notification requirements of Section 3010 of the Resource Conservation and Recovery Act (42 USC 6930). The time period of 35 Ill. Adm. Code 722.134(d) for accumulation of wastes on site begins for a small quantity generator when the accumulated wastes equal or exceed 1,000 kilograms;~~

~~3) A CESQG may either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, any of which, if located in the United States, meets any of the following conditions:~~

~~A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;~~

~~B) The facility has interim status under 35 Ill. Adm. Code 702, 703, and 725;~~

~~C) The facility is authorized to manage hazardous waste by a state with a hazardous waste management program approved by USEPA pursuant to 40 CFR 271;~~

~~D) The facility is permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill facility, the landfill is subject to 35 Ill. Adm. Code 810 through 814 or federal 40 CFR 258;~~

~~E) The facility is permitted, licensed, or registered by a state to manage non municipal non hazardous waste and, if managed in a non municipal non hazardous waste disposal unit, the unit is subject to federal CESQG waste landfill disposal standards in 40 CFR 257.5 through 257.30;~~

~~BOARD NOTE: The Illinois non hazardous waste landfill regulations, 35 Ill. Adm. Code 810 through 814, do not allow the disposal of hazardous waste in a landfill regulated under those rules. The Board intends that subsections (g) (3) (D) and (g) (3) (E) of this Section impose a federal requirement on the hazardous waste generator. The Board specifically does not intend that these subsections authorize any disposal of conditionally exempt small quantity generator waste in a landfill not specifically permitted to accept the particular hazardous waste.~~

~~F) The facility is one that fulfills the following conditions:~~

~~i) It beneficially uses or re-uses, or legitimately recycles or reclaims the small quantity generator's waste; or~~

~~ii) It treats its waste prior to beneficial use or re-use or legitimate recycling or reclamation; or~~

~~G) For universal waste managed under 35 Ill. Adm. Code 733 or federal 40 CFR 273, the facility is a universal waste handler or destination facility subject to 35 Ill. Adm. Code 733 or federal 40 CFR 273.~~

~~h) Hazardous waste subject to the reduced requirements of this Section may be mixed with non hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this Section, unless the mixture meets any of the characteristics of hazardous wastes identified in Subpart C of this Part.~~

~~i) If a small quantity generator mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this Section, the mixture is subject to full regulation.~~

~~j) If a CESQG's hazardous wastes are mixed with used oil, the mixture is subject to the used oil standards in 35 Ill. Adm. Code 739. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated.~~

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

Section 721.106 Requirements for Recyclable Materials

a) Recyclable materials⁺.

1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsections (b) and (c) ~~of this Section~~, except for the materials listed in subsections (a)(2) and (a)(3) ~~of this Section~~. Hazardous wastes that are recycled will be known as "recyclable materials⁺".

2) The following recyclable materials are not subject to the requirements of this Section but are regulated under Subparts C through H of 35 Ill. Adm. Code 726 and all applicable provisions in 35 Ill. Adm. Code 702, 703, and 728.

A) Recyclable materials used in a manner constituting disposal (Subpart C of 35 Ill. Adm. Code 726);

B) Hazardous wastes burned (as defined in 35 Ill. Adm. Code 726.200(a)) in boilers and industrial furnaces that are not regulated under Subpart O of 35 Ill. Adm. Code 724 or Subpart O ~~of this Part~~ (Subpart H of 35 Ill. Adm. Code 726);

C) Recyclable materials from which precious metals are reclaimed (Subpart F of 35 Ill. Adm. Code 726); and

D) Spent lead-acid batteries that are being reclaimed (Subpart G of 35 Ill. Adm. Code 726).

3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 728, or 702 and 703 and are not subject to the notification requirements of section 3010 of RCRA (42 USC 6930) ~~the Resource Conservation and Recovery Act~~:

A) Industrial ethyl alcohol that is reclaimed except that exports and imports of such recyclable materials must comply with the requirements of 40 CFR 262, subpart H, ~~unless provided otherwise in an international agreement as specified in 35 Ill. Adm. Code 722.158, the following requirements continue to apply:~~

i) ~~A person initiating a shipment for reclamation in a foreign country and any intermediary arranging for the shipment must comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153; 722.156(a)(1) through (a)(4), (a)(6), and (b); and 722.157; must export such materials only upon consent of the receiving country and in conformance with the USEPA Acknowledgment of Consent, as defined in Subpart E of 35 Ill. Adm. Code 722; and must provide a copy of the USEPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export; and~~

ii) ~~Transporters transporting a shipment for export must not accept a shipment if the transporter knows that the shipment does not conform to the USEPA Acknowledgment of Consent, must ensure that a copy of the USEPA Acknowledgment of Consent accompanies the shipment, and must ensure that it is delivered to the facility designated by the person initiating the shipment;~~

B) Scrap metal that is not excluded under Section 721.104(a)(13);

C) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste where such recovered oil is already excluded under Section 721.104(a)(12));

D) Petroleum refining wastes.

i) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil, so long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 739.111 and so long as no other hazardous wastes are used to produce the hazardous waste fuel;

ii) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 739.111; and

iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 739.111.

4) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the requirements of 35 Ill. Adm. Code 720 through 728, but it is regulated under 35 Ill. Adm. Code 739. Used oil that is recycled includes any used oil that is reused for any purpose following its original use (including the purpose for which the oil was originally used). Such term includes, but is not limited to, oil that is re-refined, reclaimed, burned for energy recovery, or reprocessed.

5) Hazardous waste that is exported ~~to or imported from designated member countries of the Organization for Economic Cooperation and Development (OECD), as defined in Section 722.158(a)(1), or imported~~ for the purpose of recovery is subject to the requirements of Subpart H of 35 Ill. Adm. Code ~~722 if it is subject to either the hazardous waste-manifesting requirements of 35 Ill. Adm. Code 722 or the universal waste-management standards of 35 Ill. Adm. Code 733.~~ 722.

b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the

b) The fluid is hazardous only because it fails the test for toxicity characteristic (hazardous waste numbers ~~codes~~-D018 through D043 only).

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

SUBPART B: CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTES

Section 721.110 Criteria for Identifying the Characteristics of Hazardous Waste

a) USEPA stated in corresponding federal 40 CFR 261.10 that it identifies and defines a characteristic of hazardous waste in Subpart C ~~of this Part~~ only upon determining the following:

1) That a solid waste that exhibits the characteristic may do either of the following:

A) It could cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

B) It could pose a substantial present or potential hazard to human health or the environment when it is improperly treated, stored, transported, disposed of or otherwise managed; and

2) That the characteristic can be as follows:

A) It can be measured by an available standardized test method that is reasonable within the capability of generators of solid waste or private sector laboratories that are available to serve generators of solid waste; or

B) It can reasonably be detected by generators of solid waste through their knowledge of their waste.

b) Delisting procedures are contained in 35 Ill. Adm. Code 720.122.

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

Section 721.111 Criteria for Listing Hazardous Waste

a) USEPA stated in corresponding federal 40 CFR 261.11 that it lists a solid waste as a hazardous waste only upon determining that the solid waste meets one of the following criteria:

1) The solid waste exhibits any of the characteristics of hazardous waste identified in Subpart C ~~of this Part~~; or

2) Acute hazardous waste. The solid waste has been found to be fatal to humans in low doses or, in the absence of data on human toxicity, it has been shown in studies to have an oral LD 50 toxicity (rat) of less than 50 mg/kg, an inhalation LC 50 toxicity (rat) of less than 2 mg/l, or a dermal LD 50 toxicity (rabbit) of less than 200 mg/kg or is otherwise capable of causing or significantly contributing to an increase in serious irreversible or incapacitating reversible, illness.

BOARD NOTE: Waste listed in accordance with these criteria are designated Acute Hazardous Waste.

3) Toxic waste. The solid waste contains any of the toxic constituents listed in Appendix H ~~of this Part~~ and, after considering the following factors, USEPA concludes that the waste is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed:

BOARD NOTE: Substances are listed in Appendix H ~~of this Part~~ only if they have been shown in scientific studies to have toxic, carcinogenic, mutagenic, or teratogenic effects on humans or other life forms.

- A) The nature of the toxicity presented by the constituent;
- B) The concentration of the constituent in the waste;
- C) The potential of the constituent or any toxic degradation product of the constituent to migrate from the waste into the environment under the types of improper management considered in subsection (a) (3) (G) ~~of this Section~~;
- D) The persistence of the constituent or any toxic degradation product of the constituent;
- E) The potential for the constituent or any toxic degradation product of the constituent to degrade into nonharmful constituents and the rate of degradation;
- F) The degree to which the constituent or any degradation product of the constituent bioaccumulates in ecosystems;
- G) The plausible types of improper management to which the waste could be subjected;
- H) The quantities of the waste generated at individual generation sites or on a regional or national basis;
- I) The nature and severity of the human health and environmental damage that has occurred as a result of the improper management of the wastes containing the constituent;

J) Action taken by other governmental agencies or regulatory programs based on the health or environmental hazard posed by the waste or waste constituent; and

K) Such other factors as may be appropriate.

BOARD NOTE: Wastes listed in accordance with these criteria are designated toxic wastes.

b) USEPA stated in corresponding federal 40 CFR 261.11(b) that it may list classes or types of solid waste as hazardous waste if USEPA has reason to believe that individual wastes, within the class or type of waste, typically or frequently are hazardous under the definition of hazardous waste found in ~~Section~~section 1004(5) of ~~the federal Resource Conservation and Recovery Act~~RCRA (42 USC 6904(5)).

c) USEPA will use the criteria for listing specified in this Section to establish the exclusion limits referred to in 35 Ill. Adm. Code ~~722.113 Section 721.105(e).~~722.113.

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

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section 721.120 General

a) A solid waste, as defined in Section 721.102, which is not excluded from regulation as a hazardous waste under Section 721.104(b), is a hazardous waste if it exhibits any of the characteristics identified in this Subpart C.

BOARD NOTE: 35 Ill. Adm. Code 722.111 sets forth the generator's responsibility to determine whether the generator's waste exhibits one or more characteristics identified in this Subpart C.

b) A hazardous waste that is identified by a characteristic in this Subpart C is assigned every USEPA hazardous waste number that is applicable as set forth in this Subpart C. This number must be used in complying with the notification requirements of Section 3010 of RCRA (42 USC 6930) ~~the Resource Conservation and Recovery Act (42 USC 6910)~~ and all applicable recordkeeping and reporting requirements under 35 Ill. Adm. Code 702, 703, and 722 through 728.

c) For purposes of this Subpart C, a sample obtained using any of the applicable sampling methods specified in Appendix A ~~of this Part~~ is a representative sample within the meaning of 35 Ill. Adm. Code 720.

BOARD NOTE: Since the Appendix A sampling methods are not being formally adopted, a person who desires to employ an alternative sampling method is not required to demonstrate the equivalency of the person's method under the procedures set forth in 35 Ill. Adm. Code 720.121.

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

Section 721.121 Characteristic of Ignitability

a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than ~~60°C~~ ~~60°C (140°F)~~ ~~140°F~~, as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM D 93-85 (Standard Test Methods for Flash Point by Pensky-Martens Closed Tester), or a Setaflash Closed Cup Tester, using the test method specified in ASTM D 3828-87, (Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester), each incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture, or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.

3) It is a flammable gas, as defined in federal 49 CFR 173.115 (Class 2, Divisions 2.1, 2.2, and 2.3 - Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and as determined by the test methods described in that regulation or equivalent test methods approved by the Board (35 Ill. Adm. Code 720.120).

BOARD NOTE: Corresponding 40 CFR 261.21(a)(3) uses "ignitable compressed gas" based on the outmoded USDOT hazard class "flammable compressed gas", and it replicates the text from former 49 ~~C.F.R.~~ CFR 173.300(b) (1980) for the definition. In 1990, USDOT replaced that former hazard class with "flammable gas", as defined at 49 CFR 173.115. See 55 Fed. Reg. 52402, 53433 (December 21, 1990) (USDOT rulemaking replacing the old hazard class with the new one). The Board has chosen to avoid major problems inherent to USEPA's approach (the use of obsolete methods and USDOT regulatory mechanisms for the outmoded hazard class). The Board has instead updated the Illinois provision to correspond with the current USDOT regulations and used the "flammable gas" hazard class, together with its associated current methods.

4) It is an oxidizer, as defined in ~~federal~~ 49 CFR 173.127 (Class 5, Division ~~5.1~~ 5.1, Definition and Assignment of Packaging Groups), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

BOARD NOTE: Corresponding 40 CFR 261.21(a)(4) uses "oxidizer", and it replicates the text from former 49 ~~C.F.R.~~ CFR 173.151 (1980) for the definition. Further, corresponding 40 CFR 261.21(a)(4) adds the definition of "organic peroxide" from former 49 ~~C.F.R.~~ CFR 173.151a to the definition of "oxidizer". In 1990, USDOT replaced that former definition of the hazard class with a new definition at 49 CFR 173.127,

which classifies an oxidizer as a Division 5.1 material. See 55 Fed. Reg. 52402, 53433 (Dec. 21, 1990) (USDOT rulemaking replacing the old hazard class with the new one). The Board has chosen to avoid major problems inherent to USEPA's approach (the use of obsolete methods and USDOT regulatory mechanisms for the outmoded hazard class). The Board has instead updated the Illinois provision to correspond with the current USDOT regulations, used the "oxidizer" hazard class, together with its associated current methods, and omitted the addition of "organic peroxide" to the definition.

b) A solid waste that exhibits the characteristic of ignitability has the USEPA hazardous waste number of D001.

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

Section 721.122 Characteristic of Corrosivity

a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties:

1) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using Method 9040C (pH Electrometric Measurement) in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods₇", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55° C (130° F), as determined by Method 1110A (Corrosivity Toward Steel) in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods₇", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: The corrosivity characteristic determination currently does not apply to non-liquid wastes, as discussed by USEPA at 45 Fed. Reg. 33109, May 19, 1980 and at 55 Fed. Reg. 22549, June 1, 1990.

b) A solid waste that exhibits the characteristic of corrosivity has the USEPA hazardous waste number of D002.

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

Section 721.124 Toxicity Characteristic

a) A solid waste (except manufactured gas plant waste) exhibits the characteristic of toxicity if, using Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods₇", USEPA publication

number EPA-530/SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111(a), the extract from a representative sample of the waste contains any of the contaminants listed in the table in subsection (b) ~~of this Section~~ at a concentration equal to or greater than the respective value given in that table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Method 1311, is considered to be the extract for the purpose of this Section.

BOARD NOTE: The reference to the "EP toxicity test" in 35 Ill. Adm. Code 808.410(b)(4) is to be understood as referencing the test required by this Section.

b) A solid waste that exhibits the characteristic of toxicity has the USEPA hazardous waste number specified in the following table that corresponds to the toxic contaminant causing it to be hazardous.

MAXIMUM CONCENTRATION OF CONTAMINANTS
FOR THE TOXICITY CHARACTERISTIC

USEPA Hazardous Waste No.	Contaminant	CAS Number	Note	Regulatory Number	Regulatory Level																																																																																
(mg/l)	D004	Arsenic	7440-38-25	.0D005	Barium	7440-39-31	00	D018	Benzene	71-43-20																																																																											
	.5D006	Cadmium	7440-43-91	.0D019	Carbon	tetrachloride	56-23-50	.5D020	Chlordane	57-74-90	.03D021	Chlorobenzene	108-90-7																																																																								
	100	.0D022	Chloroform	67-66-36	.0D007	Chromium	7440-47-35	.0D023	o-Cresol	95-48-7	2200	.0D024	m-Cresol	108-39-42	200	.0D025	p-Cresol	106-44-52	200	.0D026	Cresol	12200																																																															
	.0D0162	4-D94	75-710	.0D027	1,4-Dichlorobenzene	106-46-77	.5D028	1,2-Dichloroethane	107-06-20	.5D029	1,1-Dichloroethylene	75-35-40	.7D030	2,4-Dinitrotoluene	121-14-210	.13D012	Endrin	72-20-80	.02D031	Heptachlor (and its epoxide)	76-44-80	.008D032	Hexachlorobenzene	118-74-110	.13D033	Hexachlorobutadiene	87-68-30	.5D034	Hexachloroethane	67-72-13	.0D008	Lead	7439-92-15	.0D013	Lindane	58-89-90	.4D009	Mercury	7439-97-60	.2D014	Methoxychlor	72-43-51	.0D035	Methyl ethyl ketone	78-93-32	.0D036	Nitrobenzene	98-95-32	.0D037	Pentachlorophenol	87-86-5	100	.0D038	Pyridine	110-86-115	.0D010	Selenium	7782-49-21	.0D011	Silver	7440-22-4	5	.0D039	Tetrachloroethylene	127-18-40	.7D015	Toxaphene	8001-35-20	.5D040	Trichloroethylene	79-01-60	.5D041	2,4,5-Trichlorophenol	95-95-44	00	.0D042	2,4,6-Trichlorophenol	188-06-22	.0D017	2,4,5-TP (Silvex)	93-72-11	.0D043	Vinyl chloride	75-01-40	.2

Notes to Table:

1 Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.

2 If o-, m-, p-cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200.0 mg/l.

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

(T)F002The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, trichlorofluoromethane, and 1,1,2-trichloroethane; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

(T)F003The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures and blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixtures and blends containing, before use, one or more of the above non-halogenated solvents and a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

(I)F004The following spent non-halogenated solvents: cresols and cresylic acid and nitrobenzene; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

(T)F005The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures and blends, containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

(I, T)F006Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

(T)F007Spent cyanide plating bath solutions from electroplating operations.

(R, T)F008Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

(R, T)F009Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

(R, T)F010Quenching bath residues from oil baths from metal heat-treating operations where cyanides are used in the process.

(R, T)F011Spent cyanide solutions from salt bath pot cleaning from metal heat-treating operations.

(R, T)F012Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process.

(T)F019Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

(T)Wastewater treatment sludge from the manufacturing of motor vehicles using a zinc phosphating process will not be subject to this listing at the point of generation if the waste is not placed outside on the land prior to shipment to a landfill for disposal and it is disposed of in a regulated landfill that fulfills either of the following conditions:It is located in Illinois, and it is one of the following types of landfills:

It is a landfill that is a hazardous waste management unit, as defined in 35 Ill. Adm. Code 720.110;

It is a municipal solid waste landfill, as defined in 35 Ill. Adm. Code 810.103; or

It is a putrescible or chemical waste landfill that is subject to the requirements of Subpart C of 35 Ill. Adm. Code 811.

It is located outside Illinois, and it is one of the following types of landfills:

It is a RCRA Subtitle D municipal solid waste or industrial solid waste landfill unit that is equipped with a single clay liner and which is permitted, licensed or otherwise authorized by the state; or

It is a landfill unit that is subject to or which otherwise meets the landfill requirements in 40 CFR 258.40, 264.301 or 265.301.

For the purposes of this hazardous waste listing, "motor vehicle manufacturing" is defined in subsection (b)(4)(A) of this Section, and subsection (b)(4)(B) of this Section describes the recordkeeping requirements for motor vehicle manufacturing facilities. ~~(T)~~

F020Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- or tetrachlorophenol or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.)

(H)F021Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of pentachlorophenol or of intermediates used to produce its derivatives.

(H)F022Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions.

(H)F023Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.)

(H)F024Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those

having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in this Section or in Section 721.132.)

(T)F025Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.

(T)F026Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions.

(H)F027Discarded unused formulations containing tri-, tetra- or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

(H)F028Residues resulting from the incineration or thermal treatment of soil contaminated with hazardous waste numbers F020, F021, F022, F023, F026, and F027.

(T)F032Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 hazardous waste number—~~code~~ deleted in accordance with Section 721.135 and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

(T)F034Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

(T)F035Wastewaters, (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

(T)F037Petroleum refinery primary oil/water/solids separation sludge - any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances;

sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludge generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludge generated in aggressive biological treatment units as defined in subsection (b) (2) ~~of this Section~~ (including sludge generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units), and K051 wastes are not included in this listing. This listing does include residuals generated from processing or recycling oil-bearing hazardous secondary materials excluded under Section 721.104(a)(12)(A) if those residuals are to be disposed of.

(T)F038Petroleum refinery secondary (emulsified) oil/water/solids separation sludge - any sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in the following types of units: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in dissolved air flotation (DAF) units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in subsection (b) (2) ~~of this Section~~ (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units), F037, K048, and K051 wastes are not included in this listing.

(T)F039Multi-source leachate resulting from the disposal of more than one restricted waste classified as hazardous under this Subpart D. For purposes of this hazardous waste listing, "leachate" means liquids that have percolated through land-disposed wastes. (This multi-source leachate listing does not apply to leachate resulting from the disposal of more than one of the following USEPA hazardous wastes where the disposal of no other hazardous waste is involved: F020, F021, F022, F026, F027, and F028. Leachate from disposal of any combination of these hazardous wastes is considered single-source leachate, and that leachate retains the USEPA hazardous waste numbers of the wastes from which the leachate derived, and the leachate must meet the treatment standards for the underlying hazardous waste numbers ~~codes~~.)

BOARD NOTE: Derived from the listing for F039 at 40 CFR 261.31(a) (2017) ~~(2010)~~ and the discussion at 55 Fed. Reg. 22520, 22619-22623 (June 1, 1990). (T)

BOARD NOTE: The primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The letter H indicates Acute Hazardous Waste. "(I, T)" should be used to specify mixtures that are ignitable and contain toxic constituents.

b) Listing-specific definitions.

1) For the purpose of the F037 and F038 listings, "oil/water/solids" is defined as oil or water or solids.

2) For the purposes of the F037 and F038 listings, the following apply:

A) "Aggressive biological treatment units" are defined as units that employ one of the following four treatment methods: activated sludge, trickling filter, rotating biological contactor for the continuous accelerated biological oxidation of wastewaters, or high-rate aeration. "High-rate aeration" is a system of surface impoundments or tanks in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and the following is true:

i) The units employ a minimum of six horsepower per million gallons of treatment volume; and either

ii) The hydraulic retention time of the unit is no longer than five days; or

iii) The hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a hazardous waste by the toxicity characteristic.

B) Generators and treatment, storage, or disposal (TSD) facilities have the burden of proving that their sludges are exempt from listing as F037 or F038 wastes under this definition. Generators and TSD facilities must maintain, in their operating or other on site records, documents and data sufficient to prove the following:

i) The unit is an aggressive biological treatment unit, as defined in this subsection; and

ii) The sludges sought to be exempted from F037 or F038 were actually generated in the aggressive biological treatment unit.

3) Time of generation. For the purposes of the designated waste, the "time of generation" is defined as follows:

A) For the F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.

B) For the F038 listing:

i) Sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement; and

ii) Floats are considered to be generated at the moment they are formed in the top of the unit.

4) For the purposes of the F019 hazardous waste listing, the following apply to wastewater treatment sludges from the manufacturing of motor vehicles using a zinc phosphating process:

A) "Motor vehicle manufacturing" is defined to include the manufacture of automobiles and light trucks or utility vehicles (including light duty vans, pick-up trucks, minivans, and sport utility vehicles). A facility owner or operator must be engaged in manufacturing complete vehicles (body and chassis or unibody) or chassis only; and

B) The generator must maintain documentation and information in its on-site records that is sufficient to prove that the wastewater treatment sludge to be exempted from the F019 listing meets the conditions of the listing. These records must include the following information: the volumes of waste generated and disposed of off site; documentation showing when the waste volumes were generated and sent off site; the name and address of the receiving facility; and documentation confirming receipt of the waste by the receiving facility. The generator must maintain these documents on site for no less than three years. The retention period for the documentation is automatically extended during the pendency of any enforcement action or as requested by USEPA or by the Agency in writing.

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

Section 721.132 Hazardous Waste from Specific Sources

a) The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I ~~of this Part~~.

USEPA Hazardous Waste No. Industry and Hazardous Waste Hazard Code Wood Code
Wood Preservation Process Wastes:

K001 Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol. (T)

Inorganic Pigments Production Wastes:

K002 Wastewater treatment sludge from the production of chrome yellow and orange pigments. (T) K003 Wastewater treatment sludge from the production of molybdate orange pigments. (T) K004 Wastewater treatment sludge from the production of zinc yellow pigments. (T) K005 Wastewater treatment sludge from the production of chrome green pigments. (T) K006 Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated). (T) K007 Wastewater treatment sludge from the production of iron blue pigments. (T) K008 Oven residue from the production of chrome oxide green pigments. (T)

Organic Chemicals Production Wastes:

K009 Distillation bottoms from the production of acetaldehyde from ethylene. (T) K010 Distillation side cuts from the production of acetaldehyde from ethylene. (T) K011 Bottom stream from the wastewater stripper in the production of acrylonitrile. (R, T) K013 Bottom stream from the acetonitrile column in the production of acrylonitrile. (R, T) K014 Bottoms from the acetonitrile purification column in the production of acrylonitrile. (T) K015 Still bottoms from the distillation

of benzyl chloride. (T)K016Heavy ends or distillation residues from the production of carbon tetrachloride. (T)K017Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin. (T)K018Heavy ends from the fractionation column in ethyl chloride production. (T)K019Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production. (T)K020Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. (T)K021Aqueous spent antimony catalyst waste from fluoromethanes production. (T)K022Distillation bottom tars from the production of phenol/acetone from cumene. (T)K023Distillation light ends from the production of phthalic anhydride from naphthalene. (T)K024Distillation bottoms from the production of phthalic anhydride from naphthalene. (T)K093Distillation light ends from the production of phthalic anhydride from ortho-xylene. (T)K094Distillation bottoms from the production of phthalic anhydride from ortho-xylene. (T)K025Distillation bottoms from the production of nitrobenzene by the nitration of benzene. (T)K026Stripping still tails from the production of methyl ethyl pyridines. (T)K027Centrifuge and distillation residues from toluene diisocyanate production. (R, T)K028Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. (T)K029Waste from the product stream stripper in the production of 1,1,1-trichloroethane. (T)K095Distillation bottoms from the production of 1,1,1-trichloroethane. (T)K096Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. (T)K030Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene. (T)K083Distillation bottoms from aniline production. (T)K103Process residues from aniline extraction from the production of aniline. (T)K104Combined wastewater streams generated from nitrobenzene/aniline production. (T)K085Distillation or fractionation column bottoms from the production of chlorobenzenes. (T)K105Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. (T)K107Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (C, T)K108Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (I, T)K109Spent filter cartridges from the product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (T)K110Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (T)K111Product washwaters from the production of dinitrotoluene via nitration of toluene. (C, T)K112Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)K113Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)K114Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)K115Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)K116Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of

toluenediamine. (T)K117Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene. (T)K118Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. (T)K136Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. (T)K156Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) (T)K157Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) (T)K158Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) (T)K159Organics from the treatment of thiocarbamate wastes. (T)K161Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust, and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126.) (R, T)K174Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater), unless the sludges meet the following conditions: (1) the sludges are disposed of in a RCRA Subtitle C (42 USC 6921-6939e) or non-hazardous landfill licensed or permitted by a state or the federal government; (2) the sludges are not otherwise placed on the land prior to final disposal; and (3) the generator maintains documentation demonstrating that the waste was either disposed of in an on-site landfill or consigned to a transporter or disposal facility that provided a written commitment to dispose of the waste in an off-site landfill. Upon a showing by the government that a respondent in any enforcement action brought to enforce the requirements of RCRA Subtitle C of this Part managed wastewater treatment sludges from the production of vinyl chloride monomer or ethylene dichloride, the respondent must demonstrate that it meets the conditions of the exclusion that are set forth above. In doing so, the respondent must provide appropriate documentation that the terms of the exclusion were met (e.g., contracts between the generator and the landfill owner or operator, invoices documenting delivery of waste to landfill, etc.). (T)K175Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process. (T)

Inorganic Chemicals Production Wastes:

K071Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used. (T)K073Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (T)K106Wastewater treatment sludge from the mercury cell process in chlorine production. (T)K176Baghouse filters from the production of antimony oxide, including filters from the production of

intermediates (e.g., antimony metal or crude antimony oxide). (E)K177Slag from the production of antimony oxide that is speculatively accumulated or disposed of, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide). (T)K178Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process. (T)K181Nonwastewaters from the production of dyes or pigments (including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in subsection (c) that are equal to or greater than the corresponding subsection (c) levels, as determined on a calendar year basis. These wastes will not be hazardous if the nonwastewaters are managed in one of the following ways:

- 1) They are disposed of in a municipal solid waste landfill unit that is subject to the design criteria in 35 Ill. Adm. Code 811.303 through 811.309 and 811.315 through 811.317 and Subpart E of 35 Ill. Adm. Code 811 or 35 Ill. Adm. Code 814.302 and 814.402;
- 2) They are disposed of in a hazardous waste landfill unit that is subject to either 35 Ill. Adm. Code 724.401 or 725.401;
- 3) They are disposed of in other municipal solid waste landfill units that meet the design criteria in 35 Ill. Adm. Code 811.303 through 811.309 and 811.315 through 811.317 and Subpart E of 35 Ill. Adm. Code 811 or 35 Ill. Adm. Code 814.302 and 814.402, 35 Ill. Adm. Code 724.401, or 35 Ill. Adm. Code 725.401; or
- 4) They are treated in a combustion unit that is permitted under 415 ILCS 5/39(d), or an onsite combustion unit that is permitted under 415 ILCS 5/39.5.

For the purposes of this listing, dyes or pigments production is defined in subsection (b)(1). Subsection (d) describes the process for demonstrating that a facility's nonwastewaters are not K181 waste. This listing does not apply to wastes that are otherwise identified as hazardous under Sections 721.121 through 721.124 and 721.131 through 721.133 at the point of generation. Also, the listing does not apply to wastes generated before any annual mass loading limit is met, as set forth in subsection (c). (T)

Pesticides Production Wastes:

K031By-product salts generated in the production of MSMA and cacodylic acid. (T)K032Wastewater treatment sludge from the production of chlordane. (T)K033Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. (T)K034Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. (T)K097Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. (T)K035Wastewater treatment sludges generated in the production of creosote. (T)K036Still bottoms from toluene reclamation distillation in the production of disulfoton. (T)K037Wastewater treatment sludges from the production of

disulfoton. (T)K038Wastewater from the washing and stripping of phorate production. (T)K039Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate. (T)K040Wastewater treatment sludge from the production of phorate. (T)K041Wastewater treatment sludge from the production of toxaphene. (T)K098Untreated process wastewater from the production of toxaphene. (T)K042Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T. (T)K0432,6-Dichlorophenol waste from the production of 2,4-D. (T)K099Untreated wastewater from the production of 2,4-D. (T)K123Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts. (T)K124Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts. (C, T)K125Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts. (T)K126Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts. (T)K131Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide. (C, T)K132Spent absorbent and wastewater separator solids from the production of methyl bromide. (T)

Explosives Production Wastes:

K044Wastewater treatment sludges from the manufacturing and processing of explosives. (R)K045Spent carbon from the treatment of wastewater containing explosives. (R)K046Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds. (T)K047Pink/red water from TNT operations. (R)

Petroleum Refining Wastes:

K048Dissolved air flotation (DAF) float from the petroleum refining industry. (T)K049Slop oil emulsion solids from the petroleum refining industry. (T)K050Heat exchanger bundle cleaning sludge from the petroleum refining industry. (T)K051API separator sludge from the petroleum refining industry. (T)K052Tank bottoms (leaded) from the petroleum refining industry. (T)K169Crude oil storage tank sediment from petroleum refining operations. (T)K170Clarified slurry oil tank sediment or in-line filter/separation solids from petroleum refining operations. (T)K171Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media). (I, T)K172Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media). (I, T)

Iron and Steel Production Wastes:

K061Emission control dust/sludge from the primary production of steel in electric furnaces. (T)K062Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110). (C, T)

Primary Aluminum Production Wastes:

K088Spent potliners from primary aluminum reduction. (T)

Secondary Lead Production Wastes:

K069Emission control dust/sludge from secondary lead smelting. (T)

BOARD NOTE: This listing is administratively stayed for sludge generated from secondary acid scrubber systems. The stay will remain in effect until this note is removed.

K100Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.(T)

Veterinary Pharmaceuticals Production Wastes:

K084Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.(T)K101Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.(T)K102Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.(T)

Ink Formulation Wastes:

K086Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, dryers, soaps and stabilizers containing chromium and lead.(T)

Coke Production Wastes:

K060Ammonia still lime sludge from coking operations.(T)K087Decanter tank tar sludge from coking operations.(T)K141Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations).(T)K142Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.(T)K143Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.(T)K144Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.(T)K145Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.(T)K147Tar storage tank residues from coal tar refining.(T)K148Residues from coal tar distillation, including, but not limited to, still bottoms.(T)K149Distillation bottoms from the production of ?- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.) (T)K150Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of ?- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.(T)K151Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of ?- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.(T)

b) Listing-specific definition: For the purposes of the K181 hazardous waste listing in subsection (a), "dyes or pigments production" includes manufacture of the following product classes: dyes, pigments, and FDA-certified colors that are in the azo, triarylmethane, perylene, and anthraquinone classes. Azo products include azo, monoazo, diazo, triazo, polyazo, azoic, benzidine, and pyrazolone products. Triarylmethane products include both triarylmethane and triphenylmethane products. Wastes that are not generated at a dyes or pigments manufacturing site, such as wastes from the offsite use, formulation, and packaging of dyes or pigments, are not included in the K181 listing.

c) K181 listing levels. Nonwastewaters containing constituents in amounts equal to or exceeding the following levels during any calendar year are subject to the K181 hazardous waste listing in subsection (a), unless the conditions in the K181 hazardous waste listing are met:

Constituent Chemical Constituent Chemical

Abstracts No. Mass Levels
(kg/yr) Aniline 62-53-39, 3000 o-Anisidine 90-04-01104-Chloroaniline 106-47-84, 800p-Cresidine 120-71-86602, 4-Dimethylaniline 95-68-11001, 2-Phenylenediamine 95-54-57101, 3-Phenylenediamine 108-45-21, 200

d) Procedures for demonstrating that dyes or pigments nonwastewaters are not K181 waste. The procedures described in subsections (d)(1) through (d)(3) and (d)(5) establish when nonwastewaters from the production of dyes or pigments would not be hazardous. (These procedures apply to wastes that are not disposed of in landfill units or treated in combustion units, as specified in subsection (a)). If the nonwastewaters are disposed of in landfill units or treated in combustion units as described in subsection (a), then the nonwastewaters are not hazardous. In order to demonstrate that it is meeting the landfill disposal or combustion conditions contained in the K181 waste listing description, the generator must maintain documentation as described in subsection (d)(4).

1) Determination based on no K181 waste constituents. A generator that has knowledge (e.g., knowledge of constituents in wastes based on prior sampling and analysis data or information about raw materials used, production processes used, and reaction and degradation products formed) that its waste contains none of the K181 waste constituents (see subsection (c)) can use its knowledge to determine that its waste is not K181 waste. The generator must document the basis for all such determinations on an annual basis and keep each annual documentation for three years.

2) Determination for generated quantities of 1,000 tonnes (1,000 metric tons) per year or less for wastes that contain K181 waste constituents. If the total annual quantity of dyes or pigments nonwastewaters generated is 1,000 tonnes or less, the generator can use knowledge of the wastes (e.g., knowledge of constituents in wastes based on prior analytical data or information about raw materials used, production processes used, and reaction and degradation products formed) to conclude that annual mass loadings for the K181 constituents are

below the listing levels of subsection (c). To make this determination, the generator must fulfill the following conditions:

A) Each year, the generator must document the basis for determining that the annual quantity of nonwastewaters expected to be generated will be less than 1,000 tonnes;

B) The generator must track the actual quantity of nonwastewaters generated from January 1 through December 31 of each calendar year. If, at any time within the year, the actual waste quantity exceeds 1,000 tonnes, the generator must comply with the requirements of subsection (d)(3) for the remainder of that calendar year;

C) The generator must keep a running total of the K181 waste constituent mass loadings over the course of the calendar year; and

D) The generator must keep the following records on site for the three most recent calendar years in which the hazardous waste determinations were made:

i) The quantity of dyes or pigments nonwastewaters generated;

ii) The relevant process information used; and

iii) The calculations performed to determine annual total mass loadings for each K181 waste constituent in the nonwastewaters during the year.

3) Determination for generated quantities greater than 1,000 tonnes per year for wastes that contain K181 constituents. If the total annual quantity of dyes or pigments nonwastewaters generated is greater than 1,000 tonnes, the generator must perform each of the following steps in order to make a determination that its waste is not K181 waste:

A) The generator must determine which K181 waste constituents (see subsection (c)) are reasonably expected to be present in the wastes based on knowledge of the wastes (e.g., based on prior sampling and analysis data or information about raw materials used, production processes used, and reaction and degradation products formed);

B) If 1,2-phenylenediamine is present in the wastes, the generator can use either knowledge of the wastes or sampling and analysis procedures to determine the level of this constituent in the wastes. For determinations based on use of knowledge of the wastes, the generator must comply with the procedures for using knowledge of the wastes described in subsection (d)(2) and keep the records described in subsection (d)(2)(D). For determinations based on sampling and analysis, the generator must comply with the sampling and analysis and recordkeeping requirements described in subsection (d)(3)(C);

C) The generator must develop a waste sampling and analysis plan (or modify an existing plan) to collect and analyze representative waste samples for the K181 waste constituents reasonably expected to be

present in the wastes. At a minimum, the plan must include the following elements:

i) A discussion of the number of samples needed to characterize the wastes fully;

ii) The planned sample collection method to obtain representative waste samples;

iii) A discussion of how the sampling plan accounts for potential temporal and spatial variability of the wastes; and

iv) A detailed description of the test methods to be used, including sample preparation, clean up (if necessary), and determinative methods;

D) The generator must collect and analyze samples in accordance with the waste sampling and analysis plan, and the plan must fulfill the following requirements:

i) The sampling and analysis must be unbiased, precise, and representative of the wastes; and

ii) The analytical measurements must be sufficiently sensitive, accurate, and precise to support any claim that the constituent mass loadings are below the listing levels of subsection (c);

E) The generator must record the analytical results;

F) The generator must record the waste quantity represented by the sampling and analysis results;

G) The generator must calculate constituent-specific mass loadings (product of concentrations and waste quantity);

H) The generator must keep a running total of the K181 waste constituent mass loadings over the course of the calendar year;

I) The generator must determine whether the mass of any of the K181 waste constituents listed in subsection (c) generated between January 1 and December 31 of any calendar year is below the K181 waste listing levels;

J) The generator must keep the following records on site for the three most recent calendar years in which the hazardous waste determinations are made:

i) The sampling and analysis plan;

ii) The sampling and analysis results (including quality assurance or quality control data);

iii) The quantity of dyes or pigments nonwastewaters generated; and

iv) The calculations performed to determine annual mass loadings; and

K) The generator must conduct non-hazardous waste determinations annually to verify that the wastes remain non-hazardous.

i) The annual testing requirements are suspended after three consecutive successful annual demonstrations that the wastes are non-hazardous. The generator can then use knowledge of the wastes to support subsequent annual determinations.

ii) The annual testing requirements are reinstated if the manufacturing or waste treatment processes generating the wastes are significantly altered, resulting in an increase of the potential for the wastes to exceed the listing levels.

iii) If the annual testing requirements are suspended, the generator must keep records of the process knowledge information used to support a non-hazardous determination. If testing is reinstated, the generator must retain a description of the process change.

4) Recordkeeping for the landfill disposal and combustion exemptions. For the purposes of meeting the landfill disposal and combustion condition set out in the K181 waste listing description in subsection (a), the generator must maintain on site for three years documentation demonstrating that each shipment of waste was received by a landfill unit that is subject to or which meets the landfill design standards set out in the listing description or that the waste was treated in combustion units, as specified in the listing description in subsection (a).

5) Waste holding and handling. During the interim period, from the point of generation to completion of the hazardous waste determination, the generator must store the wastes appropriately. If the wastes are determined to be hazardous and the generator has not complied with the hazardous waste storage requirements of 35 Ill. Adm. Code 722.116-~~722.134~~ during the interim period, the generator could be subject to an enforcement action for improper hazardous waste management.

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

Section 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded, as described in Section 721.102(a)(2)(A); when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment; when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are

applied to land in lieu of their original intended use; or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

a) Any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f).

b) Any off-specification commercial chemical product or manufacturing chemical intermediate that, if it met specifications, would have the generic name listed in subsection (e) or (f).

c) Any residue remaining in a container or inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f), unless the container is empty, as defined in Section 721.107(b)(3).

BOARD NOTE: Unless the residue is being beneficially used or reused; legitimately recycled or reclaimed; or accumulated, stored, transported, or treated prior to such use, reuse, recycling, or reclamation, the Board considers the residue to be intended for discard, and thus a hazardous waste. An example of a legitimate reuse of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner that reconditions the drum but discards the residue.

d) Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) or any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any off-specification chemical product or manufacturing chemical intermediate that, if it met specifications, would have the generic name listed in subsection (e) or (f).

BOARD NOTE: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in ..." refers to a chemical substance that is manufactured or formulated for commercial or manufacturing use that consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in subsection (e) or (f). Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in subsection (e) or (f), such waste will be listed in either Sections 721.131 or 721.132 or will be identified as a hazardous waste by the characteristics set forth in Subpart C ~~of this Part~~.

e) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in subsections (a) through (d) are identified as acute hazardous waste (H) ~~and are subject to the small quantity exclusion defined in Section 721.105(e)~~. These wastes and their corresponding USEPA hazardous waste numbers are the following:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). The absence of a letter indicates that the compound is only listed for acute toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by USEPA hazardous waste number.

Alphabetical Listing

USEPA Hazardous Waste No. Chemical Abstracts No. (CAS No.)

Substance Hazard Code P023107-20-0 Acetaldehyde,
chloro-P002591-08-2 Acetamide,
N-(aminothioxomethyl) P057640-19-7 Acetamide, 2-fluoro-P05862-74-8 Acetic
acid, fluoro-, sodium
salt P002591-08-21-Acetyl-2-thiourea P003107-02-8 Acrolein P070116-06-3 Aldicarb
P2031646-88-4 Aldicarb sulfone P004309-00-2 Aldrin P005107-18-6 Allyl
alcohol P00620859-73-8 Aluminum phosphide (R,
T) P0072763-96-45-(Aminomethyl)-3-isoxazolol P008504-24-54-Aminopyridine P0
09131-74-8 Ammonium picrate (R) P1197803-55-6 Ammonium
vanadate P099506-61-6 Argentate(1-), bis(cyano-C)-,
potassium P0107778-39-4 Arsenic acid H3AsO4 P0121327-53-3 Arsenic oxide
As2O3 P0111303-28-2 Arsenic oxide As2O5 P0111303-28-2 Arsenic
pentoxide P0121327-53-3 Arsenic trioxide P038692-42-2 Arsine,
diethyl-P036696-28-6 Arsonous dichloride,
phenyl-P054151-56-4 Aziridine P06775-55-8 Aziridine,
2-methyl P013542-62-1 Barium cyanide P024106-47-8 Benzenamine,
4-chloro-P077100-01-6 Benzenamine, 4-nitro-P028100-44-7 Benzene,
(chloromethyl)-P04251-43-41, 2-Benzenediol,
4-(1-hydroxy-2-(methylamino)ethyl) -, (R)-P046122-09-8 Benzeneethanamine,
?,?-dimethyl-P014108-98-5 Benzenethiol P1271563-66-27-Benzofuranol,
2,3-dihydro-2,2-dimethyl-, methylcarbamate P18857-64-7 Benzoic acid,
2-hydroxy-, compound with
(3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3-b)
indol-5-yl methylcarbamate ester (1:1) P00181-81-2*2H-1-Benzopyran-2-one,
4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at
concentrations greater than 0.3 percent P028100-44-7 Benzyl
chloride P0157440-41-7 Beryllium
powder P017598-31-2 Bromoacetone P018357-57-3 Brucine P04539196-18-62-Butanon
e, 3,3-dimethyl-1-(methylthio)-, O-((methylamino)carbonyl)
oxime P021592-01-8 Calcium cyanide P021592-01-8 Calcium cyanide
Ca(CN)2 P18955285-14-8 Carbamic acid, ((dibutylamino)-thio)methyl-,
2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester P191644-64-4 Carbamic acid,

dimethyl-, 1-((dimethyl-amino)carbonyl) -5-methyl-1H-pyrazol-3-yl esterP192119-38-0Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl esterP1901129-41-5Carbamic acid, methyl-, 3-methylphenyl esterP1271563-66-2CarbofuranP02275-15-0Carbon disulfideP09575-44-5Carbonic dichlorideP18955285-14-8CarbosulfanP023107-20-0ChloroacetaldehydeP024106-47-8p-ChloroanilineP0265344-82-11-(o-Chlorophenyl)thioureaP027542-76-73-ChloropropionitrileP029544-92-3Copper cyanideP029544-92-3Copper cyanide CuCNP20264-00-6m-Cumenyl methylcarbamateP030Cyanides (soluble cyanide salts), not otherwise specifiedP031460-19-5CyanogenP033506-77-4Cyanogen chlorideP033506-77-4Cyanogen chloride CNClP034131-89-52-Cyclohexyl-4,6-dinitrophenolP016542-88-1Dichloromethyl etherP036696-28-6DichlorophenylarsineP03760-57-1DieldrinP038692-42-2Diet hylarsineP041311-45-5Diethyl-p-nitrophenyl phosphateP040297-97-20,O-Diethyl O-pyrazinyl phosphorothioateP04355-91-4Diisopropylfluorophosphate (DFP)P191644-64-4DimetilanP004309-00-21,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1?,4?,4a?,5?,8?,8a?)-P060465-73-61,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1?,4?,4a?,5?,8?,8a?)-P03760-57-12,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1a?,2?,2a?,3?,6?,6a?,7?,7a?)-P05172-20-8*2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1a?,2?,2a?,3?,6?,6a?,7?,7a?)-, and metabolitesP04460-51-5DimethoateP046122-09-8?,?-DimethylphenethylamineP047534-52-1*4,6-Dinitro-o-cresol and saltsP04851-28-52,4-DinitrophenolP02088-85-7DinosebP085152-16-9Diphospho ramide, octamethyl-P111107-49-3Diphosphoric acid, tetraethyl esterP039298-04-4DisulfotonP049541-53-7DithiobiuretP18526419-73-81,3-Dit hiolane-2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)- carbonyl)oximeP050115-29-7EndosulfanP088145-73-3EndothallP05172-20-8Endr inP05172-20-8Endrin, and metabolitesP04251-43-4EpinephrineP031460-19-5EthanedinitrileP19423135-22 -0Ethanimidothioic acid, 2-(dimethylamino)-N-(((methylamino)carbonyl)oxy)-2-oxo-, methyl esterP06616752-77-5Ethanimidothioic acid, N-(((methylamino)carbonyl)oxy)-, methyl esterP101107-12-0Ethyl cyanideP054151-56-4EthyleneimineP09752-85-7FamphurP0567782-41-4FluorineP057640-19-7FluoroacetamideP05862-74-8Fluoroacetic acid, sodium saltP19823422-53-9Formetanate hydrochlorideP19717702-57-7FormparanateP065628-86-4Fulminic acid, mercury (2+) salt (R, T)P05976-44-8HeptachlorP062757-58-4Hexaethyl tetraphosphateP11679-19-6HydrazinecarbothioamideP06860-34-4Hydrazine, methyl-P06374-90-8Hydrocyanic acidP06374-90-8Hydrogen cyanideP0967803-51-2Hydrogen phosphideP060465-73-6IsodrinP192119-38-0IsolanP20264-00-63-Isopropylphen yl-N-methylcarbamateP0072763-96-43(2H)-Isoxazolone, 5-(aminomethyl)-P19615339-36-3Manganese, bis(dimethylcarbamodithioato-S,S')-P19615339-36-3Manganese dimethyldithiocarbamateP09262-38-4Mercury,

(acetato-O)phenyl-P065628-86-4Mercury fulminate (R,
T)P08262-75-9Methanamine, N-methyl-N-nitroso-P064624-83-9Methane,
isocyanato-P016542-88-1Methane, oxybis(chloro-P112509-14-8Methane,
tetranitro- (R)P11875-70-7Methanethiol,
trichloro-P19823422-53-9Methanimidamide, N,N-dimethyl-N'-(3-((
(methylamino)-carbonyl)oxy)phenyl)-,
monohydrochlorideP19717702-57-7Methanimidamide,
N,N-dimethyl-N'-(2-methyl-4-((methylamino)carbonyl)oxy)
phenyl)-P1992032-65-7MethiocarbP050115-29-76,9-Methano-2,4,3-benzodioxat
hiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-,
3-oxideP05976-44-84,7-Methano-1H-indene,
1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-P06616752-77-5MethomylP06
860-34-4Methyl hydrazineP064624-83-9Methyl
isocyanateP06975-86-52-MethylactonitrileP071298-00-0Methyl
parathionP1901129-41-5MetolcarbP128315-18-4MexacarbateP07286-88-4?-Napht
hylthioureaP07313463-39-3Nickel carbonylP07313463-39-3Nickel carbonyl
Ni(CO)₄, (T-4)-P074557-19-7Nickel cyanideP074557-19-7Nickel cyanide
Ni(CN)₂P07554-11-5*Nicotine, and saltsP07610102-43-9Nitric
oxideP077100-01-6p-NitroanilineP07810102-44-0Nitrogen
dioxideP07610102-43-9Nitrogen oxide NOP07810102-44-0Nitrogen oxide
NO₂P08155-63-0Nitroglycerine
(R)P08262-75-9N-NitrosodimethylamineP0844549-40-0N-Nitrosomethylvinylami
neP085152-16-9OctamethylpyrophosphoramidateP08720816-12-0Osmium oxide
OsO₄, (T-4)-P08720816-12-0Osmium
tetroxideP088145-73-37-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic
acidP19423135-22-0OxamylP08956-38-2ParathionP034131-89-5Phenol,
2-cyclohexyl-4,6-dinitro-P128315-18-4Phenol,
4-(dimethylamino)-3,5-dimethyl-, methylcarbamate
(ester)P1992032-65-7Phenol, (3,5-dimethyl-4-(methylthio)-,
methylcarbamateP04851-28-5Phenol, 2,4-dinitro-P047534-52-1*Phenol,
2-methyl-4,6-dinitro-, and saltsP20264-00-6Phenol, 3-(1-methylethyl)-,
methyl carbamateP2012631-37-0Phenol, 3-methyl-5-(1-methylethyl)-, methyl
carbamateP02088-85-7Phenol,
2-(1-methylpropyl)-4,6-dinitro-P009131-74-8Phenol, 2,4,6-trinitro-,
ammonium salt (R)P09262-38-4Phenylmercury
acetateP093103-85-5PhenylthioureaP094298-02-2PhorateP09575-44-5PhosgeneP
0967803-51-2PhosphineP041311-45-5Phosphoric acid, diethyl 4-nitrophenyl
esterP039298-04-4Phosphorodithioic acid, O,O-diethyl
S-(2-(ethylthio)ethyl) esterP094298-02-2Phosphorodithioic acid,
O,O-diethyl S-((ethylthio)methyl) esterP04460-51-5Phosphorodithioic
acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl)
esterP04355-91-4Phosphorofluoridic acid,
bis(1-methylethyl)esterP08956-38-2Phosphorothioic acid, O,O-diethyl
O-(4-nitrophenyl) esterP040297-97-2Phosphorothioic acid, O,O-diethyl
O-pyrazinyl esterP09752-85-7Phosphorothioic acid,
O-(4-((dimethylamino)sulfonyl)phenyl) O,O-dimethyl
esterP071298-00-0Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl)
esterP20457-47-6PhysostigmineP18857-64-7Physostigmine
salicylateP11078-00-2Plumbane, tetraethyl-P098151-50-8Potassium
cyanideP098151-50-8Potassium cyanide KCN P099506-61-6Potassium silver
cyanideP2012631-37-0PromecarbP2031646-88-4Propanal,
2-methyl-2-(methyl-sulfonyl)-, O-((methylamino)carbonyl)

oximeP070116-06-3Propanal, 2-methyl-2-(methylthio)-,
O-((methylamino)carbonyl)oximeP101107-12-0PropanenitrileP027542-76-7Prop
anenitrile, 3-chloro-P06975-86-5Propanenitrile,
2-hydroxy-2-methyl-P08155-63-01,2,3-Propanetriol, trinitrate-
(R)P017598-31-22-Propanone, 1-bromo-P102107-19-7Propargyl
alcoholP003107-02-82-PropenalP005107-18-62-Propen-1-olP06775-55-81,2-Pro
pylenimineP102107-19-72-Propyn-1-olP008504-24-54-PyridinamineP07554-11-5
*Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)- and
saltsP20457-47-6Pyrrolo(2,3-b)indol-5-ol,
1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester),
(3aS-cis)-P11412039-52-0Selenious acid, dithallium (1+)
saltP103630-10-4SelenoureaP104506-64-9Silver cyanideP104506-64-9Silver
cyanide AgCNP10526628-22-8Sodium azideP106143-33-9Sodium
cyanideP106143-33-9Sodium cyanide NaCNP10857-24-9*Strychnidin-10-one,
and saltsP018357-57-3Strychnidin-10-one,
2,3-dimethoxy-P10857-24-9*Strychnine and saltsP1157446-18-6Sulfuric
acid, dithallium (1+)
saltP1093689-24-5TetraethyldithiopyrophosphateP11078-00-2Tetraethyl
leadP111107-49-3TetraethylpyrophosphateP112509-14-8Tetranitromethane
(R)P062757-58-4Tetraphosphoric acid, hexaethyl esterP1131314-32-5Thallic
oxideP1131314-32-5Thallium oxide Tl2O3P11412039-52-0Thallium (I)
seleniteP1157446-18-6Thallium (I) sulfateP1093689-24-5Thiodiphosphoric
acid, tetraethyl
esterP04539196-18-4ThiofanoxP049541-53-7Thioimidodicarbonic diamide
(H2N)C(S)
2NHP014108-98-5ThiophenolP11679-19-6ThiosemicarbazideP0265344-82-1Thiour
ea, (2-chlorophenyl)-P07286-88-4Thiourea,
1-naphthalenyl-P093103-85-5Thiourea,
phenyl-P1238001-35-2ToxapheneP18526419-73-8TirpateP11875-70-7Trichlorome
thanethiolP1197803-55-6Vanadic acid, ammonium saltP1201314-62-1Vanadium
oxide V2O5P1201314-62-1Vanadium pentoxideP0844549-40-0Vinylamine,
N-methyl-N-nitroso-P00181-81-2*Warfarin, and salts, when present at
concentrations greater than 0.3 percentP121557-21-1Zinc
cyanideP121557-21-1Zinc cyanide Zn(CN)2P205137-30-4Zinc,
bis(dimethylcarbomodithioato-S,S')-P1221314-84-7Zinc phosphide Zn3P2,
when present at concentrations greater than 10 percent (R,
T)P205137-30-4ZiramNumericalZiram
[Numerical](#) Listing

USEPA Hazardous Waste No. Chemical Abstracts No. (CAS No.) Substance Hazard
CodePCode

[P00181-81-2](#)*2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-,
and salts, when present at concentrations greater than 0.3
percentP00181-81-2*Warfarin, and salts, when present at concentrations
greater than 0.3 percentP002591-08-2Acetamide,
N-(aminothioxomethyl)P002591-08-21-Acetyl-2-thioureaP003107-02-8Acrolein
P003107-02-82-PropenalP004309-00-2AldrinP004309-00-21,4,5,8-Dimethanonap
htalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-
(1?,4?,4a?,5?,8?,8a?)-P005107-18-6Allyl
alcoholP005107-18-62-Propen-1-olP00620859-73-8Aluminum phosphide(R,
~~T~~)(R,
T)P0072763-96-45-(Aminomethyl)-3-isoxazololP0072763-96-43(2H)-Isoxazolon

e,

5-(aminomethyl)-P008504-24-54-AminopyridineP008504-24-54-PyridinamineP009131-74-8Ammonium picrate (R)P009131-74-8Phenol, 2,4,6-trinitro-, ammonium salt (R)P0107778-39-4Arsenic acid H3AsO4P0111303-28-2Arsenic oxide As2O5P0111303-28-2Arsenic pentoxideP0121327-53-3Arsenic oxide As2O3P0121327-53-3Arsenic trioxideP013542-62-1Barium cyanideP014108-98-5BenzenethiolP014108-98-5ThiophenolP0157440-41-7Beryllium powderP016542-88-1Dichloromethyl etherP016542-88-1Methane, oxybis(chloro-P017598-31-2BromoacetoneP017598-31-22-Propanone, 1-bromo-P018357-57-3BrucineP018357-57-3Strychnidin-10-one, 2,3-dimethoxy-P02088-85-7DinosebP02088-85-7Phenol, 2-(1-methylpropyl)-4,6-dinitro-P021592-01-8Calcium cyanideP021592-01-8Calcium cyanide Ca(CN)2P02275-15-0Carbon disulfideP023107-20-0Acetaldehyde, chloro-P023107-20-0ChloroacetaldehydeP024106-47-8Benzenamine, 4-chloro-P024106-47-8p-ChloroanilineP0265344-82-11-(o-Chlorophenyl)thioureaP0265344-82-1Thiourea, (2-chlorophenyl)-P027542-76-73-ChloropropionitrileP027542-76-7Propanenitrile, 3-chloro-P028100-44-7Benzene, (chloromethyl)-P028100-44-7Benzyl chlorideP029544-92-3Copper cyanideP029544-92-3Copper cyanide CuCNP030Cyanides (soluble cyanide salts), not otherwise specifiedP031460-19-5CyanogenP031460-19-5EthanedinitrileP033506-77-4Cyanogen chlorideP033506-77-4Cyanogen chloride CNClP034131-89-52-Cyclohexyl-4,6-dinitrophenolP034131-89-5Phenol, 2-cyclohexyl-4,6-dinitro-P036696-28-6Arsonous dichloride, phenyl-P036696-28-6DichlorophenylarsineP03760-57-1DieldrinP03760-57-12,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1a?,2?,2a?,3?,6?,6a?,7?,7a?)P038692-42-2Arsine, diethyl-P038692-42-2DiethylarsineP039298-04-4DisulfotonP039298-04-4Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) esterP040297-97-20,O-Diethyl O-pyrazinyl phosphorothioateP040297-97-2Phosphorothioic acid, O,O-diethyl O-pyrazinyl esterP041311-45-5Diethyl-p-nitrophenyl phosphateP041311-45-5Phosphoric acid, diethyl 4-nitrophenyl esterP04251-43-41,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)-, (R)-P04251-43-4EpinephrineP04355-91-4Diisopropylfluorophosphate (DFP)P04355-91-4Phosphorofluoridic acid, bis(1-methylethyl)esterP04460-51-5DimethoateP04460-51-5Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) esterP04539196-18-62-Butanone, 3,3-dimethyl-1-(methylthio)-, O-(methylamino)carbonyl oximeP04539196-18-4ThiofanoxP046122-09-8Benzeneethanamine, ?,?-dimethyl-P046122-09-8?,?-DimethylphenethylamineP047534-52-1*4,6-Dinitro-o-cresol and saltsP047534-52-1*Phenol, 2-methyl-4,6-dinitro-, and saltsP04851-28-52,4-DinitrophenolP04851-28-5Phenol, 2,4-dinitro-P049541-53-7DithiobiuretP049541-53-7Thioimidodicarbonic diamide ((H2N)C(S))2NHP050115-29-7EndosulfanP050115-29-76,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxideP05172-20-8*2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-,

(1a?, 2?, 2a?, 3?, 6?, 6a?, 7?, 7a?) -, and
metabolitesP05172-20-8EndrinP05172-20-8Endrin, and
metabolitesP054151-56-4AziridineP054151-56-4EthyleneimineP0567782-41-4FluorineP057640-19-7Acetamide,
2-fluoro-P057640-19-7FluoroacetamideP05862-74-8Acetic acid, fluoro-,
sodium saltP05862-74-8Fluoroacetic acid, sodium
saltP05976-44-8HeptachlorP05976-44-84,7-Methano-1H-indene,
1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-P060465-73-61,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-,
(1?, 4?, 4a?, 5?, 8?, 8a?) -P060465-73-6IsodrinP062757-58-4Hexaethyl
tetraphosphateP062757-58-4Tetraphosphoric acid, hexaethyl
esterP06374-90-8Hydrocyanic acidP06374-90-8Hydrogen
cyanideP064624-83-9Methane, isocyanato-P064624-83-9Methyl
isocyanateP065628-86-4Fulminic acid, mercury (2+) salt (R,
T)P065628-86-4Mercury fulminate (R, T)P06616752-77-5Ethanimidothioic
acid, N-(((methylamino)carbonyl)oxy)-, methyl
esterP06616752-77-5MethomylP06775-55-8Aziridine,
2-methylP06775-55-81,2-PropylenimineP06860-34-4Hydrazine,
methyl-P06860-34-4Methyl
hydrazineP06975-86-52-MethylactonitrileP06975-86-5Propanenitrile,
2-hydroxy-2-methyl-P070116-06-3AldicarbP070116-06-3Propanal,
2-methyl-2-(methylthio)-,
O-((methylamino)carbonyl)oximeP071298-00-0Methyl
parathionP071298-00-0Phosphorothioic acid, O,O-dimethyl
O-(4-nitrophenyl) esterP07286-88-4?-NaphthylthioureaP07286-88-4Thiourea,
1-naphthalenyl-P07313463-39-3Nickel carbonylP07313463-39-3Nickel
carbonyl Ni(CO)₄, (T-4)-P074557-19-7Nickel cyanideP074557-19-7Nickel
cyanide Ni(CN)₂P07554-11-5*Nicotine, and saltsP07554-11-5*Pyridine,
3-(1-methyl-2-pyrrolidinyl)-, (S)- and saltsP07610102-43-9Nitric
oxideP07610102-43-9Nitrogen oxide NOP077100-01-6Benzenamine,
4-nitro-P077100-01-6p-NitroanilineP07810102-44-0Nitrogen
dioxideP07810102-44-0Nitrogen oxide NO₂P08155-63-0Nitroglycerine
(R)P08155-63-01,2,3-Propanetriol, trinitrate- (R)P08262-75-9Methanamine,
N-methyl-N-nitroso-P08262-75-9N-NitrosodimethylamineP0844549-40-0N-NitrosomethylvinylamineP0844549-40-0Vinylamine,
N-methyl-N-nitroso-P085152-16-9Diphosphoramidate,
octamethyl-P085152-16-9OctamethylpyrophosphoramidateP08720816-12-0Osmium
oxide OsO₄, (T-4)-P08720816-12-0Osmium
tetroxideP088145-73-3EndothallP088145-73-37-Oxabicyclo(2.2.1)heptane-2,3-
dicarboxylic acidP08956-38-2ParathionP08956-38-2Phosphorothioic acid,
O,O-diethyl O-(4-nitrophenyl) esterP09262-38-4Mercury,
(acetato-O)phenyl-P09262-38-4Phenylmercury
acetateP093103-85-5PhenylthioureaP093103-85-5Thiourea,
phenyl-P094298-02-2PhorateP094298-02-2Phosphorodithioic acid,
O,O-diethyl S-((ethylthio)methyl) esterP09575-44-5Carbonic
dichlorideP09575-44-5PhosgeneP0967803-51-2Hydrogen
phosphideP0967803-51-2PhosphineP09752-85-7FamphurP09752-85-7Phosphorothioic
acid, O-(4-((dimethylamino)sulfonyl)phenyl) O,O-dimethyl
esterP098151-50-8Potassium cyanideP098151-50-8Potassium cyanide
KCNP099506-61-6Argentate(1-), bis(cyano-C)-,
potassiumP099506-61-6Potassium silver cyanideP101107-12-0Ethyl
cyanideP101107-12-0PropanenitrileP102107-19-7Propargyl

alcoholP102107-19-72-Propyn-1-olP103630-10-4SelenoureaP104506-64-9Silver
cyanideP104506-64-9Silver cyanide AgCNP10526628-22-8Sodium
azideP106143-33-9Sodium cyanideP106143-33-9Sodium cyanide
NaCNP10857-24-9*Strychnidin-10-one, and saltsP10857-24-9*Strychnine and
saltsP1093689-24-5TetraethyldithiopyrophosphateP1093689-24-5Thiodiphosph
oric acid, tetraethyl esterP11078-00-2Plumbane,
tetraethyl-P11078-00-2Tetraethyl leadP111107-49-3Diphosphoric acid,
tetraethyl esterP111107-49-3TetraethylpyrophosphateP112509-14-8Methane,
tetranitro- (R)P112509-14-8Tetranitromethane (R)P1131314-32-5Thallic
oxideP1131314-32-5Thallium oxide Tl₂O₃P11412039-52-0Selenious acid,
dithallium (1+) saltP11412039-52-0Thallium (I)
seleniteP1157446-18-6Sulfuric acid, dithallium (1+)
saltP1157446-18-6Thallium (I)
sulfateP11679-19-6HydrazinecarbothioamideP11679-19-6ThiosemicarbazideP11
875-70-7Methanethiol,
trichloro-P11875-70-7TrichloromethanethiolP1197803-55-6Ammonium
vanadateP1197803-55-6Vanadic acid, ammonium saltP1201314-62-1Vanadium
oxide V₂O₅P1201314-62-1Vanadium pentoxideP121557-21-1Zinc
cyanideP121557-21-1Zinc cyanide Zn(CN)₂P1221314-84-7Zinc phosphide
Zn₃P₂, when present at concentrations greater than 10 percent (R,
T)P1238001-35-2ToxapheneP1271563-66-27-Benzofuranol,
2,3-dihydro-2,2-dimethyl-,
methylcarbamateP1271563-66-2CarbofuranP128315-18-4Phenol,
4-(dimethylamino)-3,5-dimethyl-, methylcarbamate
(ester)P128315-18-4MexacarbateP18526419-73-81,3-Dithiolane-2-carboxaldeh
yde, 2,4-dimethyl-, O-((methylamino)-
carbonyl) oximeP18526419-73-8TirpateP18857-64-7Benzoic acid, 2-hydroxy-,
compound with
(3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3-b)indol-5-
yl methylcarbamate ester (1:1)P18857-64-7Physostigmine
salicylateP18955285-14-8Carbamic acid, ((dibutylamino)-thio)methyl-,
2,3-dihydro-2,2-dimethyl-7-benzofuranyl
esterP18955285-14-8CarbosulfanP1901129-41-5Carbamic acid, methyl-,
3-methylphenyl esterP1901129-41-5MetolcarbP191644-64-4Carbamic acid,
dimethyl-, 1-((dimethyl-amino)carbonyl)-5-methyl-1H-pyrazol-3-yl
esterP191644-64-4DimetilanP192119-38-0Carbamic acid, dimethyl-,
3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl
esterP192119-38-0IsolanP19423135-22-0Ethanimidothioic acid,
2-(dimethylamino)-N-(((methylamino)carbonyl)oxy)-2-oxo-, methyl
esterP19423135-22-0OxamylP19615339-36-3Manganese,
bis(dimethylcarbomodithioato-S,S')-P19615339-36-3Manganese
dimethyldithiocarbamateP19717702-57-7FormparanateP19717702-57-7Methanimi
damide,
N,N-dimethyl-N'-(2-methyl-4-(((methylamino)carbonyl)oxy)phenyl)-P1982342
2-53-9Formetanate hydrochlorideP19823422-53-9Methanimidamide,
N,N-dimethyl-N'-(3-(((methylamino)-carbonyl)oxy)phenyl)-,
monohydrochlorideP1992032-65-7MethiocarbP1992032-65-7Phenol,
(3,5-dimethyl-4-(methylthio)-, methylcarbamateP2012631-37-0Phenol,
3-methyl-5-(1-methylethyl)-, methyl
carbamateP2012631-37-0PromecarbP20264-00-6m-Cumenyl
methylcarbamateP20264-00-63-Isopropylphenyl-N-methylcarbamateP20264-00-6
Phenol, 3-(1-methylethyl)-, methyl carbamateP2031646-88-4Aldicarb

sulfoneP2031646-88-4Propanal, 2-methyl-2-(methyl-sulfonyl)-,
O-((methylamino)carbonyl)
oximeP20457-47-6PhysostigmineP20457-47-6Pyrrolo(2,3-b)indol-5-ol,
1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester),
(3aS-cis)-P205137-30-4Zinc,
bis(dimethylcarbamo-dithioato-S,S')-P205137-30-4ZiramBOARDZiram

BOARD NOTE: An asterisk (*) following the CAS number indicates that the CAS number is given for the parent compound only.

f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in subsections (a) through (d), are identified as toxic wastes (T) unless otherwise designated ~~and are subject to the small quantity exclusion defined in Section 721.105(a) and (g)~~. These wastes and their corresponding USEPA hazardous waste numbers are the following:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The absence of a letter indicates that the compound is only listed for toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by USEPA hazardous waste number.

USEPA Hazardous Waste No. Chemical Abstracts No. (CAS No.) Substance Hazard Code
U39430558-43-1A2213U00175-07-0Acetaldehyde
(I)U03475-87-6Acetaldehyde, trichloro-U18762-44-2Acetamide,
N-(4-ethoxyphenyl)-U00553-96-3Acetamide, N-9H-fluoren-2-yl-U240P
94-75-7Acetic acid, (2,4-dichlorophenoxy)-, salts and
estersU112141-78-6Acetic acid, ethyl ester (I)U144301-04-2Acetic acid,
lead (2+) saltU214563-68-8Acetic acid, thallium (1+) saltSee
F02793-76-5Acetic acid, (2,4,5-trichlorophenoxy)-U00267-64-1Acetone
(I)U00375-05-8Acetonitrile (I,
T)U00498-86-2AcetophenoneU00553-96-32-AcetylaminofluoreneU00675-36-5Acet
yl chloride (C, R, T)U00779-06-1AcrylamideU00879-10-7Acrylic acid
(I)U009107-13-1AcrylonitrileU01161-82-5AmitroleU01262-53-3Aniline (I,
T)U13675-60-5Arsinic acid,
dimethyl-U014492-80-8AuramineU015115-02-6AzaserineU01050-07-7Azirino(2',
3':3,4)pyrrolo(1,2-a)indole-4,7-dione,
6-amino-8-(((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-metho
xy-5-methyl-,
(1a-S-(1a?,8?,8a?,8b?))-U280101-27-9BarbanU27822781-23-3BendiocarbU36422
961-82-6Bendiocarb
phenolU27117804-35-2BenomylU15756-49-5Benz(j)aceanthrylene,
1,2-dihydro-3-methyl-U016225-51-4Benz(c)acridineU01798-87-3Benzal
chlorideU19223950-58-5Benzamide,
3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-U01856-55-3Benz(a)anthraceneU09
457-97-6Benz(a)anthracene, 7,12-dimethyl-U01262-53-3Benzenamine (I,
T)U014492-80-8Benzenamine,
4,4'-carbonimidoylbis(N,N-dimethyl-U0493165-93-3Benzenamine,
4-chloro-2-methyl-, hydrochlorideU09360-11-7Benzenamine,
N,N-dimethyl-4-(phenylazo)-U32895-53-4Benzenamine,

2-methyl-U353106-49-0Benzenamine, 4-methyl-U158101-14-4Benzenamine,
4,4'-methylenebis(2-chloro-U222636-21-5Benzenamine, 2-methyl-,
hydrochlorideU18199-55-8Benzenamine, 2-methyl-5-nitro-U01971-43-2Benzene
(I, T)U038510-15-6Benzeneacetic acid,
4-chloro-?-(4-chlorophenyl)-?-hydroxy-, ethyl esterU030101-55-3Benzene,
1-bromo-4-phenoxy-U035305-03-3Benzenebutanoic acid,
4-(bis(2-chloroethyl)amino)-U037108-90-7Benzene,
chloro-U22125376-45-8Benzenediamine,
ar-methyl-U028117-81-71,2-Benzenedicarboxylic acid, bis(2-ethylhexyl)
esterU06984-74-21,2-Benzenedicarboxylic acid, dibutyl
esterU08884-66-21,2-Benzenedicarboxylic acid, diethyl
esterU102131-11-31,2-Benzenedicarboxylic acid, dimethyl
esterU107117-84-01,2-Benzenedicarboxylic acid, dioctyl
esterU07095-50-1Benzene, 1,2-dichloro-U071541-73-1Benzene,
1,3-dichloro-U072106-46-7Benzene, 1,4-dichloro-U06072-54-8Benzene,
1,1'-(2,2-dichloroethylidene)bis(4-chloro-U01798-87-3Benzene,
(dichloromethyl)-U22326471-62-5Benzene, 1,3-diisocyanatomethyl- (R,
T)U2391330-20-7Benzene, dimethyl-
(I)U201108-46-31,3-BenzenediolU127118-74-1Benzene,
hexachloro-U056110-82-7Benzene, hexahydro- (I)U220108-88-3Benzene,
methyl-U105121-14-2Benzene, 1-methyl-2,4-dinitro-U106606-20-2Benzene,
2-methyl-1,3-dinitro-U05598-82-8Benzene, (1-methylethyl)-
(I)U16998-95-3Benzene, nitro- (I, T)U183608-93-5Benzene,
pentachloro-U18582-68-8Benzene,
pentachloronitro-U02098-09-9Benzenesulfonic acid chloride (C,
R)U02098-09-9Benzenesulfonyl chloride (C, R)U20795-94-3Benzene,
1,2,4,5-tetrachloro-U06150-29-3Benzene,
1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-U24772-43-5Benzene,
1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy-U02398-07-7Benzene,
(trichloromethyl)- (C, R, T)U23499-35-4Benzene, 1,3,5-trinitro- (R,
T)U02192-87-5BenzideneU20394-59-71,3-Benzodioxole,
5-(2-propenyl)-U141120-58-11,3-Benzodioxole,
5-(1-propenyl)-U09094-58-61,3-Benzodioxole,
5-propyl-U27822781-23-31,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl
carbamateU36422961-82-61,3-Benzodioxol-4-ol,
2,2-dimethyl-U3671563-38-87-Benzofuranol,
2,3-dihydro-2,2-dimethyl-U064189-55-9Benzo(rst)pentapheneU24881-81-22H-1
-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when
present at concentrations of 0.3 percent or
lessU02250-32-8Benzo(a)pyreneU197106-51-4p-BenzoquinoneU02398-07-7Benzot
richloride (C, R, T)U0851464-53-52,2'-Bioxirane (I,
T)U02192-87-5(1,1'-Biphenyl)-4,4'-diamineU07391-94-1(1,1'-Biphenyl)-4,4'
-diamine, 3,3'-dichloro-U091119-90-4(1,1'-Biphenyl)-4,4'-diamine,
3,3'-dimethoxy-U095119-93-7(1,1'-Biphenyl)-4,4'-diamine,
3,3'-dimethyl-U22575-25-2BromoformU030101-55-34-Bromophenyl phenyl
etherU12887-68-31,3-Butadiene,
1,1,2,3,4,4-hexachloro-U172924-16-31-Butanamine,
N-butyl-N-nitroso-U03171-36-31-Butanol (I)U15978-93-32-Butanone (I,
T)U1601338-23-42-Butanone, peroxide (R,
T)U0534170-30-32-ButenalU074764-41-02-Butene, 1,4-dichloro- (I,
T)U143303-34-42-Butenoic acid, 2-methyl-,
7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,

7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1?(Z), 7(2S*,3R*), 7a?))-U03171-36-3n-Butyl alcohol (I)U13675-60-5Cacodylic acidU03213765-19-0Calcium chromateU37210605-21-7Carbamic acid, 1H-benzimidazol-2-yl, methyl esterU27117804-35-2Carbamic acid, (1-((butylamino)carbonyl)-1H-benzimidazol-2-yl)-, methyl esterU280101-27-9Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl esterU23851-79-6Carbamic acid, ethyl esterU178615-53-2Carbamic acid, methylnitroso-, ethyl esterU373122-42-9Carbamic acid, phenyl-, 1-methylethyl esterU40923564-05-8Carbamic acid, (1,2-phenylenebis(iminocarbonothioyl))bis-, dimethyl esterU09779-44-7Carbamic chloride, dimethyl-U114P 111-54-6Carbamodithioic acid, 1,2-ethanediybis-, salts and estersU0622303-16-4Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) esterU3892303-17-5Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) esterU38752888-80-9Carbamothioic acid, dipropyl-, S-(phenylmethyl) esterU27963-25-2CarbarylU37210605-21-7CarbendazimU3671563-38-8Carbofuran phenolU2156533-73-9Carbonic acid, dithallium (1+) saltU033353-50-4Carbonic difluoride(R, T)U15679-22-1Carbonochloridic acid, methyl ester (I, T)U033353-50-4Carbon oxyfluoride (R, T)U21156-23-5Carbon tetrachlorideU03475-87-6ChloralU035305-03-3ChlorambucilU03657-74-9Chlordane, ? and ? isomersU026494-03-1ChlornaphazinU037108-90-7ChlorobenzeneU038510-15-6ChlorobenzilateU03959-50-7p-Chloro-m-cresolU042110-75-82-Chloroethyl vinyl etherU04467-66-3ChloroformU046107-30-2Chloromethyl methyl etherU04791-58-7?-ChloronaphthaleneU04895-57-8o-ChlorophenolU0493165-93-34-Chloro-o-toluidine, hydrochlorideU03213765-19-0Chromic acid H2CrO4, calcium saltU050218-01-9ChryseneU051CreosoteU0521319-77-3Cresol (Cresylic acid)U0534170-30-3CrotonaldehydeU05598-82-8Cumene (I)U246506-68-3Cyanogen bromide CNBrU197106-51-42,5-Cyclohexadiene-1,4-dioneU056110-82-7Cyclohexane (I)U12958-89-9Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1?,2?,3?,4?,5?,6?)-U057108-94-1Cyclohexanone (I)U13077-47-41,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-U05850-18-0CyclophosphamideU240P 94-75-72,4-D, salts and estersU05920830-81-3DaunomycinU06072-54-8DDDU06150-29-3DDTU0622303-16-4DiallateU06353-70-3Dibenz(a,h)anthraceneU064189-55-9Dibenzo(a,i)pyreneU06696-12-81,2-Dibromo-3-chloropropaneU06984-74-2Dibutyl phthalateU07095-50-1o-DichlorobenzeneU071541-73-1m-DichlorobenzeneU072106-46-7p-DichlorobenzeneU07391-94-13,3'-DichlorobenzidineU074764-41-01,4-Dichloro-2-butene (I, T)U07575-71-8DichlorodifluoromethaneU07875-35-41,1-DichloroethyleneU079156-60-51,2-DichloroethyleneU025111-44-4Dichloroethyl etherU027108-60-1Dichloroisopropyl etherU024111-91-1Dichloromethoxy ethaneU081120-83-22,4-DichlorophenolU08287-65-02,6-DichlorophenolU084542-75-61,3-DichloropropeneU0851464-53-51,2:3,4-Diepoxybutane (I, T)U3955952-26-1Diethylene glycol, dicarbamateU108123-91-11,4-DiethyleneoxideU028117-81-7Diethylhexyl phthalateU0861615-80-1N,N'-DiethylhydrazineU0873288-58-20,O-Diethyl S-methyl dithiophosphateU08884-66-2Diethyl

phthalateU08956-53-1DiethylstilbestrolU09094-58-6DihydrosafroleU091119-9
0-43,3'-DimethoxybenzidineU092124-40-3Dimethylamine
(I)U09360-11-7p-DimethylaminoazobenzeneU09457-97-67,12-Dimethylbenz(a)an
thraceneU095119-93-73,3'-DimethylbenzidineU09680-15-9?,
?-Dimethylbenzylhydroperoxide (R)U09779-44-7Dimethylcarbamoyl
chlorideU09857-14-71,1-DimethylhydrazineU099540-73-81,2-Dimethylhydrazin
eU101105-67-92,4-DimethylphenolU102131-11-3Dimethyl
phthalateU10377-78-1Dimethyl
sulfateU105121-14-22,4-DinitrotolueneU106606-20-22,6-DinitrotolueneU1071
17-84-0Di-n-octyl
phthalateU108123-91-11,4-DioxaneU109122-66-71,2-DiphenylhydrazineU110142
-84-7Dipropylamine
(I)U111621-64-7Di-n-propylnitrosamineU041106-89-8EpichlorohydrinU00175-0
7-0Ethanal (I)U404121-44-8Ethanamine, N,N-diethyl-U17455-18-5Ethanamine,
N-ethyl-N-nitroso-U15591-80-51,2-Ethanediamine,
N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-U067106-93-4Ethane,
1,2-dibromo-U07675-34-3Ethane, 1,1-dichloro-U077107-06-2Ethane,
1,2-dichloro-U13167-72-1Ethane, hexachloro-U024111-91-1Ethane,
1,1'-(methylenebis(oxy))bis(2-chloro-U11760-29-7Ethane, 1,1'-oxybis-
(I)U025111-44-4Ethane, 1,1'-oxybis(2-chloro-U18476-01-7Ethane,
pentachloro-U208630-20-6Ethane, 1,1,1,2-tetrachloro-U20979-34-5Ethane,
1,1,2,2-tetrachloro-U21862-55-5EthanethioamideU22671-55-6Ethane,
1,1,1-trichloro-U22779-00-5Ethane,
1,1,2-trichloro-U41059669-26-0Ethanimidothioic acid, N,N'-
(thiobis((methylimino)carbonyloxy))bis-, dimethyl
esterU39430558-43-1Ethanimidothioic acid,
2-(dimethylamino)-N-hydroxy-2-oxo-, methyl esterU359110-80-5Ethanol,
2-ethoxy-U1731116-54-7Ethanol,
2,2'-(nitrosoimino)bis-U3955952-26-1Ethanol, 2,2'-oxybis-,
dicarbamateU00498-86-2Ethanone, 1-phenyl-U04375-01-4Ethene,
chloro-U042110-75-8Ethene, (2-chloroethoxy)-U07875-35-4Ethene,
1,1-dichloro-U079156-60-5Ethene, 1,2-dichloro-, (E)-U210127-18-4Ethene,
tetrachloro-U22879-01-6Ethene, trichloro-U112141-78-6Ethyl acetate
(I)U113140-88-5Ethyl acrylate (I)U23851-79-6Ethyl carbamate
(urethane)U11760-29-7Ethyl ether(I)U114P
111-54-6Ethylenebisdithiocarbamic acid, salts and
estersU067106-93-4Ethylene dibromideU077107-06-2Ethylene
dichlorideU359110-80-5Ethylene glycol monoethyl etherU11575-21-8Ethylene
oxide (I, T)U11696-45-7EthylenethioureaU07675-34-3Ethylidene
dichlorideU11897-63-2Ethyl methacrylateU11962-50-0Ethyl
methanesulfonateU120206-44-0FluorantheneU12250-00-0FormaldehydeU12364-18
-6Formic acid (C, T)U124110-00-9Furan
(I)U12598-01-12-Furancarboxaldehyde
(I)U147108-31-62,5-FurandioneU213109-99-9Furan, tetrahydro-
(I)U12598-01-1Furfural (I)U124110-00-9Furfuran
(I)U20618883-66-4Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-,
D-U20618883-66-4D-Glucose,
2-deoxy-2-(((methylnitrosoamino)-carbonyl)amino)-U126765-34-4Glycidylald
ehydeU16370-25-7Guanidine,
N-methyl-N'-nitro-N-nitroso-U127118-74-1HexachlorobenzeneU12887-68-3Hexa
chlorobutadieneU13077-47-4HexachlorocyclopentadieneU13167-72-1Hexachloro
ethaneU13270-30-4HexachloropheneU2431888-71-7HexachloropropeneU133302-01

-2Hydrazine (R, T)U0861615-80-1Hydrazine,
1,2-diethyl-U09857-14-7Hydrazine, 1,1-dimethyl-U099540-73-8Hydrazine,
1,2-dimethyl-U109122-66-7Hydrazine,
1,2-diphenyl-U1347664-39-3Hydrofluoric acid (C, T)U1347664-39-3Hydrogen
fluoride (C, T)U1357783-06-4Hydrogen sulfideU1357783-06-4Hydrogen
sulfide H2SU09680-15-9Hydroperoxide,
1-methyl-1-phenylethyl- (R)U11696-45-72-ImidazolidinethioneU137193-39-5In
deno(1,2,3-cd)pyreneU19085-44-91,3-IsobenzofurandioneU14078-83-1Isobutyl
alcohol (I,
T)U141120-58-1IsosafroleU142143-50-0KeponeU143303-34-4LasiocarpeneU14430
1-04-2Lead acetateU1461335-32-6Lead,
bis(acetato-O)tetrahydroxytri-U1457446-27-7Lead
phosphateU1461335-32-6Lead
subacetateU12958-89-9LindaneU16370-25-7MNNGU147108-31-6Maleic
anhydrideU148123-33-1Maleic
hydrazideU149109-77-3MalononitrileU150148-82-3MelphalanU1517439-97-6Merc
uryU152126-98-7Methacrylonitrile (I, T)U092124-40-3Methanamine,
N-methyl- (I)U02974-83-9Methane, bromo-U04574-87-3Methane, chloro- (I,
T)U046107-30-2Methane, chloromethoxy-U06874-95-3Methane,
dibromo-U08075-09-2Methane, dichloro-U07575-71-8Methane,
dichlorodifluoro-U13874-88-4Methane, iodo-U11962-50-0Methanesulfonic
acid, ethyl esterU21156-23-5Methane, tetrachloro-U15374-93-1Methanethiol
(I, T)U22575-25-2Methane, tribromo-U04467-66-3Methane,
trichloro-U12175-69-4Methane,
trichlorofluoro-U03657-74-94,7-Methano-1H-indene,
1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-U15467-56-1Methanol
(I)U15591-80-5MethapyrileneU142143-50-01,3,4-Metheno-2H-cyclobuta(cd)pen
talen-2-one,
1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-U24772-43-5MethoxychlorU1546
7-56-1Methyl alcohol (I)U02974-83-9Methyl
bromideU186504-60-91-Methylbutadiene (I)U04574-87-3Methyl chloride (I,
T)U15679-22-1Methyl chlorocarbonate (I,
T)U22671-55-6MethylchloroformU15756-49-53-MethylcholanthreneU158101-14-4
4,4'-Methylenebis(2-chloroaniline)U06874-95-3Methylene
bromideU08075-09-2Methylene chlorideU15978-93-3Methyl ethyl ketone (MEK)
(I, T)U1601338-23-4Methyl ethyl ketone peroxide (R, T)U13874-88-4Methyl
iodideU161108-10-1Methyl isobutyl ketone(I)U16280-62-6Methyl
methacrylate (I, T)U161108-10-14-Methyl-2-pentanone
(I)U16456-04-2MethylthiouracilU01050-07-7Mitomycin
CU05920830-81-35,12-Naphthacenedione,
8-acetyl-10-((3-amino-2,3,6-trideoxy-?-L-lyxo-hexapyranosyl)oxyl)-7,8,9,
10-tetrahydro-6,8,11-trihydroxy-1-methoxy-,
(8S-cis)-U167134-32-71-NaphthalenamineU16891-59-82-NaphthalenamineU02649
4-03-1Naphthaleneamine,
N,N'-bis(2-chloroethyl)-U16591-20-3NaphthaleneU04791-58-7Naphthalene,
2-chloro-U166130-15-41,4-NaphthalenedioneU23672-57-12,7-Naphthalenedisul
fonic acid,
3,3'-((3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)bis(azo)bis(5-amino-4-hyd
roxy)-, tetrasodium saltU27963-25-21-Naphthalenol,
methylcarbamateU166130-15-41,4-NaphthoquinoneU167134-32-7?-Naphthylamine
U16891-59-8?-NaphthylamineU21710102-45-1Nitric acid, thallium (1+)
saltU16998-95-3Nitrobenzene (I,

T)U170100-02-7p-NitrophenolU17179-46-92-Nitropropane (I,
T)U172924-16-3N-Nitrosodi-n-butylamineU1731116-54-7N-Nitrosodiethanolami
neU17455-18-5N-NitrosodiethylamineU176759-73-9N-Nitroso-N-ethylureaU1776
84-93-5N-Nitroso-N-methylureaU178615-53-2N-Nitroso-N-methylurethaneU1791
00-75-4N-NitrosopiperidineU180930-55-2N-NitrosopyrrolidineU18199-55-85-N
itro-o-toluidineU1931120-71-41,2-Oxathiolane,
2,2-dioxideU05850-18-02H-1,3,2-Oxazaphosphorin-2-amine,
N,N-bis(2-chloroethyl)tetrahydro-, 2-oxideU11575-21-8Oxirane (I,
T)U126765-34-4OxiranecarboxyaldehydeU041106-89-8Oxirane,
(chloromethyl)-U182123-63-7ParaldehydeU183608-93-5PentachlorobenzeneU184
76-01-7PentachloroethaneU18582-68-8Pentachloronitrobenzene (PCNB) See
F02787-86-5PentachlorophenolU161108-10-1Pentanol,
4-methyl- (I)U186504-60-91,3-Pentadiene
(I)U18762-44-2PhenacetinU188108-95-2PhenolU04895-57-8Phenol,
2-chloro-U03959-50-7Phenol, 4-chloro-3-methyl-U081120-83-2Phenol,
2,4-dichloro-U08287-65-0Phenol, 2,6-dichloro-U08956-53-1Phenol,
4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-U101105-67-9Phenol,
2,4-dimethyl-U0521319-77-3Phenol, methyl-U13270-30-4Phenol,
2,2'-methylenebis(3,4,6-trichloro-U411114-26-1Phenol,
2-(1-methylethoxy)-, methylcarbamateU170100-02-7Phenol, 4-nitro-See
F02787-86-5Phenol, pentachloro-See F02758-90-2Phenol,
2,3,4,6-tetrachloro-See F02795-95-4Phenol, 2,4,5-trichloro-See
F02788-06-2Phenol, 2,4,6-trichloro-U150148-82-3L-Phenylalanine,
4-(bis(2-chloroethyl)amino)-U1457446-27-7Phosphoric acid, lead (2+) salt
(2:3)U0873288-58-2Phosphorodithioic acid, O,O-diethyl S-methyl
esterU1891314-80-3Phosphorus sulfide (R)U19085-44-9Phthalic
anhydrideU191109-06-82-PicolineU179100-75-4Piperidine,
1-nitroso-U19223950-58-5PronamideU194107-10-81-Propanamine (I,
T)U111621-64-71-Propanamine,
N-nitroso-N-propyl-U110142-84-71-Propanamine, N-propyl-
(I)U06696-12-8Propane, 1,2-dibromo-3-chloro-U08378-87-5Propane,
1,2-dichloro-U149109-77-3PropanedinitrileU17179-46-9Propane, 2-nitro-
(I, T)U027108-60-1Propane, 2,2'-oxybis(2-chloro-See F02793-72-1Propanoic
acid, 2-(2,4,5-trichlorophenoxy)-U1931120-71-41,3-Propane
sultoneU235126-72-71-Propanol, 2,3-dibromo-, phosphate
(3:1)U14078-83-11-Propanol, 2-methyl- (I, T)U00267-64-12-Propanone
(I)U00779-06-12-PropanamideU084542-75-61-Propene,
1,3-dichloro-U2431888-71-71-Propene,
1,1,2,3,3,3-hexachloro-U009107-13-12-PropenenitrileU152126-98-72-Propene
nitrile, 2-methyl- (I, T)U00879-10-72-Propenoic acid
(I)U113140-88-52-Propenoic acid, ethyl ester (I)U11897-63-22-Propenoic
acid, 2-methyl-, ethyl esterU16280-62-62-Propenoic acid, 2-methyl-,
methyl ester(I, T)U373122-42-9ProphamU411114-26-1PropoxurSee
F02793-72-1Propionic acid,
2-(2,4,5-trichlorophenoxy)-U194107-10-8n-Propylamine (I,
T)U08378-87-5Propylene
dichlorideU38752888-80-9ProsulfocarbU148123-33-13,6-Pyridazinedione,
1,2-dihydro-U196110-86-1PyridineU191109-06-8Pyridine,
2-methyl-U23766-75-12,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl)
amino)-U16456-04-24(1H)-Pyrimidinone,
2,3-dihydro-6-methyl-2-thioxo-U180930-55-2Pyrrolidine,
1-nitroso-U20050-55-5ReserpineU201108-46-3ResorcinolU20394-59-7SafroleU2

047783-00-8Selenious acidU2047783-00-8Selenium
 dioxideU2057488-56-4Selenium sulfide(R, T)U2057488-56-4Selenium sulfide
 SeS₂ (R, T)U015115-02-6L-Serine, diazoacetate (ester)See
 F02793-72-1Silvex
 (2,4,5-TP)U20618883-66-4StreptozotocinU10377-78-1Sulfuric acid, dimethyl
 esterU1891314-80-3Sulfur phosphide (R)See
 F02793-76-52,4,5-TU20795-94-31,2,4,5-TetrachlorobenzeneU208630-20-61,1,1
 ,2-TetrachloroethaneU20979-34-51,1,2,2-TetrachloroethaneU210127-18-4Tetr
 achloroethyleneSee
 F02758-90-22,3,4,6-TetrachlorophenolU213109-99-9Tetrahydrofuran
 (I)U214563-68-8Thallium (I) acetateU2156533-73-9Thallium (I)
 carbonateU2167791-12-0Thallium (I) chlorideU2167791-12-0Thallium
 chloride TlClU21710102-45-1Thallium (I)
 nitrateU21862-55-5ThioacetamideU41059669-26-0ThiodicarbU15374-93-1Thiome
 thanol (I, T)U244137-26-8Thioperoxydicarbonic diamide ((H₂N)C(S))₂S₂,
 tetramethyl-U40923564-05-8Thiophanate-methylU21962-56-6ThioureaU244137-2
 6-8ThiramU220108-88-3TolueneU22125376-45-8ToluenediamineU22326471-62-5To
 luene diisocyanate (R,
 T)U32895-53-4o-ToluidineU353106-49-0p-ToluidineU222636-21-5o-Toluidine
 hydrochlorideU3892303-17-5TriallateU01161-82-51H-1,2,4-Triazol-3-amineU2
 2779-00-5Ethane,
 1,1,2-trichloro-U22779-00-51,1,2-TrichloroethaneU22879-01-6Trichloroethy
 leneU12175-69-4TrichloromonofluoromethaneSee
 F02795-95-42,4,5-TrichlorophenolSee
 F02788-06-22,4,6-TrichlorophenolU404121-44-8TriethylamineU23499-35-41,3,
 5-Trinitrobenzene (R, T)U182123-63-71,3,5-Trioxane,
 2,4,6-trimethyl-U235126-72-7Tris (2,3-dibromopropyl)
 phosphateU23672-57-1Trypan blueU23766-75-1Uracil
 mustardU176759-73-9Urea, N-ethyl-N-nitroso-U177684-93-5Urea,
 N-methyl-N-nitroso-U04375-01-4Vinyl chlorideU24881-81-2Warfarin, and
 salts, when present at concentrations of 0.3 percent or
 lessU2391330-20-7Xylene (I)U20050-55-5Yohimban-16-carboxylic acid,
 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester,
 (3?,16?,17?,18?,20?)-U2491314-84-7Zinc phosphide Zn₃P₂, when present at
 concentrations of 10 percent or ~~less~~Numerical~~less~~
Numerical Listing

USEPA Hazardous Waste No.Chemical Abstracts No. (CAS No.)SubstanceHazard
 CodeUCode

U00175-07-0Acetaldehyde (I)U00175-07-0Ethanal (I)U00267-64-1Acetone
 (I)U00267-64-12-Propanone (I)U00375-05-8Acetonitrile (I,
 T)U00498-86-2AcetophenoneU00498-86-2Ethanone,
 1-phenyl-U00553-96-3Acetamide,
 N-9H-fluoren-2-yl-U00553-96-32-AcetylaminofluoreneU00675-36-5Acetyl
 chloride (C, R,
 T)U00779-06-1AcrylamideU00779-06-12-PropenamamideU00879-10-7Acrylic acid
 (I)U00879-10-72-Propenoic acid
 (I)U009107-13-1AcrylonitrileU009107-13-12-PropenenitrileU01050-07-7Aziri
 no(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione,
 6-amino-8-(((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-metho
 xy-5-methyl-, (1a-S-(1a?,8?,8a?,8b?))-U01050-07-7Mitomycin
 CU01161-82-5AmitroleU01161-82-51H-1,2,4-Triazol-3-amineU01262-53-3Anilin

e (I, T)U01262-53-3Benzenamine (I,
T)U014492-80-8AuramineU014492-80-8Benzenamine,
4,4'-carbonimidoylbis (N,N-dimethyl-U015115-02-6AzaserineU015115-02-6L-Se
rine, diazoacetate (ester)U016225-51-4Benz(c)acridineU01798-87-3Benzal
chlorideU01798-87-3Benzene,
(dichloromethyl)-U01856-55-3Benz(a)anthraceneU01971-43-2Benzene (I,
T)U02098-09-9Benzenesulfonic acid chloride (C,
R)U02098-09-9Benzenesulfonyl chloride (C,
R)U02192-87-5BenzideneU02192-87-5(1,1'-Biphenyl)-4,4'-diamineU02250-32-8
Benzo(a)pyreneU02398-07-7Benzene, (trichloromethyl)-(C, R,
T)U02398-07-7Benzotrichloride (C, R, T)U024111-91-1Dichloromethoxy
ethaneU024111-91-1Ethane,
1,1'-(methylenebis(oxy))bis(2-chloro-U025111-44-4Dichloroethyl
etherU025111-44-4Ethane,
1,1'-oxybis(2-chloro-U026494-03-1ChlornaphazinU026494-03-1Naphthaleneami
ne, N,N'-bis(2-chloroethyl)-U027108-60-1Dichloroisopropyl
etherU027108-60-1Propane,
2,2'-oxybis(2-chloro-U028117-81-71,2-Benzenedicarboxylic acid,
bis(2-ethylhexyl) esterU028117-81-7Diethylhexyl
phthalateU02974-83-9Methane, bromo-U02974-83-9Methyl
bromideU030101-55-3Benzene, 1-bromo-4-phenoxy-U030101-55-34-Bromophenyl
phenyl etherU03171-36-31-Butanol (I)U03171-36-3n-Butyl alcohol
(I)U03213765-19-0Calcium chromateU03213765-19-0Chromic acid H2CrO4,
calcium saltU033353-50-4Carbonic difluoride(R, T)U033353-50-4Carbon
oxyfluoride (R, T)U03475-87-6Acetaldehyde,
trichloro-U03475-87-6ChloralU035305-03-3Benzenebutanoic acid,
4-(bis(2-chloroethyl)amino)-U035305-03-3ChlorambucilU03657-74-9Chlordane
, ? and ? isomersU03657-74-94,7-Methano-1H-indene,
1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-U037108-90-7Benzene,
chloro-U037108-90-7ChlorobenzeneU038510-15-6Benzeneacetic acid,
4-chloro-?-(4-chlorophenyl)-?-hydroxy-, ethyl
esterU038510-15-6ChlorobenzilateU03959-50-7p-Chloro-m-cresolU03959-50-7P
henol, 4-chloro-3-methyl-U041106-89-8EpichlorohydrinU041106-89-8Oxirane,
(chloromethyl)-U042110-75-82-Chloroethyl vinyl etherU042110-75-8Ethene,
(2-chloroethoxy)-U04375-01-4Ethene, chloro-U04375-01-4Vinyl
chlorideU04467-66-3ChloroformU04467-66-3Methane,
trichloro-U04574-87-3Methane, chloro- (I, T)U04574-87-3Methyl chloride
(I, T)U046107-30-2Chloromethyl methyl etherU046107-30-2Methane,
chloromethoxy-U04791-58-7?-ChloronaphthaleneU04791-58-7Naphthalene,
2-chloro-U04895-57-8o-ChlorophenolU04895-57-8Phenol,
2-chloro-U0493165-93-3Benzenamine, 4-chloro-2-methyl-,
hydrochlorideU0493165-93-34-Chloro-o-toluidine,
hydrochlorideU050218-01-9ChryseneU051CreosoteU0521319-77-3Cresol
(Cresylic acid)U0521319-77-3Phenol,
methyl-U0534170-30-32-ButenalU0534170-30-3CrotonaldehydeU05598-82-8Benze
ne, (1-methylethyl)- (I)U05598-82-8Cumene (I)U056110-82-7Benzene,
hexahydro- (I)U056110-82-7Cyclohexane (I)U057108-94-1Cyclohexanone
(I)U05850-18-0CyclophosphamideU05850-18-02H-1,3,2-Oxazaphosphorin-2-amin
e, N,N-bis(2-chloroethyl)tetrahydro-,
2-oxideU05920830-81-3DaunomycinU05920830-81-35,12-Naphthacenedione,
8-acetyl-10-((3-amino-2,3,6-trideoxy)-?-L-lyxo-hexapyranosyl)oxyl)-7,8,9
,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-,

(8S-cis)-U06072-54-8Benzene,
1,1'-(2,2-dichloroethylidene)bis(4-chloro-U06072-54-8DDDU06150-29-3Benze
ne,
1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-U06150-29-3DDTU0622303-16-4
Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl)
esterU0622303-16-4DiallateU06353-70-3Dibenz(a,h)anthraceneU064189-55-9Be
nzo(rst)pentapheneU064189-55-9Dibenzo(a,i)pyreneU06696-12-81,2-Dibromo-3
-chloropropaneU06696-12-8Propane,
1,2-dibromo-3-chloro-U067106-93-4Ethane,
1,2-dibromo-U067106-93-4Ethylene dibromideU06874-95-3Methane,
dibromo-U06874-95-3Methylene bromideU06984-74-21,2-Benzenedicarboxylic
acid, dibutyl esterU06984-74-2Dibutyl phthalateU07095-50-1Benzene,
1,2-dichloro-U07095-50-1o-DichlorobenzeneU071541-73-1Benzene,
1,3-dichloro-U071541-73-1m-DichlorobenzeneU072106-46-7Benzene,
1,4-dichloro-U072106-46-7p-DichlorobenzeneU07391-94-1(1,1'-Biphenyl)-4,4
'-diamine,
3,3'-dichloro-U07391-94-13,3'-DichlorobenzidineU074764-41-02-Butene,
1,4-dichloro-(I,T)U074764-41-01,4-Dichloro-2-butene(I,
T)U07575-71-8DichlorodifluoromethaneU07575-71-8Methane,
dichlorodifluoro-U07675-34-3Ethane, 1,1-dichloro-U07675-34-3Ethylidene
dichlorideU077107-06-2Ethane, 1,2-dichloro-U077107-06-2Ethylene
dichlorideU07875-35-41,1-DichloroethyleneU07875-35-4Ethene,
1,1-dichloro-U079156-60-51,2-DichloroethyleneU079156-60-5Ethene,
1,2-dichloro-, (E)-U08075-09-2Methane, dichloro-U08075-09-2Methylene
chlorideU081120-83-22,4-DichlorophenolU081120-83-2Phenol,
2,4-dichloro-U08287-65-02,6-DichlorophenolU08287-65-0Phenol,
2,6-dichloro-U08378-87-5Propane, 1,2-dichloro-U08378-87-5Propylene
dichlorideU084542-75-61,3-DichloropropeneU084542-75-61-Propene,
1,3-dichloro-U0851464-53-52,2'-Bioxirane(I,
T)U0851464-53-51,2:3,4-Diepoxybutane(I,
T)U0861615-80-1N,N'-DiethylhydrazineU0861615-80-1Hydrazine,
1,2-diethyl-U0873288-58-20,O-Diethyl S-methyl
dithiophosphateU0873288-58-2Phosphorodithioic acid, O,O-diethyl S-methyl
esterU08884-66-21,2-Benzenedicarboxylic acid, diethyl
esterU08884-66-2Diethyl
phthalateU08956-53-1DiethylstilbestrolU08956-53-1Phenol,
4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-U09094-58-61,3-Benzodioxole,
5-propyl-U09094-58-6DihydrosafroleU091119-90-4(1,1'-Biphenyl)-4,4'-diami
ne,
3,3'-dimethoxy-U091119-90-43,3'-DimethoxybenzidineU092124-40-3Dimethylam
ine(I)U092124-40-3Methanamine, N-methyl-(I)U09360-11-7Benzenamine,
N,N-dimethyl-4-(phenylazo)-U09360-11-7p-DimethylaminoazobenzeneU09457-97
-6Benz(a)anthracene,
7,12-dimethyl-U09457-97-67,12-Dimethylbenz(a)anthraceneU095119-93-7(1,1'
-Biphenyl)-4,4'-diamine,
3,3'-dimethyl-U095119-93-73,3'-DimethylbenzidineU09680-15-9?,
?-Dimethylbenzylhydroperoxide(R)U09680-15-9Hydroperoxide,
1-methyl-1-phenylethyl-(R)U09779-44-7Carbamic chloride,
dimethyl-U09779-44-7Dimethylcarbamoyl
chlorideU09857-14-71,1-DimethylhydrazineU09857-14-7Hydrazine,
1,1-dimethyl-U099540-73-81,2-DimethylhydrazineU099540-73-8Hydrazine,
1,2-dimethyl-U101105-67-92,4-DimethylphenolU101105-67-9Phenol,

2,4-dimethyl-U102131-11-31,2-Benzenedicarboxylic acid, dimethyl esterU102131-11-3Dimethyl phthalateU10377-78-1Dimethyl sulfateU10377-78-1Sulfuric acid, dimethyl esterU105121-14-2Benzene, 1-methyl-2,4-dinitro-U105121-14-22,4-DinitrotolueneU106606-20-2Benzene, 2-methyl-1,3-dinitro-U106606-20-22,6-DinitrotolueneU107117-84-01,2-Benzenedicarboxylic acid, dioctyl esterU107117-84-0Di-n-octyl phthalateU108123-91-11,4-DiethyleneoxideU108123-91-11,4-DioxaneU109122-66-71,2-DiphenylhydrazineU109122-66-7Hydrazine, 1,2-diphenyl-U110142-84-7Dipropylamine (I)U110142-84-71-Propanamine, N-propyl-(I)U111621-64-7Di-n-propylnitrosamineU111621-64-71-Propanamine, N-nitroso-N-propyl-U112141-78-6Acetic acid, ethyl ester (I)U112141-78-6Ethyl acetate (I)U113140-88-5Ethyl acrylate (I)U113140-88-52-Propenoic acid, ethyl ester (I)U114P111-54-6Carbamodithioic acid, 1,2-ethanediybis-, salts and estersU114P111-54-6Ethylenebisdithiocarbamic acid, salts and estersU11575-21-8Ethylene oxide (I, T)U11575-21-8Oxirane (I, T)U11696-45-7EthylenethioureaU11696-45-72-ImidazolidinethioneU11760-29-7Ethane, 1,1'-oxybis- (I)U11760-29-7Ethyl ether(I)U11897-63-2Ethyl methacrylateU11897-63-22-Propenoic acid, 2-methyl-, ethyl esterU11962-50-0Ethyl methanesulfonateU11962-50-0Methanesulfonic acid, ethyl esterU120206-44-0FluorantheneU12175-69-4Methane, trichlorofluoro-U12175-69-4TrichloromonofluoromethaneU12250-00-0FormaldehydeU12364-18-6Formic acid (C, T)U124110-00-9Furan (I)U124110-00-9Furfuran (I)U12598-01-12-Furancarboxaldehyde (I)U12598-01-1Furfural (I)U126765-34-4GlycidylaldehydeU126765-34-4OxiranecarboxyaldehydeU127118-74-1Benzene, hexachloro-U127118-74-1HexachlorobenzeneU12887-68-31,3-Butadiene, 1,1,2,3,4,4-hexachloro-U12887-68-3HexachlorobutadieneU12958-89-9Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1?,2?,3?,4?,5?,6?) -U12958-89-9LindaneU13077-47-41,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-U13077-47-4HexachlorocyclopentadieneU13167-72-1Ethane, hexachloro-U13167-72-1HexachloroethaneU13270-30-4HexachloropheneU13270-30-4Phenol, 2,2'-methylenebis(3,4,6-trichloro-U133302-01-2Hydrazine (R, T)U1347664-39-3Hydrofluoric acid (C, T)U1347664-39-3Hydrogen fluoride (C, T)U1357783-06-4Hydrogen sulfideU1357783-06-4Hydrogen sulfide H2SU13675-60-5Arsinic acid, dimethyl-U13675-60-5Cacodylic acidU137193-39-5Indeno(1,2,3-cd)pyreneU13874-88-4Methane, iodo-U13874-88-4Methyl iodideU14078-83-1Isobutyl alcohol (I, T)U14078-83-11-Propanol, 2-methyl- (I, T)U141120-58-11,3-Benzodioxole, 5-(1-propenyl)-U141120-58-1IsosafroleU142143-50-0KeponeU142143-50-01,3,4-Metheno-2H-cyclobuta(cd)pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-U143303-34-42-Butenoic acid, 2-methyl-, 7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1?(Z), 7(2S*,3R*), 7a?))-U143303-34-4LasiocarpeneU144301-04-2Acetic acid, lead (2+) saltU144301-04-2Lead acetateU1457446-27-7Lead phosphateU1457446-27-7Phosphoric acid, lead (2+) salt (2:3)U1461335-32-6Lead, bis(acetato-O)tetrahydroxytri-U1461335-32-6Lead

subacetateU147108-31-62,5-FurandioneU147108-31-6Maleic
anhydrideU148123-33-1Maleic hydrazideU148123-33-13,6-Pyridazinedione,
1,2-dihydro-U149109-77-3MalononitrileU149109-77-3PropanedinitrileU150148
-82-3MelfhalanU150148-82-3L-Phenylalanine,
4-(bis(2-chloroethyl)amino)-U1517439-97-6MercuryU152126-98-7Methacryloni
trile (I, T)U152126-98-72-Propenenitrile, 2-methyl- (I,
T)U15374-93-1Methanethiol (I, T)U15374-93-1Thiomethanol (I,
T)U15467-56-1Methanol (I)U15467-56-1Methyl alcohol
(I)U15591-80-51,2-Ethanediamine,
N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-U15591-80-5Methapyrilen
eU15679-22-1Carbonochloridic acid, methyl ester (I, T)U15679-22-1Methyl
chlorocarbonate (I, T)U15756-49-5Benz(j)aceanthrylene,
1,2-dihydro-3-methyl-U15756-49-53-MethylcholanthreneU158101-14-4Benzenam
ine,
4,4'-methylenebis(2-chloro-U158101-14-44,4'-Methylenebis(2-chloroaniline
)U15978-93-32-Butanone (I, T)U15978-93-3Methyl ethyl ketone (MEK) (I,
T)U1601338-23-42-Butanone, peroxide (R, T)U1601338-23-4Methyl ethyl
ketone peroxide (R, T)U161108-10-1Methyl isobutyl ketone
(I)U161108-10-14-Methyl-2-pentanone (I)U161108-10-1Pentanol,
4-methyl- (I)U16280-62-6Methyl methacrylate (I, T)U16280-62-62-Propenoic
acid, 2-methyl-, methyl ester(I, T)U16370-25-7Guanidine,
N-methyl-N'-nitro-N-nitroso-U16370-25-7MNNGU16456-04-2MethylthiouracilU1
6456-04-24(1H)-Pyrimidinone,
2,3-dihydro-6-methyl-2-thioxo-U16591-20-3NaphthaleneU166130-15-41,4-Naph
thalenedioneU166130-15-41,4-NaphthoquinoneU167134-32-71-NaphthalenamineU
167134-32-7?-NaphthylamineU16891-59-82-NaphthalenamineU16891-59-8?-Naph
thylamineU16998-95-3Benzene, nitro- (I, T)U16998-95-3Nitrobenzene (I,
T)U170100-02-7p-NitrophenolU170100-02-7Phenol,
4-nitro-U17179-46-92-Nitropropane (I, T)U17179-46-9Propane, 2-nitro- (I,
T)U172924-16-31-Butanamine,
N-butyl-N-nitroso-U172924-16-3N-Nitrosodi-n-butylamineU1731116-54-7Ethan
ol,
2,2'-(nitrosoimino)bis-U1731116-54-7N-NitrosodiethanolamineU17455-18-5Et
hanamine,
N-ethyl-N-nitroso-U17455-18-5N-NitrosodiethylamineU176759-73-9N-Nitroso-
N-ethylureaU176759-73-9Urea,
N-ethyl-N-nitroso-U177684-93-5N-Nitroso-N-methylureaU177684-93-5Urea,
N-methyl-N-nitroso-U178615-53-2Carbamic acid, methylnitroso-, ethyl
esterU178615-53-2N-Nitroso-N-methylurethaneU179100-75-4N-Nitrosopiperidi
neU179100-75-4Piperidine,
1-nitroso-U180930-55-2N-NitrosopyrrolidineU180930-55-2Pyrrolidine,
1-nitroso-U18199-55-8Benzenamine,
2-methyl-5-nitro-U18199-55-85-Nitro-o-toluidineU182123-63-7ParaldehydeU1
82123-63-71,3,5-Trioxane, 2,4,6-trimethyl-U183608-93-5Benzene,
pentachloro-U183608-93-5PentachlorobenzeneU18476-01-7Ethane,
pentachloro-U18476-01-7PentachloroethaneU18582-68-8Benzene,
pentachloronitro-U18582-68-8Pentachloronitrobenzene
(PCNB)U186504-60-91-Methylbutadiene (I)U186504-60-91,3-Pentadiene
(I)U18762-44-2Acetamide,
N-(4-ethoxyphenyl)-U18762-44-2PhenacetinU188108-95-2PhenolU1891314-80-3P
hosphorus sulfide (R)U1891314-80-3Sulfur phosphide
(R)U19085-44-91,3-IsobenzofurandioneU19085-44-9Phthalic

anhydrideU191109-06-82-PicolineU191109-06-8Pyridine,
2-methyl-U19223950-58-5Benzamide,
3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-U19223950-58-5PronamideU1931120
-71-41,2-Oxathiolane, 2,2-dioxideU1931120-71-41,3-Propane
sultoneU194107-10-81-Propanamine (I, T)U194107-10-8n-Propylamine (I,
T)U196110-86-1PyridineU197106-51-4p-BenzoquinoneU197106-51-42,5-Cyclohex
adiene-1,4-dioneU20050-55-5ReserpineU20050-55-5Yohimban-16-carboxylic
acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester,
(3?,16?,17?,18?,20?)-U201108-46-31,3-BenzenediolU201108-46-3ResorcinolU2
0394-59-71,3-Benzodioxole,
5-(2-propenyl)-U20394-59-7SafroleU2047783-00-8Selenious
acidU2047783-00-8Selenium dioxideU2057488-56-4Selenium sulfide(R,
T)U2057488-56-4Selenium sulfide SeS₂ (R, T)U20618883-66-4Glucopyranose,
2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-U20618883-66-4D-Glucose,
2-deoxy-2-(((methylnitrosoamino)-carbonyl)amino)-U20618883-66-4Streptoza
tocinU20795-94-3Benzene,
1,2,4,5-tetrachloro-U20795-94-31,2,4,5-TetrachlorobenzeneU208630-20-6Eth
ane,
1,1,1,2-tetrachloro-U208630-20-61,1,1,2-TetrachloroethaneU20979-34-5Etha
ne,
1,1,2,2-tetrachloro-U20979-34-51,1,2,2-TetrachloroethaneU210127-18-4Ethe
ne, tetrachloro-U210127-18-4TetrachloroethyleneU21156-23-5Carbon
tetrachlorideU21156-23-5Methane, tetrachloro-U213109-99-9Furan,
tetrahydro- (I)U213109-99-9Tetrahydrofuran (I)U214563-68-8Acetic acid,
thallium (1+) saltU214563-68-8Thallium (I) acetateU2156533-73-9Carbonic
acid, dithallium (1+) saltU2156533-73-9Thallium (I)
carbonateU2167791-12-0Thallium (I) chlorideU2167791-12-0Thallium
chloride TlClU21710102-45-1Nitric acid, thallium (1+)
saltU21710102-45-1Thallium (I)
nitrateU21862-55-5EthanethioamideU21862-55-5ThioacetamideU21962-56-6Thio
ureaU220108-88-3Benzene,
methyl-U220108-88-3TolueneU22125376-45-8Benzenediamine,
ar-methyl-U22125376-45-8ToluenediamineU222636-21-5Benzenamine,
2-methyl-, hydrochlorideU222636-21-5o-Toluidine
hydrochlorideU22326471-62-5Benzene, 1,3-diisocyanatomethyl- (R,
T)U22326471-62-5Toluene diisocyanate (R,
T)U22575-25-2BromoformU22575-25-2Methane, tribromo-U22671-55-6Ethane,
1,1,1-trichloro-U22671-55-6MethylchloroformU22779-00-5 Ethane,
1,1,2-trichloro- U22779-00-~~51,1,2-TrichloroethaneU5~~
1,1,2-Trichloroethane U22879-01-6Ethene,
trichloro-U22879-01-6TrichloroethyleneU23499-35-4Benzene,
1,3,5-trinitro- (R, T)U23499-35-41,3,5-Trinitrobenzene (R,
T)U235126-72-71-Propanol, 2,3-dibromo-, phosphate
(3:1)U235126-72-7Tris(2,3-dibromopropyl)
phosphateU23672-57-12,7-Naphthalenedisulfonic acid,
3,3'-((3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)bis(azo)bis(5-amino-4-hyd
roxy)-, tetrasodium saltU23672-57-1Trypan
blueU23766-75-12,4-(1H,3H)-Pyrimidinedione,
5-(bis(2-chloroethyl)amino)-U23766-75-1Uracil mustardU23851-79-6Carbamic
acid, ethyl esterU23851-79-6Ethyl carbamate
(urethane)U2391330-20-7Benzene, dimethyl- (I, T)U2391330-20-7Xylene (I,
T)U240P 94-75-7Acetic acid, (2,4-dichlorophenoxy)-, salts and

estersU240P 94-75-72,4-D, salts and
estersU2431888-71-7HexachloropropeneU2431888-71-71-Propene,
1,1,2,3,3,3-hexachloro-U244137-26-8Thioperoxydicarbonic diamide
(H2N)C(S))2S2, tetramethyl-U244137-26-8ThiramU246506-68-3Cyanogen
bromide CNBrU24772-43-5Benzene,
1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy-U24772-43-5MethoxychlorU24
881-81-22H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and
salts, when present at concentrations of 0.3 percent or
lessU24881-81-2Warfarin, and salts, when present at concentrations of
0.3 percent or lessU2491314-84-7Zinc phosphide Zn3P2, when present at
concentrations of 10 percent or
lessU27117804-35-2BenomylU27117804-35-2Carbamic acid,
(1-(butylamino)carbonyl)-1H-benzimidazol-2-yl)-, methyl
esterU27822781-23-3BendiocarbU27822781-23-31,3-Benzodioxol-4-ol,
2,2-dimethyl-, methyl
carbamateU27963-25-2CarbarylU27963-25-21-Naphthalenol,
methylcarbamateU280101-27-9BarbanU280101-27-9Carbamic acid,
(3-chlorophenyl)-, 4-chloro-2-butynyl esterU32895-53-4Benzenamine,
2-methyl-U32895-53-4o-ToluidineU353106-49-0Benzenamine,
4-methyl-U353106-49-0p-ToluidineU359110-80-5Ethanol,
2-ethoxy-U359110-80-5Ethylene glycol monoethyl
etherU36422961-82-6Bendiocarb phenolU36422961-82-61,3-Benzodioxol-4-ol,
2,2-dimethyl-U3671563-38-87-Benzofuranol,
2,3-dihydro-2,2-dimethyl-U3671563-38-8Carbofuran
phenolU37210605-21-7Carbamic acid, 1H-benzimidazol-2-yl, methyl
esterU37210605-21-7CarbendazimU373122-42-9Carbamic acid, phenyl-,
1-methylethyl esterU373122-42-9ProphamU38752888-80-9Carbamothioic acid,
dipropyl-, S-(phenylmethyl)
esterU38752888-80-9ProsulfocarbU3892303-17-5Carbamothioic acid,
bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl)
esterU3892303-17-5TriallateU39430558-43-1A2213U39430558-43-1Ethanimidoth
ioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl
esterU3955952-26-1Diethylene glycol, dicarbamateU3955952-26-1Ethanol,
2,2'-oxybis-, dicarbamateU404121-44-8Ethanamine,
N,N-diethyl-U404121-44-8TriethylamineU40923564-05-8Carbamic acid,
(1,2-phenylenebis(iminocarbonothioyl))bis-, dimethyl
esterU40923564-05-8Thiophanate-methylU41059669-26-0Ethanimidothioic
acid, N,N'-(thiobis((methylimino)carbonyloxy))bis-, dimethyl
esterU41059669-26-0ThiodicarbU411114-26-1Phenol, 2-(1-methylethoxy)-,
methylcarbamateU411114-26-1Propoxur
(Source: Amended at 42 Ill. Reg. _____, effective
_____)

SUBPART E: EXCLUSIONS AND EXEMPTIONS

Section 721.139 Conditional Exclusion for Used, Broken CRTs and
Processed CRT Glass Undergoing Recycling

Used, broken CRTs are not solid waste if they meet the following
conditions:

a) Prior to CRT processing. These materials are not solid wastes if they are destined for recycling and they meet the following requirements:

1) Storage. The broken CRTs must be managed in either of the following ways:

A) They are stored in a building with a roof, floor, and walls, or

B) They are placed in a container (i.e., a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

2) Labeling. Each container in which the used, broken CRT is contained must be labeled or marked clearly with one of the following phrases: "Used cathode ray tubes - contains leaded glass " or "Leaded glass from televisions or computers-". It must also be labeled with the following statement: "Do not mix with other glass materials."

3) Transportation. The used, broken CRTs must be transported in a container meeting the requirements of subsections (a)(1)(B) and (a)(2)-~~of this Section.~~

4) Speculative accumulation and use constituting disposal. The used, broken CRTs are subject to the limitations on speculative accumulation, as defined in subsection (c)(8)-~~of this Section.~~ If they are used in a manner constituting disposal, they must comply with the applicable requirements of Subpart C of 40 CFR 726, instead of the requirements of this Section.

5) Exports. In addition to the applicable conditions specified in subsections (a)(1) through (a)(4)-~~of this Section,~~ an exporter of used, broken CRTs must comply with the following requirements:

A) It must notify the Agency and USEPA of an intended export before the CRTs are scheduled to leave the United States. A complete notification should be submitted sixty (60) days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a 12-month or shorter period. The notification must be in writing, signed by the exporter, and include the following information:

i) The name, mailing address, telephone number and USEPA identification number (if applicable) of the exporter of the CRTs.

ii) The estimated frequency or rate at which the CRTs are to be exported and the period of time over which they are to be exported.

iii) The estimated total quantity of CRTs specified in kilograms.

iv) All points of entry to and departure from each foreign country through which the CRTs will pass.

v) A description of the means by which each shipment of the CRTs will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), types of container (drums, boxes, tanks, etc.)).

vi) The name and address of the recycler or recyclers and the estimated quantity of used CRTs to be sent to each facility, as well as the name of any alternate recycler.

vii) A description of the manner in which the CRTs will be recycled in the foreign country that will be receiving the CRTs.

viii) The name of any transit country through which the CRTs will be sent and a description of the approximate length of time the CRTs will remain in such country and the nature of their handling while there.

B) Notifications ~~must be~~ submitted electronically using USEPA's Waste Import Export Tracking System (WIETS). ~~Whether delivered by mail or hand-delivered, the following words must be prominently displayed on the front of any envelope containing an export notification: "Attention: Notification of Intent to Export CRTs."~~

i) An export notification submitted to USEPA by mail must be sent to the following mailing address:

Office of Enforcement and Compliance Assurance
Office of Federal Activities, International Compliance Assurance
Division (Mail Code 2254A)
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

ii) An export notification hand-delivered to USEPA must be sent to:

Office of Enforcement and Compliance Assurance
Office of Federal Activities, International Compliance Assurance
Division (Mail Code 2254A)
Environmental Protection Agency
Ariel Rios Bldg., Room 6144
1200 Pennsylvania Ave., NW
Washington, DC 20460

iii) An export notification submitted to the Agency by mail or hand-delivered must be sent to the following mailing address:

Illinois Environmental Protection Agency
Bureau of Land Pollution Control
1021 North Grand Ave East
P.O. Box 19276
Springfield, IL 62794-9276

C) Upon request by the Agency or USEPA, the exporter must furnish to the Agency and USEPA any additional information which a receiving country requests in order to respond to a notification.

D) USEPA has stated that it will provide a complete notification to the receiving country and any transit countries. A notification is complete when the Agency and USEPA receives a notification that USEPA determines satisfies the requirements of subsection (a) (5) (A) ~~of this Section. Where a claim of confidentiality is asserted with respect to any notification information required by subsection (a) (5) (A) of this Section, USEPA has stated that it may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.~~

E) The export of CRTs is prohibited, unless all of the following occur:

i) The ~~the~~ receiving country consents to the intended export. When the receiving country consents in writing to the receipt of the CRTs, USEPA has stated that it will forward a USEPA an Acknowledgment of Consent (AOC) to Export CRTs to the exporter. Where the receiving country objects to receipt of the CRTs or withdraws a prior consent, USEPA has stated that it will notify the exporter in writing. USEPA has stated that it will also notify the exporter of any responses from transit countries.

ii) The exporter or a U.S. authorized agent must fulfill the requirements of subsection (a) (6).

BOARD NOTE: The Board moved the text of corresponding 40 CFR 261.39(a) (5) (v) (B) (1) through (a) (5) (v) (B) (2) (vii) to appear as subsections (a) (6) (A) through (a) (6) (B) (vii) to comport with codification requirements.

F) When the conditions specified on the original notification change, the exporter must provide the Agency and USEPA with a written renotification of the change using the allowable methods listed in subsection (a) (5) (ii) of this section, except for changes to the telephone number in subsection (a) (5) (A) (i) ~~of this Section~~ and decreases in the quantity indicated pursuant to subsection (a) (5) (A) (iii) ~~of this Section~~. The shipment cannot take place until consent of the receiving country to the changes has been obtained (except for changes to information about points of entry and departure and transit countries pursuant to subsections (a) (5) (A) (iv) and (a) (5) (A) (viii) ~~of this Section~~) and the exporter of CRTs receives from USEPA a copy of the AOC ~~Acknowledgment of Consent~~ to Export CRTs reflecting the receiving country's consent to the changes.

G) A copy of the AOC ~~Acknowledgment of Consent~~ to Export CRTs must accompany the shipment of CRTs. The shipment must conform to the terms of the Acknowledgment.

H) If a shipment of CRTs cannot be delivered for any reason to the recycler or the alternate recycler, the exporter of CRTs must renotify the Agency and USEPA of a change in the conditions of the original notification to allow shipment to a new recycler in accordance with subsection (a) (5) (F) ~~of this Section~~ and obtain another AOC ~~Acknowledgment of Consent~~ to Export CRTs.

I) An exporter must keep copies of notifications and AOCs ~~Acknowledgments of Consent to~~ Export CRTs for a period of three years following receipt of the AOC ~~Acknowledgment~~. An exporter may satisfy this recordkeeping requirement by retaining electronically submitted notifications or electronically generated Acknowledgements in the CRT exporter's account on USEPA's WIETS, or its successor system, provided that such copies are readily available for viewing and production if requested by any USEPA or authorized state inspector. No CRT exporter may be held liable for the inability to produce a notification or Acknowledgement for inspection under this section if the CRT exporter can demonstrate that the inability to produce such copies are due exclusively to technical difficulty with USEPA's WIETS, or its successor system for which the CRT exporter bears no responsibility.

J) A CRT exporter must file with USEPA, no later than March 1 of each year, an annual report summarizing the quantities (in kilograms), frequency of shipment, and ultimate destinations (i.e., the facility or facilities where the recycling occurs) of all used CRTs exported during the previous calendar year. This annual report must also include the following:

i) The name, USEPA identification number (if applicable), and mailing and site address of the exporter;

ii) The calendar year covered by the report;

iii) A certification signed by the CRT exporter that states as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

K) Annual reports must be submitted to the office listed using the allowable methods specified in subsection (a) (5) (B). Exporters must keep copies of each annual report for a period of at least three years after the due date of the report. An exporter may satisfy this recordkeeping requirement by retaining electronically submitted annual reports in the CRT exporter's account on USEPA's WIETS, or its successor system, provided that a copy is readily available for viewing and production if

requested by any USEPA or authorized Agency inspector. No CRT exporter may be held liable for the inability to produce an annual report for inspection under this Section if the CRT exporter can demonstrate that the inability to produce the annual report is due exclusively to technical difficulty with USEPA's WIETS, or its successor system for which the CRT exporter bears no responsibility. ~~Annual reports must be submitted to the office specified in subsection (a) (5) (B) of this Section. A CRT exporter must keep copies of each annual report for a period of at least three years from the due date of the report.~~

BOARD NOTE: The hazardous waste import and export rules define "USEPA Acknowledgement of Consent in 35 Ill. Adm. Code 722.181.

6) AES Reporting Requirements.

A) Submit Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 CFR 30.4(b), incorporated by reference in 35 Ill. Adm. Code 720.111.

B) Include the following items in the EEI, along with the other information required under 15 CFR 30.6, incorporated by reference in 35 Ill. Adm. Code 720.111:

- i) The USEPA license code;
- ii) The commodity classification code (per 15 CFR 30.6(a)(12));
- iii) The USEPA consent number;
- iv) The country of ultimate destination (per 15 CFR 30.6(a)(5));;
- v) The date of export (per 15 CFR 30.6(a)(2));;
- vi) The quantity of waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume (per 15 CFR 30.6(a)(15));; or
- vii) The USEPA net quantity reported in units of kilograms, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

BOARD NOTE: The Board moved the text of corresponding 40 CFR 261.39(a)(5)(v)(B)(1) through (a)(5)(v)(B)(2)(vii) to appear as subsections (a)(6)(A) through (a)(6)(B)(vii) to comport with codification requirements.

BOARD NOTE: Corresponding 40 CFR 261.39(a)(5) requires communications relating to export of CRTs between the exporter and USEPA. It is clear that USEPA intends to maintain its central role between the exporter and the export-receiving country and its granting authorization to export.

Nevertheless, the Board has required the exporter submit to the Agency also whatever notifications it must submit to USEPA relating to the export. The intent is to facilitate the Agency's efforts towards assurance of compliance with the regulations as a whole, and not to require a separate authorization for export by the Agency.

b) Requirements for used CRT processing. Used, broken CRTs undergoing CRT processing, as defined in 35 Ill. Adm. Code 720.110, are not solid waste if they meet the following requirements:

1) Storage. Used, broken CRTs undergoing CRT processing are subject to the requirement of subsection (a)(4) of this Section.

2) CRT processing.

A) All activities specified in the second and third paragraphs of the definition of "CRT processing" in 35 Ill. Adm. Code 720.110 must be performed within a building with a roof, floor, and walls; and

BOARD NOTE: The activities specified in the second and third paragraphs of the definition of "CRT processing" are "intentionally breaking intact CRTs or further breaking or separating broken CRTs" and "sorting or otherwise managing glass removed from CRT monitors-".

B) No activities may be performed that use temperatures high enough to volatilize lead from CRTs.

c) Glass from CRT processing that is sent to CRT glass making or lead smelting. Glass from CRT processing that is destined for recycling at a CRT glass manufacturer or a lead smelter after CRT processing is not a solid waste unless it is speculatively accumulated, as defined in Section 721.101(c)(8).

d) Use constituting disposal. Glass from CRT processing that is used in a manner constituting disposal must comply with the requirements of Subpart C of 35 Ill. Adm. Code 726 instead of the requirements of this Section.

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

Section 721.141 Notification and Recordkeeping for Used, Intact CRTs Exported for Reuse

a) A CRT exporter that exports used, intact CRTs for reuse must send a notification to the Agency and USEPA. This notification may cover export activities extending over a 12-month or lesser period.

1) The notification must be in writing, signed by the exporter, and include the following information:

- A) Name, mailing address, telephone number, and USEPA identification number (if applicable) of the exporter of the used, intact CRTs;
- B) The estimated frequency or rate at which the used, intact CRTs are to be exported for reuse and the period of time over which they are to be exported;
- C) The estimated total quantity of used, intact CRTs specified in kilograms;
- D) All points of entry to and departure from each transit country through which the used, intact CRTs will pass, a description of the approximate length of time the used, intact CRTs will remain in that country, and the nature of their handling while there;
- E) A description of the means by which each shipment of the used, intact CRTs will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), types of container (drums, boxes, tanks, etc.));
- F) The name and address of the ultimate destination facility or facilities where the used, intact CRTs will be reused, refurbished, distributed, or sold for reuse and the estimated quantity of used, intact CRTs to be sent to each facility, as well as the name of any alternate destination facility or facilities;
- G) A description of the manner in which the used, intact CRTs will be reused (including reuse after refurbishment) in the foreign country that will be receiving the used, intact CRTs; and
- H) A certification signed by the CRT exporter that states as follows:

"I certify under penalty of law that the CRTs described in this notice are intact and fully functioning or capable of being functional after refurbishment and that the used CRTs will be reused or refurbished and reused. I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

- 2) Notifications submitted by mail should be sent to the following mailing address:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division (Mail Code 2254A)
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Hand-delivered notifications should be sent to the following address:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division (Mail Code 2254A)
Environmental Protection Agency
William Jefferson Clinton Building, Room 6144
1200 Pennsylvania Ave., NW
Washington, DC 20004

In either case, the following must be prominently displayed on the front of the envelope:

"Attention: Notification of Intent to Export CRTs-".

A notification submitted to the Agency by mail or hand-delivered must be sent to the following mailing address:

Illinois Environmental Protection Agency
Bureau of Land Pollution Control
1021 North Grand Ave., East
P.O. Box 19276
Springfield, IL 62794-9276

b) A CRT exporter that exports used, intact CRTs for reuse must keep copies of normal business records, such as contracts, demonstrating that each shipment of exported used, intact CRTs will be reused. This documentation must be retained for a period of at least three years from the date the CRTs were exported. If the documents are written in a language other than English, a CRT exporter of used, intact CRTs sent for reuse must provide both the original, non-English version of the normal business records, as well as a third-party translation of the normal business records into English, within 30 days after a request by USEPA.

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

SUBPART H: FINANCIAL REQUIREMENTS FOR MANAGEMENT
OF EXCLUDED HAZARDOUS SECONDARY MATERIALS

Section 721.242 Cost Estimate

a) The owner or operator of a reclamation or intermediate facility must have a detailed written estimate, in current dollars, of the cost of disposing of any hazardous secondary material as listed or characteristic hazardous waste, and the potential cost of closing the facility as a treatment, storage, and disposal facility.

1) The estimate must equal the cost of conducting the activities described in this subsection (a) at the point when the extent and manner

of the facility's operation would make these activities the most expensive.

2) The cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct these activities. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of "parent corporation" in 35 Ill. Adm. Code 725.241(d).) The owner or operator may use costs for on-site disposal in accordance with applicable requirements if the owner or operator can demonstrate that on-site disposal capacity will exist at all times over the life of the facility.

3) The cost estimate may not incorporate any salvage value that may be realized with the sale of hazardous secondary materials, hazardous waste, non-hazardous wastes (if permitted by the Agency pursuant to 35 Ill. Adm. Code 725.213(d)), facility structures or equipment, land, or other assets associated with the facility.

4) The owner or operator may not incorporate a zero cost for hazardous secondary materials, hazardous waste, non-hazardous wastes (if permitted by the Agency pursuant to 35 Ill. Adm. Code 725.213(d)) that might have economic value.

b) During the active life of the facility, the owner or operator must adjust the written cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with the requirements of Section 721.243. An owner or operator that uses the financial test or corporate guarantee must update its cost estimate for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the Agency and USEPA pursuant to Section 721.243(e)(3). The adjustment may be made by recalculating the cost estimate in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product (Deflator) published by the U.S. Department of Commerce, as specified in subsections (b)(1) and (b)(2) ~~of this Section~~. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

1) The first adjustment is made by multiplying the cost estimate by the inflation factor. The result is the adjusted cost estimate.

2) Subsequent adjustments are made by multiplying the latest adjusted cost estimate by the latest inflation factor.

BOARD NOTE: The table of Deflators is available as Table 1.1.9. in the National Income and Product Account Tables, published by U.S. Department of Commerce, Bureau of Economic Analysis, National Economic Accounts, available on-line at the following web address:

www.bea.gov/national/nipaweb/?TableView.asp?SelectedTable=13&FirstYear=2002&LastYear=2004&Freq=Qtr.

c) During the active life of the facility, the owner or operator must revise the cost estimate no later than 30 days after a change in a facility's operating plan or design that would increase the costs of conducting the activities described in subsection (a) ~~of this Section~~ or no later than 60 days after an unexpected event which increases the cost of conducting the activities described in subsection (a) of this Section. The revised cost estimate must be adjusted for inflation, as specified in subsection (b) ~~of this Section~~.

d) The owner or operator must keep the following documents at the facility during the operating life of the facility: The latest cost estimate prepared in accordance with subsections (a) and (c) ~~of this Section~~ and, when this estimate has been adjusted in accordance with subsection (b) ~~of this Section~~, the latest adjusted cost estimate.

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

Section 721.243 Financial Assurance Condition

As required by Section 721.104(a)(24)(F)(vi), an owner or operator of a reclamation facility or an intermediate facility must have financial assurance as a condition of the exclusion. The owner or operator must choose from among the options specified in subsections (a) through (e) ~~of this Section~~.

a) Trust fund.

1) An owner or operator may satisfy the requirements of this Section by establishing a trust fund that conforms to the requirements of this subsection (a) and submitting an originally signed duplicate of the trust agreement to the Agency. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

2) The wording of the trust agreement must be identical to the wording specified by the Agency pursuant to Section 721.251, and the trust agreement must be accompanied by a formal certification of acknowledgment as specified by the Agency pursuant to Section 721.251. Schedule A of the trust agreement must be updated within 60 days after any change in the amount of the current cost estimate covered by the agreement.

3) The trust fund must be funded for the full amount of the current cost estimate before it may be relied upon to satisfy the requirements of this Section.

4) Whenever the current cost estimate changes, the owner or operator must compare the new cost estimate with the trustee's most recent annual valuation of the trust fund. Within 60 days after the change in the cost estimate, if the value of the fund is less than the amount of the new cost estimate, the owner or operator must either deposit an amount

into the fund so that its value after this deposit at least equals the amount of the current cost estimate, or the owner or operator must obtain other financial assurance that satisfies the requirements of this Section to cover the difference.

5) If the value of the trust fund is greater than the total amount of the current cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current cost estimate.

6) If an owner or operator substitutes other financial assurance that satisfies the requirements of this Section for all or part of the trust fund, it may submit a written request to the Agency for release of the amount in excess of the current cost estimate covered by the trust fund.

7) Within 60 days after receiving a request from the owner or operator for a release of funds, as specified in subsection (a)(5) or (a)(6) ~~of this Section~~, the Agency must instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing. If the owner or operator begins final closure pursuant to Subpart G of 35 Ill. Adm. Code 724 or 725, it may request reimbursements for partial or final closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursements for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing the facility over its remaining operating life. No later than 60 days after receiving bills for partial or final closure activities, if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan, or otherwise justified, the Agency must instruct the trustee to make reimbursements in those amounts as the Agency specifies in writing. If the Agency has reason to believe that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, the Agency may withhold reimbursements of such amounts as the Agency deems prudent until the Agency determines, in accordance with 35 Ill. Adm. Code 725.243(i), that the owner or operator is no longer required to maintain financial assurance for final closure of the facility. If the Agency does not instruct the trustee to make such reimbursements, the Agency must provide to the owner or operator a detailed written statement of reasons.

8) The Agency must agree to termination of the trust fund when either of the following has occurred:

A) The Agency determines that the owner or operator has substituted alternative financial assurance that satisfies the requirements of this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) ~~of this Section~~.

b) Surety bond guaranteeing payment into a trust fund.

1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this subsection (b) and submitting the bond to the Agency. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury.

BOARD NOTE: The U.S. Department of the Treasury updates Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies," on an annual basis pursuant to 31 CFR 223.16. Circular 570 is available on the Internet from the following website: <http://www.fms.treas.gov/c570/>.

2) The wording of the surety bond must be identical to the wording specified by the Agency pursuant to Section 721.251.

3) The owner or operator who uses a surety bond to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a) ~~of this Section~~, except that the following also apply:

A) The owner or operator must submit an originally signed duplicate of the trust agreement to the Agency with the surety bond; and

B) Until the standby trust fund is funded pursuant to the requirements of this Section, the following are not required:

i) Payments into the trust fund, as specified in subsection (a) ~~of this Section~~;

ii) Updating of Schedule A of the trust agreement to show current cost estimates;

iii) Annual valuations, as required by the trust agreement; and

iv) Notices of nonpayment, as required by the trust agreement.

4) The bond must guarantee that the owner or operator will undertake one of the following actions:

A) That the owner or operator will fund the standby trust fund in an amount equal to the penal sum of the bond before loss of the exclusion pursuant to Section 721.104(a)(24);

B) That the owner or operator will fund the standby trust fund in an amount equal to the penal sum within 15 days after an administrative order to begin closure issued by the Agency becomes final, or within 15

days after an order to begin closure is issued by the Board or a court of competent jurisdiction; or

C) Within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety, that the owner or operator will provide alternate financial assurance that satisfies the requirements of this Section and obtain the Agency's written approval of the assurance provided.

5) Under the terms of the bond, the surety must become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

6) The penal sum of the bond must be in an amount at least equal to the current cost estimate, except as provided in subsection (f) ~~of this Section~~.

7) Whenever the current cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance that satisfies the requirements of this Section to cover the increase. Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate following written approval by the Agency.

8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

9) The owner or operator may cancel the bond if the Agency has given prior written consent based on the Agency's receipt of evidence of alternate financial assurance that satisfies the requirements of this Section.

c) Letter of credit.

1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this subsection (c) and submitting the letter to the Agency. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

2) The wording of the letter of credit must be identical to the wording specified by the Agency pursuant to Section 721.251.

3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a) ~~of this Section~~, except that the following also apply:

A) The owner or operator must submit an originally signed duplicate of the trust agreement to the Agency with the letter of credit; and

B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required:

i) Payments into the trust fund, as specified in subsection (a) ~~of this Section~~;

ii) Updating of Schedule A of the trust agreement to show current cost estimates;

iii) Annual valuations, as required by the trust agreement; and

iv) Notices of nonpayment, as required by the trust agreement.

4) The letter of credit must be accompanied by a letter from the owner or operator that refers to the letter of credit by number, issuing institution, and date, and which provides the following information: The USEPA identification number (if any issued), name, and address of the facility, and the amount of funds assured for the facility by the letter of credit.

5) The letter of credit must be irrevocable, and the letter must be issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.

6) The letter of credit must be issued in an amount at least equal to the current cost estimate, except as provided in subsection (f) ~~of this Section~~.

7) Whenever the current cost estimate increases to an amount greater than the amount of the credit, within 60 days after the increase, the owner or operator must either cause the amount of the credit to be increased, so that it at least equals the current cost estimate, and submit evidence of such increase to the Agency, or it must obtain other financial assurance that satisfies the requirements of this Section to

cover the increase. Whenever the current cost estimate decreases, the amount of the credit may be reduced to the amount of the current cost estimate following written approval by the Agency.

8) Following a determination by the Agency that the hazardous secondary materials do not meet the conditions of the exclusion set forth in Section 721.104(a)(24), the Agency may draw on the letter of credit.

9) If the owner or operator does not establish alternative financial assurance that satisfies the requirements of this Section and obtain written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency may draw on the letter of credit. The Agency may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension, the Agency may draw on the letter of credit if the owner or operator has failed to provide alternative financial assurance that satisfies the requirements of this Section and obtain written approval of such assurance from the Agency.

10) The Agency must return the letter of credit to the issuing institution for termination when either of the following occurs:

A) The owner or operator substitutes alternative financial assurance that satisfies the requirements of this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) ~~of this Section~~.

d) Insurance.

1) An owner or operator may satisfy the requirements of this Section by obtaining insurance that conforms to the requirements of this subsection (d) and submitting a certificate of such insurance to the Agency. At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.

2) The wording of the certificate of insurance must be identical to the wording specified by the Agency pursuant to Section 721.251.

3) The insurance policy must be issued for a face amount at least equal to the current cost estimate, except as provided in subsection (f) ~~of this Section~~. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

4) The insurance policy must guarantee that funds will be available whenever needed to pay the cost of removal of all hazardous secondary

materials from the unit, to pay the cost of decontamination of the unit, and to pay the costs of the performance of activities required under Subpart G of 35 Ill. Adm. Code 724 or 725, as applicable, for the facilities covered by the policy. The policy must also guarantee that once funds are needed, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency, to such party or parties as the Agency specifies.

5) After beginning partial or final closure pursuant to 35 Ill. Adm. Code 724 or 725, as applicable, an owner or operator or any other authorized person may request reimbursements for closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursements only if the remaining value of the policy is sufficient to cover the maximum costs of closing the facility over its remaining operating life. If the Agency determines that the expenditures are in accordance with the approved plan or are otherwise justified, the Agency must, within 60 days after receiving bills for closure activities, instruct the insurer in writing to make reimbursements in such amounts as the Agency specifies. If the Agency has reason to believe that the maximum cost over the remaining life of the facility will be significantly greater than the face amount of the policy, the Agency may withhold reimbursement of such amounts as the Agency deems prudent until the Agency determines, in accordance with subsection (h) ~~of this Section~~, that the owner or operator is no longer required to maintain financial assurance for the particular facility. If the Agency does not instruct the insurer to make such reimbursements, the Agency must provide to the owner or operator a detailed written statement of reasons.

BOARD NOTE: The owner or operator may appeal any Agency determination made pursuant to this subsection (d)(5), as provided by Section 40 of the Act ~~{415 ILCS 5/40}~~.

6) The owner or operator must maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator, as specified in subsection (d)(10) ~~of this Section~~. Failure to pay the premium, without substitution of alternate financial assurance as specified in this Section, will constitute a significant violation of these regulations warranting such remedy as is deemed necessary pursuant to Sections 31, 39, and 40 of the Act ~~{415 ILCS 5/31, 39, and 40}~~. Such a violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination, or failure to renew the policy due to nonpayment of the premium, rather than upon the date of policy expiration.

7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditioned on consent of the insurer, so long as the policy provides that the insurer may not unreasonably refuse such consent.

8) The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy, except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If the owner or operator fails to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination, or failure to renew may not occur, however, during the 120 days that begin on the date that both the Agency and the owner or operator have received the notice, as evidenced by the return receipts. Cancellation, termination, or failure to renew the policy may not occur, and the policy will remain in full force and effect, in the event that on or before the expiration date, one of the following events occurs:

- A) The Agency deems the facility abandoned;
- B) Conditional exclusion or interim status is lost, terminated, or revoked;
- C) Closure is ordered by the Board or a court of competent jurisdiction;
- D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 of the U.S. Code (Bankruptcy); or
- E) The premium due has been paid.

9) Whenever the owner or operator learns that the current cost estimate has increased to an amount greater than the face amount of the policy, the owner or operator must, within 60 days after learning of the increase, either cause the face amount to be increased to an amount at least equal to the current cost estimate and submit evidence of such increase to the Agency, or the owner or operator must obtain other financial assurance that satisfies the requirements of this Section to cover the increase. Whenever the current cost estimate decreases, the face amount may be reduced to the amount of the current cost estimate after the owner or operator has obtained the written approval of the Agency.

10) The Agency must give written consent that allows the owner or operator to terminate the insurance policy when either of the following events occurs:

- A) The Agency has determined that the owner or operator has substituted alternative financial assurance that satisfies the requirements of this Section; or
- B) The Agency has released the owner or operator from the requirements of this Section pursuant to subsection (i) ~~of this Section.~~
 - e) Financial test and corporate guarantee.

1) An owner or operator may satisfy the requirements of this Section by demonstrating that the owner or operator passes one of the financial tests specified in this subsection (e). To pass a financial test, the owner or operator must meet the criteria of either subsection (e) (1) (A) or (e) (1) (B) ~~of this Section~~:

A) Test 1. The owner or operator must have each of the following:

i) Two of the following three ratios: A ratio of total liabilities to net worth less than ~~2-02:0~~; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than ~~0-10:1~~; and a ratio of current assets to current liabilities greater than ~~1-51:5~~;

ii) Net working capital and tangible net worth each at least six times the sum of the current cost estimates and the current plugging and abandonment cost estimates;

iii) Tangible net worth of at least \$10 million; and

iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current cost estimates and the current plugging and abandonment cost estimates.

B) Test 2. The owner or operator must have each of the following:

i) A current rating for its most recent bond issuance of AAA, AA, A, or BBB, as issued by Standard and Poor's, or Aaa, Aa, A, or Baa, as issued by Moody's;

ii) Tangible net worth at least six times the sum of the current cost estimates and the current plugging and abandonment cost estimates;

iii) Tangible net worth of at least \$10 million; and

iv) Assets located in the United States amounting to either at least 90 percent of total assets or at least six times the sum of the current cost estimates and the current plugging and abandonment cost estimates.

2) Definitions.

"Current cost estimates₇", as used in subsection (e) (1) ~~of this Section~~, refers to the following four cost estimates required in the standard letter from the owner's or operator's chief financial officer:

The cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in subsections (e) (1) through (e) (9) ~~of this Section~~;

The cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the corporate guarantee specified in subsection (e) (10) ~~of this Section~~;

For facilities in a state outside of Illinois, the cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in Subpart H of 40 CFR 261 or through a financial test deemed by USEPA as equivalent to that set forth in Subpart H of 40 CFR 261; and

The cost estimate for each facility for which the owner or operator has not demonstrated financial assurance to the Agency, USEPA, or a sister state in which the facility is located by any mechanism that satisfies the requirements of the applicable of this Subpart H, Subpart H of 40 CFR 261, or regulations deemed by USEPA as equivalent to Subpart H of 40 CFR 261.

"Current plugging and abandonment cost estimates," as used in subsection (e) (1) ~~of this Section~~, refers to the following four cost estimates required in the standard form of a letter from the owner's or operator's chief financial officer (see 35 Ill. Adm. Code 704.240):

The cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in 35 Ill. Adm. Code 704.219(a) through (i);

The cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in 35 Ill. Adm. Code 704.219(j);

For facilities in a state outside of Illinois, the cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in Subpart F of 40 CFR 144 or through a financial test deemed by USEPA as equivalent to that set forth in Subpart F of 40 CFR 144; and

The cost estimate for each facility for which the owner or operator has not demonstrated financial assurance to the Agency, USEPA, or a sister state in which the facility is located by any mechanism that satisfies the requirements of the applicable of Subpart G of 35 Ill. Adm. Code 704, Subpart F of 40 CFR 144, or regulations deemed by USEPA as equivalent to Subpart F of 40 CFR 144.

BOARD NOTE: Corresponding 40 CFR 261.143(e) (2) defines "current cost estimate" as "the cost estimates required to be shown in paragraphs 1-4 of the letter from the owner's or operator's chief financial officer (Section 261.151(e))" and "current plugging and abandonment cost estimates" as "the cost estimates required to be shown in paragraphs 1-4 of the letter from the owner's or operator's chief financial officer (Section 144.70(f) of this chapter)." ~~+~~ The Board has substituted the descriptions of these estimates, using those set forth by USEPA in 40 CFR 261.151(e) and 144.70(f), as appropriate. Since the letter of the

chief financial officer must include the cost estimates for any facilities that the owner or operator manages outside of Illinois, the Board has referred to the corresponding regulations of those sister states as "regulations deemed by USEPA as equivalent to Subpart F of 40 CFR 144 and Subpart H of 40 CFR ~~261.261~~".

3) To demonstrate that it meets the financial test set forth in subsection (e)(1) ~~of this Section~~, the owner or operator must submit the following items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer and worded as specified by the Agency pursuant to Section 721.251 that is derived from the independently audited, year-end financial statements for the latest fiscal year, with the amounts of the pertinent environmental liabilities included in such financial statements;

B) A copy of an independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and

C) If the chief financial officer's letter prepared pursuant to subsection (e)(3)(A) ~~of this Section~~ includes financial data which shows that the owner or operator satisfies the test set forth in subsection (e)(1)(A) ~~of this Section~~ (Test 1), and either the data in the chief financial officer's letter are different from the data in the audited financial statements required by subsection (e)(3)(B) of this Section, or the data are different from any other audited financial statement or data filed with the federal Securities and Exchange Commission, then the owner or operator must submit a special report from its independent certified public accountant. The special report must be based on an agreed-upon procedures engagement, in accordance with professional auditing standards. The report must describe the procedures used to compare the data in the chief financial officer's letter (prepared pursuant to subsection (e)(3)(A) ~~of this Section~~), the findings of the comparison, and the reasons for any differences.

4) This subsection (e)(3)(4) corresponds with 40 CFR 261.143(e)(3)(iv), a provision relating to extension of the deadline for filing the financial documents required by 40 CFR 261.143(e)(3) until as late as 90 days after the effective date of the federal rule. Thus, the latest date for filing the documents was March 29, 2009, which is now past. See 40 CFR 261.143(e)(3) and 73 Fed. Reg. 64668 (Oct. 30, 2008). This statement maintains structural consistency with the corresponding federal provision.

5) After the initial submission of items specified in subsection (e)(3) ~~of this Section~~, the owner or operator must send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (e)(3) ~~of this Section~~.

6) If the owner or operator no longer fulfills the requirements of subsection (e)(1) ~~of this Section~~, it must send notice to the Agency of intent to establish alternative financial assurance that satisfies the requirements of this Section. The owner or operator must send the notice by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator must provide the alternative financial assurance within 120 days after the end of such fiscal year.

7) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (e)(1) ~~of this Section~~, require reports of financial condition at any time from the owner or operator in addition to those specified in subsection (e)(3) ~~of this Section~~. If the Agency finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of subsection (e)(1) ~~of this Section~~, the owner or operator must provide alternative financial assurance that satisfies the requirements of this Section within 30 days after notification of such a finding.

8) The Agency must disallow use of the financial tests set forth in this subsection (e) on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (e)(3)(B) ~~of this Section~~) where the Agency determines that those qualifications significantly, adversely affect the owner's or operator's ability to provide its own financial assurance by this mechanism. An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency must evaluate all other kinds of qualifications on an individual basis. The owner or operator must provide alternative financial assurance that satisfies the requirements of this Section within 30 days after a notification of Agency disallowance pursuant to this subsection (e)(8).

9) The owner or operator is no longer required to submit the items specified in subsection (e)(3) ~~of this Section~~ when either of the following events occur:

A) An owner or operator has substituted alternative financial assurance that satisfies the requirements of this Section; or

B) The Agency releases the owner or operator from the requirements of this Section pursuant to subsection (i) ~~of this Section~~.

10) Corporate guarantee for financial responsibility. An owner or operator may comply with the requirements of this Section by obtaining a written corporate guarantee. The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a sister firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements applicable

to an owner or operator as set forth in subsections (e)(1) through (e)(8) ~~of this Section~~, and it must comply with the terms of the guarantee. The wording of the guarantee must be identical to the wording specified by the Agency pursuant to Section 721.251. A certified copy of the guarantee must accompany the items sent to the Agency that are required by subsection (e)(3) ~~of this Section~~. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the guarantee must provide as follows:

A) Following a determination by the Agency that the hazardous secondary materials at the owner or operator's facility covered by this guarantee do not meet the conditions of the exclusion under Section 721.104(a)(24), the guarantor must dispose of any hazardous secondary material as hazardous waste and close the facility in accordance with the applicable closure requirements set forth in 35 Ill. Adm. Code 724 or 725, or the guarantor must establish a trust fund in the name of the owner or operator and in the amount of the current cost estimate that satisfies the requirements of subsection (a) ~~of this Section~~.

B) The corporate guarantee must remain in force unless the guarantor has sent notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date on which both the owner or operator and the Agency have received the notice of cancellation, as evidenced by the return receipts.

C) If the owner or operator fails to provide alternative financial assurance that satisfies the requirements of this Section and obtain the written approval of such alternate assurance from the Agency within 90 days after the date on which both the owner or operator and the Agency have received the notice of cancellation of the corporate guarantee from the guarantor, the guarantor must provide such alternative financial assurance in the name of the owner or operator.

f) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this Section by establishing more than one financial mechanism per facility. The mechanisms that an owner or operator may use for this purpose are limited to a trust fund that satisfies the requirements of subsection (a) ~~of this Section~~, a surety bond that satisfies the requirements of subsection (b) ~~of this Section~~, a letter of credit that satisfies the requirements of subsection (c) ~~of this Section~~, and insurance that satisfies the requirements of subsection (d) ~~of this Section~~. The mechanisms must individually satisfy the indicated requirements of this Section, except that it is the combination of all mechanisms used by the owner or operator, rather than any individual mechanism, that must provide financial assurance for

an aggregated amount at least equal to the current cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, the owner or operator may use the trust fund as the standby trust fund for the other mechanisms. The owner or operator may establish a single standby trust fund for two or more mechanisms. The Agency may use any or all of the mechanisms to provide care for the facility.

g) Use of a single financial mechanism for multiple facilities. An owner or operator may use a single financial assurance mechanism that satisfies the requirements of this Section to fulfill the requirements of this Section for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, the USEPA identification number (if any), name, address, and the amount of funds assured by the mechanism. If the facilities covered by the mechanism are in more than one Region, USEPA requires the owner or operator to submit and maintain identical evidence of financial assurance with each USEPA Region in which a covered facility is located. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. In directing funds available through a mechanism for any of the facilities covered by that mechanism, the Agency may direct only that amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

h) Removal and decontamination plan for release from financial assurance obligations.

1) An owner or operator of a reclamation facility or an intermediate facility that wishes to be released from its financial assurance obligations under Section 721.104(a)(24)(F)(vi) must submit a plan for removing all hazardous secondary material residues from the facility. The owner or operator must submit the plan to the Agency at least 180 days prior to the date on which the owner or operator expects to cease to operate under the exclusion.

2) The plan must, at a minimum, include the following information:

A) For each hazardous secondary materials storage unit subject to financial assurance requirements pursuant to Section 721.104(a)(24)(F)(vi), the plan must include a description of how all excluded hazardous secondary materials will be recycled or sent for recycling, and how all residues, contaminated containment systems (liners, etc.), contaminated soils, subsoils, structures, and equipment will be removed or decontaminated as necessary to protect human health and the environment;

B) The plan must include a detailed description of the steps necessary to remove or decontaminate all hazardous secondary material residues and contaminated containment system components, equipment, structures, and soils, including, but not limited to, procedures for

cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination necessary to protect human health and the environment;

C) The plan must include a detailed description of any other activities necessary to protect human health and the environment during this timeframe, including, but not limited to, leachate collection, run-on and run-off control, etc.; and

D) The plan must include a schedule for conducting the activities described that, at a minimum, includes the total time required to remove all excluded hazardous secondary materials for recycling and decontaminate all units subject to financial assurance pursuant to Section 721.104(a)(24)(F)(vi) and the time required for intervening activities that will allow tracking of the progress of decontamination.

3) The Agency must provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on and request modifications to the plan. The Agency must accept any comments or requests to modify the plan that it receives no later than 30 days after the date of publication of the notice. The Agency must also, in response to a request or in its discretion, hold a public hearing whenever it determines that such a hearing might clarify one or more issues concerning the plan. The Agency must give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the Agency may combine the two notices.) The Agency must approve, modify, or disapprove the plan within 90 days after its receipt. If the Agency does not approve the plan, the Agency must provide the owner or operator with a detailed written statement of reasons for its refusal, and the owner or operator must modify the plan or submit a new plan for approval within 30 days after the owner or operator receives such a written statement from the Agency. The Agency must approve or modify this owner- or operator-modified plan in writing within 60 days. If the Agency modifies the owner- or operator-modified plan, this modified plan becomes the approved plan. The Agency must assure that the approved plan is consistent with this subsection (h). A copy of the modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.

4) Within 60 days after completion of the activities described for each hazardous secondary materials management unit, the owner or operator must submit to the Agency, by registered mail, a certification that all hazardous secondary materials have been removed from the unit and that the unit has been decontaminated in accordance with the specifications in the approved plan. The certification must be signed by the owner or operator and by a qualified Professional Engineer. Upon request, the owner or operator must furnish the Agency with documentation that supports the Professional Engineer's certification,

until the Agency releases the owner or operator from the financial assurance requirements of Section 721.104(a)(24)(F)(vi).

i) Release of the owner or operator from the requirements of this Section. Within 60 days after receiving certifications from the owner or operator and a qualified Professional Engineer that all hazardous secondary materials have been removed from the facility or from a unit at the facility and the facility or unit has been decontaminated in accordance with the approved plan in compliance with the requirements of subsection (h) ~~of this Section~~, the Agency must determine whether or not the owner or operator has accomplished the objectives of removing all hazardous secondary materials from the facility or from a unit at the facility and decontaminating the facility in accordance with the approved plan. If the Agency determines that the owner or operator has accomplished both objectives, the Agency must notify the owner or operator in writing, within the 60 days, that the owner and operator are no longer required pursuant to Section 721.104(a)(24)(F)(vi) to maintain financial assurance for that facility or unit at the facility. If the Agency determines that the owner or operator has not accomplished both objectives, it must provide the owner or operator with a detailed written statement of the basis for its determination.

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

Section 721.247 Liability Requirements

a) Coverage for sudden accidental occurrences. The owner or operator of one or more hazardous secondary material reclamation facilities or intermediate facilities that are subject to financial assurance requirements pursuant to Section 721.104(a)(24)(F)(vi) must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of its facilities. The owner or operator must maintain liability coverage in force for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated as specified in any of subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), or (a)(6) ~~of this Section~~.

1) An owner or operator may demonstrate the required liability coverage by having liability insurance that satisfies the requirements of this subsection (a)(1).

A) Each insurance policy must be amended by attachment of the Hazardous Secondary Material Facility Liability Endorsement, or evidenced by a Certificate of Liability Insurance. The wording of the Hazardous Secondary Material Facility Liability Endorsement must be identical to the wording specified by the Agency pursuant to Section 721.251. The wording of the Certificate of Liability Insurance must be identical to the wording specified by the Agency pursuant to Section 721.251. The owner or operator must submit a signed duplicate original

of the Hazardous Secondary Material Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency. If requested by the Agency, the owner or operator must provide a signed duplicate original of the insurance policy.

B) At a minimum, each insurance policy must be issued by an insurer that is licensed to transact the business of insurance, or which is eligible to provide insurance as an excess or surplus lines insurer, in one or more states.

2) An owner or operator may satisfy the requirements of this Section by passing a financial test or using the guarantee for liability coverage that satisfies the requirements of subsections (f) and (g) ~~of this Section~~.

3) An owner or operator may satisfy the requirements of this Section by obtaining a letter of credit for liability coverage that satisfies the requirements of subsection (h) ~~of this Section~~.

4) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond for liability coverage that satisfies the requirements of subsection (i) ~~of this Section~~.

5) An owner or operator may satisfy the requirements of this Section by obtaining a trust fund for liability coverage that satisfies the requirements of subsection (j) ~~of this Section~~.

6) An owner or operator may demonstrate the required liability coverage through the use of a combination of insurance (subsection (a)(1) ~~of this Section~~), financial test (subsection (f) of this Section), guarantee (subsection (g) ~~of this Section~~), letter of credit (subsection (h) ~~of this Section~~), surety bond (subsection (i) ~~of this Section~~), and trust fund (subsection (j) ~~of this Section~~), except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee where the financial statement of the owner or operator is consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated by the combination must total at least the minimum amounts required for the facility by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances pursuant to this subsection (a)(6), the owner or operator must specify at least one such assurance as "primary" coverage and all other assurance as "excess" coverage.

7) An owner or operator must notify the Agency in writing within 30 days whenever any of the following events has occurred:

A) A claim has resulted in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized by any of subsections (a)(1) through (a)(6) ~~of this Section~~;

B) A Certification of Valid Claim for bodily injury or property damages caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous secondary material reclamation facility or intermediate facility is entered between the owner or operator and a third-party claimant for liability coverage established pursuant to any of subsections (a) (1) through (a) (6) ~~of this Section~~; or

C) A final court order that establishes a judgment for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence which arose from the operation of a hazardous secondary material reclamation facility or intermediate facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage pursuant to any of subsections (a) (1) through (a) (6) ~~of this Section~~.

BOARD NOTE: Corresponding 40 CFR 261.147(a) recites that it applies to "a hazardous secondary material reclamation facility or intermediate facility with land-based units . . . or a group of such facilities-". The Board has rendered this provision in the singular, intending that it include several facilities as a group where necessary. The Board does not intend to limit the applicability of this provision to multiple facilities. Note that the Agency can require compliance with this provision by a facility to which it would not otherwise apply pursuant to subsection (d) (2) ~~of this Section~~, subject to the owner's or operator's right to appeal an Agency determination to the Board.

b) Coverage for non-sudden accidental occurrences. An owner or operator of a hazardous secondary material reclamation facility or intermediate facility with land-based units, as defined in Section 720.110, that is used to manage hazardous secondary materials excluded pursuant to Section 721.104(a) (24) must demonstrate financial responsibility for bodily injury and property damage to third parties caused by non-sudden accidental occurrences that arise from operations of the facility or group of facilities. The owner or operator must maintain liability coverage for non-sudden accidental occurrences in the amount of at least \$3 million per occurrence with an annual aggregate of at least \$6 million, exclusive of legal defense costs. An owner or operator that must satisfy the requirements of this Section may combine the required per occurrence coverage levels for sudden and non-sudden accidental occurrences into a single per-occurrence level, and the owner or operator may combine the required annual aggregate coverage levels for sudden and non-sudden accidental occurrences into a single annual aggregate level. An owner or operator that combines coverage levels for sudden and non-sudden accidental occurrences must maintain liability coverage in the amount of at least \$4 million per occurrence and \$8 million annual aggregate. The owner or operator may demonstrate this liability coverage by any of the means set forth in subsections (b) (1) through (b) (6) ~~of this Section~~:

1) An owner or operator may demonstrate the required liability coverage by having liability insurance that satisfies the requirements of this subsection (b) (1).

A) Each insurance policy must be amended by attachment of the Hazardous Secondary Material Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the Hazardous Secondary Material Facility Liability Endorsement must be identical to the wording specified by the Agency pursuant to Section 721.251. The wording of the Certificate of Liability Insurance must be identical to the wording specified by the Agency pursuant to Section 721.251. The owner or operator must submit a signed duplicate original of the Hazardous Secondary Material Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency. If requested by the Agency, the owner or operator must provide a signed duplicate original of the insurance policy.

B) At a minimum, each insurance policy must be issued by an insurer that is licensed to transact the business of insurance, or which is eligible to provide insurance as an excess or surplus lines insurer⁷ in one or more states.

2) An owner or operator may satisfy the requirements of this Section by passing a financial test or by using the guarantee for liability coverage that satisfies the requirements of subsections (f) and (g) ~~of this Section~~.

3) An owner or operator may satisfy the requirements of this Section by obtaining a letter of credit for liability coverage that satisfies the requirements of subsection (h) ~~of this Section~~.

4) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond for liability coverage that satisfies the requirements of subsection (i) ~~of this Section~~.

5) An owner or operator may satisfy the requirements of this Section by obtaining a trust fund for liability coverage that satisfies the requirements of subsection (j) ~~of this Section~~.

6) An owner or operator may demonstrate the required liability coverage through the use of a combination of insurance (subsection (b)(1) ~~of this Section~~), financial test (subsection (f) ~~of this Section~~), guarantee (subsection (g) ~~of this Section~~), letter of credit (subsection (h) ~~of this Section~~), surety bond (subsection (i) ~~of this Section~~), or trust fund (subsection (j) ~~of this Section~~), except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee where the financial statement of the owner or operator is consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated by the combination must total to at least the minimum amounts required for the facility by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances pursuant to this subsection (b)(6), the owner or operator must specify at least one such assurance as "primary" coverage and all other assurance as "excess" coverage.

7) An owner or operator must notify the Agency in writing within 30 days whenever any of the following events has occurred:

A) A claim has resulted in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized by any of subsections (b) (1) through (b) (6) ~~of this Section~~;

B) A Certification of Valid Claim for bodily injury or property damages caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous secondary material treatment or storage facility is entered between the owner or operator and a third-party claimant for liability coverage established pursuant to any of subsections (b) (1) through (b) (6) ~~of this Section~~; or

C) A final court order that establishes a judgment for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence which arose from the operation of a hazardous secondary material treatment and/or storage facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage pursuant to any of subsections (b) (1) through (b) (6) ~~of this Section~~.

BOARD NOTE: Corresponding 40 CFR 261.147(b) recites that it applies to "a hazardous secondary material reclamation facility or intermediate facility with land-based units . . . or a group of such facilities-". The Board has rendered this provision in the singular, intending that it include several facilities as a group where necessary. The Board does not intend to limit the applicability of this provision to multiple facilities. Note that the Agency can require compliance with this provision by a facility to which it would not otherwise apply pursuant to subsection (d) (2) ~~of this Section~~, subject to the owner's or operator's right to appeal an Agency determination to the Board.

c) Petition for adjusted standard. If an owner or operator can demonstrate that the level of financial responsibility required by subsection (a) or (b) ~~of this Section~~ is not consistent with the degree and duration of risk associated with treatment or storage at a facility, the owner or operator may petition the Board for an adjusted standard pursuant to Section 28.1 of the Act ~~[415 ILCS 5/28.1]~~. The petition for an adjusted standard must be filed with the Board and submitted in writing to the Agency, as required by 35 Ill. Adm. Code 101 and Subpart D of 35 Ill. Adm. Code 104. If granted, the adjusted standard will take the form of an adjusted level of required liability coverage, such level to be based on the Board's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The owner or operator that requests an adjusted standard must provide such technical and engineering information as is necessary for the Board to determine that an alternative level of financial responsibility to that required by subsection (a) or (b) ~~of this Section~~ should apply.

BOARD NOTE: Corresponding 40 CFR 261.147(c) allows application for a "variance" for "the levels of financial responsibility" required for "the facility or group of facilities-". The Board has rendered this provision in the singular, intending that it include a single petition pertaining to several facilities as a group. The Board does not intend to limit the applicability of this provision to multiple facilities in a single petition. The Board has chosen the adjusted standard procedure for variance from the level of financial responsibility required by subsection (a) or (b) ~~of this Section~~.

d) Adjustments by the Agency.

1) If the Agency determines that the level of financial responsibility required by subsection (a) or (b) ~~of this Section~~ is not consistent with the degree and duration of risk associated with treatment or storage of hazardous secondary material at a facility, the Agency may adjust the level of financial responsibility required to satisfy the requirements of subsection (a) or (b) ~~of this Section~~ to the level that the Agency deems necessary to protect human health and the environment. The Agency must base this adjusted level on an assessment of the degree and duration of risk associated with the ownership or operation of the facility.

2) In addition, if the Agency determines that there is a significant risk to human health and the environment from non-sudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, pile, or land treatment facility, the Agency may require the owner or operator of the facility to comply with subsection (b) ~~of this Section~~.

3) An owner or operator must furnish to the Agency, within a reasonable time, any information that the Agency requests to aid its determination whether cause exists for such adjustments of level or type of coverage.

BOARD NOTE: The owner or operator may appeal any Agency determination made pursuant to this subsection (d) pursuant to Section 40 of the Act- ~~{415 ILCS 5/40}~~.

e) Release from the financial assurance obligation for a facility or a unit at a facility.

1) After an owner or operator has removed all hazardous secondary material from a facility or a unit at a facility and decontaminated the facility or unit at the facility, the owner or operator may submit a written request that the Agency release it from the obligation of subsections ~~subsection~~ (a) and (b) ~~of this Section~~ as they apply to the facility or to the unit. The owner or operator and a qualified Professional Engineer must submit with the request certifications stating that all hazardous secondary materials have been removed from the facility or from a unit at the facility, and that the facility or a

unit has been decontaminated in accordance with the owner's or operator's Agency-approved Section 721.243(h) plan.

2) Within 60 days after receiving the complete request and certifications described in subsection (e)(1) ~~of this Section~~, the Agency must notify the owner or operator in writing of its determination on the request. The Agency must grant the request only if it determines that the owner or operator has removed all hazardous secondary materials from the facility or from the unit at the facility and that the owner or operator has decontaminated the facility or unit in accordance with its Agency-approved Section 721.243(h) plan.

3) After an affirmative finding by the Agency pursuant to subsection (e)(2) ~~of this Section~~, the owner or operator is no longer required to maintain liability coverage pursuant to Section 721.104(a)(24)(F)(vi) for that facility or unit at the facility that is indicated in the written notice issued by the Agency.

BOARD NOTE: The Board has broken the single sentence of corresponding 40 CFR 261.147(e) into five sentences in three subsections in this subsection (e) for enhanced clarity. The owner or operator may appeal any Agency determination made pursuant to this subsection (e) pursuant to Section 40 of the Act ~~[415 ILCS 5/40]~~.

f) Financial test for liability coverage.

1) An owner or operator may satisfy the requirements of this Section by demonstrating that it passes one of the financial tests specified in this subsection (f)(1). To pass a financial test, the owner or operator must meet the criteria of either subsection (f)(1)(A) or (f)(1)(B) ~~of this Section~~:

A) Test 1. The owner or operator must have each of the following:

i) Net working capital and tangible net worth each at least six times the amount of liability coverage that the owner or operator needs to demonstrate by this test;

ii) Tangible net worth of at least \$10 million; and

iii) Assets in the United States that amount to either at least 90 percent of the owner's or operator's total assets or at least six times the amount of liability coverage that it needs to demonstrate by this test.

B) Test 2. The owner or operator must have each of the following:

i) A current rating for its most recent bond issuance of AAA, AA, A, or BBB, as issued by Standard and Poor's, or Aaa, Aa, A, or Baa, as issued by Moody's;

- ii) Tangible net worth of at least \$10 million;
- iii) Tangible net worth at least six times the amount of liability coverage to be demonstrated by this test; and
- iv) Assets in the United States amounting to either at least 90 percent of the owner's or operator's total assets or at least six times the amount of liability coverage that it needs to demonstrate by this test.

2) Definition.

"Amount of liability coverage", as used in subsection (f) (1) ~~of this Section~~, refers to the annual aggregate amounts for which coverage is required pursuant to subsections (a) and (b) ~~of this Section~~ and the annual aggregate amounts for which coverage is required pursuant to 35 Ill. Adm. Code 724.247(a) and (b) or 725.247(a) and (b).

3) To demonstrate that it meets the financial test set forth in subsection (f) (1) ~~of this Section~~, the owner or operator must submit the following three items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer and worded as specified by the Agency pursuant to Section 721.251. If an owner or operator is using the financial test to demonstrate both financial assurance, as specified by Section 721.243(e), and liability coverage, as specified by this Section, the owner or operator must submit the letter specified by the Agency pursuant to Section 721.251 for financial assurance to cover both forms of financial responsibility; no separate letter is required for liability coverage;

B) A copy of an independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and

C) If the chief financial officer's letter prepared pursuant to subsection (f) (3) (A) ~~of this Section~~ includes financial data which shows that the owner or operator satisfies the test set forth in subsection (f) (1) (A) ~~of this Section~~ (Test 1), and either the data in the chief financial officer's letter are different from the data in the audited financial statements required by subsection (f) (3) (B) ~~of this Section~~, or the data are different from any other audited financial statement or data filed with the federal Securities and Exchange Commission, then the owner or operator must submit a special report from its independent certified public accountant. The special report must be based on an agreed-upon procedures engagement, in accordance with professional auditing standards. The report must describe the procedures used to compare the data in the chief financial officer's letter (prepared pursuant to subsection (f) (3) (A) ~~of this Section~~), the findings of the comparison, and the reasons for any difference.

4) This subsection (f)(4) corresponds with 40 CFR 261.147(f)(3)(iv), a provision relating to extension of the deadline for filing the financial documents required by 40 CFR 261.147(f)(3) until as late as 90 days after the effective date of the federal rule. Thus, the latest date for filing the documents was March 29, 2009, which is now past. See 40 CFR 261.147(f)(3) and 73 Fed. Reg. 64668 (Oct. 30, 2008). This statement maintains structural consistency with the corresponding federal provision.

5) After the initial submission of items specified in subsection (f)(3) ~~of this Section~~, the owner or operator must send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3) ~~of this Section~~.

6) If the owner or operator no longer fulfills the requirements of subsection (f)(1) ~~of this Section~~, it must obtain insurance (subsection (a)(1) ~~of this Section~~), a letter of credit (subsection (h) ~~of this Section~~), a surety bond (subsection (i) ~~of this Section~~), a trust fund (subsection (j) ~~of this Section~~), or a guarantee (subsection (g) ~~of this Section~~) for the entire amount of required liability coverage required by this Section. Evidence of liability coverage must be submitted to the Agency within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.

7) The Agency must disallow use of the financial tests set forth in this subsection (f) on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B) ~~of this Section~~) where the Agency determines that those qualifications significantly, adversely affect the owner's or operator's ability to provide its own financial assurance by this mechanism. An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency must evaluate all other kinds of qualifications on an individual basis. The owner or operator must provide evidence of insurance for the entire amount of required liability coverage that satisfies the requirements of this Section within 30 days after a notification of Agency disallowance pursuant to this subsection (f)(7).

g) Corporate guarantee for liability coverage.

1) Subject to the limitations of subsection (g)(2) ~~of this Section~~, an owner or operator may meet the requirements of this Section by obtaining a written guarantee ("guarantee"). The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a sister firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements applicable to an owner or operator as set forth in

subsections (f)(1) through (f)(6) ~~of this Section~~. The wording of the guarantee must be identical to the wording specified by the Agency pursuant to Section 721.251. A certified copy of the guarantee must accompany the items sent to the Agency that are required by subsection (f)(3) ~~of this Section~~. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee.

A) The guarantor must pay full satisfaction, up to the limits of coverage, whenever either of the following events has occurred with regard to liability for bodily injury or property damage to third parties caused by sudden or non-sudden accidental occurrences (or both) that arose from the operation of facilities covered by the corporate guarantee:

i) The owner or operator has failed to satisfy a judgment based on a determination of liability; or

ii) The owner or operator has failed to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage.

B) This subsection (g)(1)(B) is derived from 40 CFR 261.147(g)(1)(ii), which USEPA has marked as "reserved-". This statement maintains structural consistency with the corresponding federal regulations.

BOARD NOTE: Any determination by the Agency pursuant to this subsection (g)(1)(B) is subject to Section 40 of the Act ~~{415-ILCS-5/40}~~. This subsection (g)(1)(B) is derived from 40 CFR 264.141(h) and 265.141(h) (2017) ~~-(2009)~~.

2) Limitations on guarantee and documentation required.

A) Where both the guarantor and the owner or operator are incorporated in the United States, a guarantee may be used to satisfy the requirements of this Section only if the Attorneys General or Insurance Commissioners of each of the following states have submitted a written statement to the Agency that a guarantee executed as described in this Section is a legally valid and enforceable obligation in that state:

i) The state in which the guarantor is incorporated (if other than the State of Illinois); and

ii) The State of Illinois (as the state in which the facility covered by the guarantee is located).

B) Where either the guarantor or the owner or operator is incorporated outside the United States, a guarantee may be used to satisfy the requirements of this Section only if both of the following has occurred:

i) The non-U.S. corporation has identified a registered agent for service of process in the State of Illinois (as the state in which the facility covered by the guarantee is located) and in the state in which it has its principal place of business (if other than the State of Illinois); and

ii) The Attorney General or Insurance Commissioner of the State of Illinois (as the state in which a facility covered by the guarantee is located) and the state in which the guarantor corporation has its principal place of business (if other than the State of Illinois) has submitted a written statement to the Agency that a guarantee executed as described in this Section is a legally valid and enforceable obligation in that state.

C) The facility owner or operator and the guarantor must provide the Agency with all documents that are necessary and adequate to support an Agency determination that the required substantial business relationship exists adequate to support the guarantee.

BOARD NOTE: The Board added documentation to this subsection (g) (2) (C) to ensure that the owner and operator ensures all information necessary for an Agency determination is submitted to the Agency. The information required would include copies of any contracts and other documents that establish the nature, extent, and duration of the business relationship; any statements of competent legal opinion, signed by an attorney duly licensed to practice law in each of the jurisdictions referred to in the applicable of subsection (g) (2) (A) or (g) (2) (B) ~~of this Section~~, that would support a conclusion that the business relationship is adequate consideration to support the guarantee in the pertinent jurisdiction; a copy of the documents required by subsection (g) (2) (A) (ii) or (g) (2) (B) (ii) ~~of this Section~~; documents that identify the registered agent, as required by subsection (g) (2) (B) (i) of this Section; and any other documents requested by the Agency that are reasonably necessary to make a determination that a substantial business relationship exists, as such is defined in subsection (g) (1) (A) ~~of this Section~~.

h) Letter of credit for liability coverage.

1) An owner or operator may fulfill the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this subsection (h) and submitting a copy of the letter of credit to the Agency.

2) The financial institution issuing the letter of credit must be an entity that has the authority to issue letters of credit and whose

letter of credit operations are regulated and examined by a federal or state agency.

3) The wording of the letter of credit must be identical to the wording specified by the Agency pursuant to Section 721.251.

4) An owner or operator that uses a letter of credit to fulfill the requirements of this Section may also establish a standby trust fund. Under the terms of such a letter of credit, all amounts paid pursuant to a draft by the trustee of the standby trust fund must be deposited by the issuing institution into the standby trust fund in accordance with instructions from the trustee. The trustee of the standby trust fund must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

5) The wording of the standby trust fund must be identical to the wording specified by the Agency pursuant to Section 721.251.

i) Surety bond for liability coverage.

1) An owner or operator may fulfill the requirements of this Section by obtaining a surety bond that conforms to the requirements of this subsection (i) and submitting a copy of the bond to the Agency.

2) The surety company issuing the bond must be among those listed as acceptable sureties on federal bonds in the most recent Circular 570 of the U.S. Department of the Treasury.

BOARD NOTE: The U.S. Department of the Treasury updates Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies," on an annual basis pursuant to 31 CFR 223.16. Circular 570 is available on the Internet at the following website: <http://www.fms.treas.gov/c570/>.

3) The wording of the surety bond must be identical to the wording specified by the Agency pursuant to Section 721.251.

4) A surety bond may be used to fulfill the requirements of this Section only if the Attorneys General or Insurance Commissioners of the following states have submitted a written statement to the Agency that a surety bond executed as described in this Section is a legally valid and enforceable obligation in that state:

A) The state in which the surety is incorporated; and

B) The State of Illinois (as the state in which the facility covered by the surety bond is located).

j) Trust fund for liability coverage.

1) An owner or operator may fulfill the requirements of this Section by establishing a trust fund that conforms to the requirements of this subsection (j) and submitting an originally signed duplicate of the trust agreement to the Agency.

2) The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

3) The trust fund for liability coverage must be funded for the full amount of the liability coverage to be provided by the trust fund before it may be relied upon to fulfill the requirements of this Section. If at any time after the trust fund is created the amount of funds in the trust fund is reduced below the full amount of the liability coverage that the owner or operator must provide, the owner or operator must either add sufficient funds to the trust fund to cause its value to equal the full amount of liability coverage to be provided, or the owner or operator must obtain other financial assurance that satisfies the requirements of this Section to cover the difference. Where the owner or operator must either add sufficient funds or obtain other financial assurance, it must do so before the anniversary date of the establishment of the trust fund. For purposes of this subsection, "the full amount of the liability coverage to be provided" means the amount of coverage for sudden or non-sudden occurrences that the owner or operator is required to provide pursuant to this Section, less the amount of financial assurance for liability coverage that the owner or operator has provided by other financial assurance mechanisms to demonstrate financial assurance.

4) The wording of the trust fund must be identical to the wording specified by the Agency pursuant to Section 721.251.

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

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section 721.279 Air Emission Standards

The remanufacturer or other person that stores or treats the hazardous secondary material must manage all hazardous secondary material placed in a container in accordance with the applicable requirements of Subparts AA, BB, and CC ~~of this Part~~.

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

SUBPART J: TANK SYSTEMS

Section 721.291 Assessment of Existing Tank System's Integrity

a) A tank system must meet the secondary containment requirements of Section 721.293, or the remanufacturer or other person that handles the hazardous secondary material must determine that the tank system is not leaking or is unfit for use. Except as provided in subsection (c), a written assessment reviewed and certified by a qualified Professional Engineer must be kept on file at the remanufacturer's facility or other facility that stores or treats the hazardous secondary material that attests to the tank system's integrity.

b) The qualified Professional Engineer's assessment must determine that the tank system is adequately designed and has sufficient structural strength and compatibility with the materials to be stored or treated, to ensure that the tank system will not collapse, rupture, or fail. At a minimum, this assessment must consider the following:

1) Design standards, if available, according to which the tank system and ancillary equipment were constructed;

2) Hazardous characteristics of the materials that have been and will be handled;

3) Existing corrosion protection measures;

4) Documented age of the tank system, if available (otherwise, an estimate of the age); and

5) Results of a leak test, internal inspection, or other tank system integrity examination such that:

A) For non-enterable underground tanks, the assessment must include a leak test that is capable of taking into account the effects of temperature variations, tank end deflection, vapor pockets, and high water table effects; and

B) For other than non-enterable underground tanks and for ancillary equipment, this assessment must include either a leak test, as described above, or other integrity examination that is certified by a qualified Professional Engineer that addresses cracks, leaks, corrosion, and erosion.

BOARD NOTE: The practices described in the American Petroleum Institute (API) Publication, Guide for Inspection of Refinery Equipment, Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks", 4th edition, 1981, incorporated by reference in 35 Ill. Adm. Code 720.111, may be used, where applicable, as guidelines in conducting other than a leak test.

c) If, as a result of the assessment conducted in accordance with subsection (a), a tank system is found to be leaking or unfit for use, the remanufacturer or other person that stores or treats the hazardous secondary material must comply with the requirements of Section 721.296.

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

Section 721.293 Containment and Detection of Releases

a) The following must be true of a secondary containment system:

1) The system is designed, installed, and operated to prevent any migration of materials or accumulated liquid out of the system to the soil, ground water, or surface water at any time during the use of the tank system; and

2) The system is capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

BOARD NOTE: If the collected material is a hazardous waste under this Part, the material is subject to management as a hazardous waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 728. If the collected material is discharged through a point source to waters of the United States, it is subject to the NPDES permit requirement of Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309. If discharged to a Publicly Owned Treatment Works (POTW), it is subject to the requirements of 35 Ill. Adm. Code 307 and 310. If the collected material is released to the environment, it may be subject to the reporting requirements of 35 Ill. Adm. Code 750.410 and federal 40 CFR 302.6.

b) To meet the requirements of subsection (a), a secondary containment system must fulfill the following requirements:

1) The secondary containment system must be constructed of or lined with materials that are compatible with the materials to be placed in the tank system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the material to which it is exposed, climatic conditions, and the stress of daily operation (including stresses from nearby vehicular traffic);

2) The secondary containment system must be placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression, or uplift;

3) The secondary containment system must be provided with a leak-detection system that is designed and operated so that the system will detect the failure of either the primary or secondary containment structure or the presence of any release of hazardous secondary material or accumulated liquid in the secondary containment system at the earliest practicable time; and

4) The secondary containment system must be sloped or otherwise designed or operated to drain and remove liquids resulting from leaks,

spills, or precipitation. Spilled or leaked material and accumulated precipitation must be removed from the secondary containment system in as timely a manner as is possible, but in no case later than 24 hours after the leak, spill, or accumulation of precipitation occurs, to prevent harm to human health and the environment.

c) Secondary containment for tanks must include one or more of the following devices:

- 1) A liner (external to the tank);
- 2) A vault; or
- 3) A double-walled tank.

d) In addition to the requirements of subsections (a), (b), and (c), secondary containment systems must satisfy the following requirements:

1) An external liner system must fulfill the following requirements:

A) The secondary containment system must be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary;

B) The secondary containment system must be designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. The additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;

C) The secondary containment system must be free of cracks or gaps; and

D) The secondary containment system must be designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the material if the material is released from the tanks (i.e., capable of preventing lateral as well as vertical migration of the material).

2) A vault system must fulfill the following requirements:

A) The vault system must be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary;

B) The vault system must be designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. The additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;

C) The vault system must be constructed with chemical-resistant water stops in place at all joints (if any);

D) The vault system must be provided with an impermeable interior coating or lining that is compatible with the stored material and that will prevent migration of material into the concrete;

E) The vault system must be provided with a means to protect against the formation of and ignition of vapors within the vault, if the material being stored or treated is ignitable or reactive; and

F) The vault system must be provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.

3) A double-walled tank must fulfill the following requirements:

A) The double-walled tank must be designed as an integral structure (i.e., an inner tank completely enveloped within an outer shell) so that any release from the inner tank is contained by the outer shell;

B) The double-walled tank must be protected, if constructed of metal, from both corrosion of the primary tank interior and of the external surface of the outer shell; and

C) The double-walled tank must be provided with a built-in continuous leak detection system capable of detecting a release at the earliest practicable time, but in no case later than 24 hours after the release occurs.

BOARD NOTE: The provisions outlined in the Steel Tank Institute's (STI) "Standard for Dual Wall Underground Steel Storage Tanks", incorporated by reference in 35 Ill. Adm. Code 720.111, may be used as guidelines for aspects of the design of underground steel double-walled tanks.

e) This subsection (e) corresponds with 40 CFR 261.194(e), which USEPA has marked "reserved-". This statement maintains structural consistency with the corresponding federal regulations.

f) Ancillary equipment must be provided with secondary containment (e.g., trench, jacketing, double-walled piping, etc.) that meets the requirements of subsections (a) and (b), except for the following equipment:

1) Aboveground piping (exclusive of flanges, joints, valves, and other connections) that are visually inspected for leaks on a daily basis;

2) Welded flanges, welded joints, and welded connections that are visually inspected for leaks on a daily basis;

3) Seal-less or magnetic coupling pumps and seal-less valves that are visually inspected for leaks on a daily basis; and

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

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

Section 721.298 Special Requirements for Ignitable or Reactive Materials

a) Ignitable or reactive material must not be placed in a tank system, unless the material is stored or treated in such a way that it is protected from any material or conditions that may cause the material to ignite or react.

b) The remanufacturer or other person that stores or treats hazardous secondary material that is ignitable or reactive must store or treat the hazardous secondary material in a tank system that is in compliance with the requirements for the maintenance of protective distances between the material management area and any public ways, streets, alleys, or an adjoining property line that can be built upon as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code", incorporated by reference in 35 Ill. Adm. Code 720.111.

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

Section 721.300 Air Emission Standards

The remanufacturer or other person that stores or treats the hazardous secondary material must manage all hazardous secondary material placed in a tank in accordance with the applicable requirements of Subparts AA, BB, and CC ~~of this Part~~.

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

SUBPART M: EMERGENCY PREPAREDNESS AND RESPONSE FOR MANAGEMENT OF EXCLUDED HAZARDOUS SECONDARY MATERIALS

Section 721.520 Contingency Planning and Emergency Procedures for Facilities Generating or Accumulating More Than 6,000 kg of Hazardous Secondary Material

A generator or an intermediate or reclamation facility operating under a verified recycler variance under 35 Ill. Adm. Code 720.131(d) that

generates or accumulates more than 6,000 kg of hazardous secondary material must comply with the following requirements:

a) Purpose and implementation of contingency plan.

1) Each generator or an intermediate or reclamation facility operating under a verified facility determination under 35 Ill. Adm. Code 720.131(d) that accumulates more than 6,000 kg of hazardous secondary material must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous secondary material or hazardous secondary material constituents to air, soil, or surface water.

2) The provisions of the contingency plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous secondary material or hazardous secondary material constituents that could threaten human health or the environment.

b) Content of contingency plan.

1) The contingency plan must describe the actions facility personnel must take to comply with subsections (a) and (f) in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous secondary material or hazardous secondary material constituents to air, soil, or surface water at the facility.

2) If the generator or an intermediate or reclamation facility operating under a verified facility determination under 35 Ill. Adm. Code 720.131(d) accumulating more than 6,000 kg of hazardous secondary material has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 112, or some other emergency or contingency plan, the facility needs only amend that plan to incorporate hazardous secondary material management provisions that are sufficient to comply with the requirements of this Part. The hazardous secondary material generator or an intermediate or reclamation facility operating under a verified recycler variance under 35 Ill. Adm. Code 720.131(d) may develop one contingency plan which meets all regulatory requirements. When modifications are made to non-RCRA provisions in an integrated contingency plan, the changes do not trigger the need for a RCRA permit modification.

BOARD NOTE: USEPA has recommended that the contingency plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan").

3) The contingency plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to 35 Ill. Adm. Code 722.510(f).

4) The contingency plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see subsection (e)), and this list must be kept up-to-date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

5) The contingency plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each emergency equipment item on the list, and a brief outline of its capabilities.

6) The contingency plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This evacuation plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous secondary material or fires).

c) Copies of contingency plan. The facility owner or operator must do as follows with the contingency plan and all revisions to the plan:

1) Maintain a copy at the facility; and

2) Submit a copy to every local police department, fire department, hospital, and State and local emergency response team that may be called upon to provide emergency services.

d) Amendment of contingency plan. The facility owner or operator must review and immediately amend its contingency plan, if necessary, whenever any of the following occurs:

1) Applicable regulations are revised;

2) The plan fails in an emergency;

3) The facility changes - in its design, construction, operation, maintenance, or other circumstances - in a way that materially increases the potential for fires, explosions, or releases of hazardous secondary material or hazardous secondary material constituents, or the facility changes the response necessary in an emergency;

4) The list of emergency coordinators changes; or

5) The list of emergency equipment changes.

e) Emergency coordinator. At all times, there must be at least one employee, either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period

of time), with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of hazardous secondary materials handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan. The emergency coordinator's responsibilities are more fully spelled out in subsection (f). Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of hazardous secondary materials handled by the facility, and type and complexity of the facility.

f) Emergency procedures.

1) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

A) Activate internal facility alarms or communication systems, when applicable, to notify all facility personnel; and

B) Notify appropriate State or local agencies with designated response roles if their help is needed.

2) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

3) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).

4) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, the emergency coordinator must report his or her findings as follows:

A) If the emergency coordinator's assessment indicates that evacuation of local areas may be advisable, the emergency coordinator must immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and

B) The emergency coordinator must immediately notify either the government official designated as the on-scene coordinator for that geographical area, or the National Response Center (using their 24-hour toll free number 800-424-8802). The report must include the following information:

- i) The name and telephone number of reporter;
- ii) The name and address of facility;
- iii) The time and type of incident (e.g., release, fire);
- iv) The name and quantity of materials involved, to the extent known;
- v) The extent of injuries, if any; and
- vi) The possible hazards to human health, or the environment, outside the facility.

5) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous secondary material at the facility. These measures must include, when applicable, stopping processes and operations, collecting and containing released material, and removing or isolating containers.

6) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

7) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered secondary material, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the hazardous secondary material generator can demonstrate, in accordance with Section 721.103(c) or (d), that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage the recovered material in accordance with all applicable requirements of 35 Ill. Adm. Code 722, 723, and 725.

8) The emergency coordinator must ensure that the following has occurred in the affected areas of the facility:

A) No secondary material that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

B) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

9) The hazardous secondary material generator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the emergency coordinator must submit a written report on the incident to the Regional Administrator. The report must include the following information:

A) The name, address, and telephone number of the hazardous secondary material generator;

B) The name, address, and telephone number of the facility;

C) The date, time, and type of incident (e.g., fire, explosion, etc.);

D) The name and quantity of materials involved;

E) The extent of injuries, if any;

F) An assessment of actual or potential hazards to human health or the environment, when this is applicable; and

G) The estimated quantity and disposition of recovered material that resulted from the incident.

g) Personnel Training. All employees must be thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.

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

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 721.931 Definitions

As used in this Subpart AA, all terms not defined in this Section will have the meaning given them in section 1004 of the Resource Conservation and Recovery Act, incorporated by reference in 35 Ill. Adm. Code 720.111, and 35 Ill. Adm. Code 720 through 726.

"Air stripping operation" is a desorption operation employed to transfer one or more volatile components from a liquid mixture into a gas (air) either with or without the application of heat to the liquid. Packed towers, spray towers, and bubble-cap, sieve, or valve-type plate towers are among the process configurations used for contacting the air and a liquid.

"Bottoms receiver" means a container or tank used to receive and collect the heavier bottoms fractions of the distillation feed stream that remain in the liquid phase.

"Closed-vent system" means a system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device.

"Condenser" means a heat-transfer device that reduces a thermodynamic fluid from its vapor phase to its liquid phase.

"Connector" means flanged, screwed, welded, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment. For the purposes of reporting and recordkeeping, connector means flanged fittings that are not covered by insulation or other materials that prevent location of the fittings.

"Continuous recorder" means a data-recording device recording an instantaneous data value at least once every 15 minutes.

"Control device" means an enclosed combustion device, vapor recovery system, or flare. Any device the primary function of which is the recovery or capture of solvents or other organics for use, reuse, or sale (e.g., a primary condenser on a solvent recovery unit) is not a control device.

"Control device shutdown" means the cessation of operation of a control device for any purpose.

"Distillate receiver" means a container or tank used to receive and collect liquid material (condensed) from the overhead condenser of a distillation unit and from which the condensed liquid is pumped to larger storage tanks or other process units.

"Distillation operation" means an operation, either batch or continuous, separating one or more feed streams into two or more exit streams, each exit stream having component concentrations different from those in the feed streams. The separation is achieved by the redistribution of the components between the liquid and vapor phase as they approach equilibrium within the distillation unit.

"Double block and bleed system" means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

"Equipment" means each valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, or flange or other connector, and any control devices or systems required by this Subpart AA.

"Flame zone" means the portion of the combustion chamber in a boiler occupied by the flame envelope.

"Flow indicator" means a device that indicates whether gas flow is present in a vent stream.

"First attempt at repair" means to take rapid action for the purpose of stopping or reducing leakage of organic material to the atmosphere using best practices.

"Fractionation operation" means a distillation operation or method used to separate a mixture of several volatile components of different boiling points in successive stages, each stage removing from the mixture some proportion of one of the components.

"Hazardous secondary material management unit shutdown" means a work practice or operational procedure that stops operation of a hazardous secondary material management unit or part of a hazardous secondary material management unit. An unscheduled work practice or operational procedure that stops operation of a hazardous secondary material management unit or part of a hazardous secondary material management unit for less than 24 hours is not a hazardous secondary material management unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping operation are not hazardous secondary material management unit shutdowns.

"Hot well" means a container for collecting condensate as in a steam condenser serving a vacuum-jet or steam-jet ejector.

"In gas/vapor service" means that the piece of equipment contains or contacts a hazardous secondary material stream that is in the gaseous state at operating conditions.

"In heavy liquid service" means that the piece of equipment is not in gas/vapor service or in light liquid service.

"In light liquid service" means that the piece of equipment contains or contacts a material stream where the vapor pressure of one or more of the organic components in the stream is greater than 0.3 kilopascals (kPa) at 20 °C, the total concentration of the pure organic components having a vapor pressure greater than 0.3 kPa at 20 °C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions.

"In situ sampling systems" means non-extractive samplers or in-line samplers.

"In vacuum service" means that equipment is operating at an internal pressure that is at least 5 kPa below ambient pressure.

"Malfunction" means any sudden failure of a control device or a hazardous secondary material management unit or failure of a hazardous secondary material management unit to operate in a normal or usual manner, so that organic emissions are increased.

"Open-ended valve or line" means any valve, except pressure relief valves, having one side of the valve seat in contact with hazardous

secondary material and one side open to the atmosphere, either directly or through open piping.

"Pressure release" means the emission of materials resulting from the system pressure being greater than the set pressure of the pressure relief device.

"Process heater" means a device that transfers heat liberated by burning fuel to fluids contained in tubes, including all fluids except water that are heated to produce steam.

"Process vent" means any open-ended pipe or stack that is vented to the atmosphere either directly, through a vacuum-producing system, or through a tank (e.g., distillate receiver, condenser, bottoms receiver, surge control tank, separator tank, or hot well) associated with hazardous secondary material distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations.

"Repaired" means that equipment is adjusted, or otherwise altered, to eliminate a leak.

"Sampling connection system" means an assembly of equipment within a process or material management unit used during periods of representative operation to take samples of the process or material fluid. Equipment used to take non-routine grab samples is not considered a sampling connection system.

"Sensor" means a device that measures a physical quantity or the change in a physical quantity, such as temperature, pressure, flow rate, pH, or liquid level.

"Separator tank" means a device used for separation of two immiscible liquids.

"Solvent extraction operation" means an operation or method of separation in which a solid or solution is contacted with a liquid solvent (the two being mutually insoluble) to preferentially dissolve and transfer one or more components into the solvent.

"Startup" means the setting in operation of a hazardous secondary material management unit or control device for any purpose.

"Steam stripping operation" means a distillation operation in which vaporization of the volatile constituents of a liquid mixture takes place by the introduction of steam directly into the charge.

"Surge control tank" means a large-sized pipe or storage reservoir sufficient to contain the surging liquid discharge of the process tank to which it is connected.

"Thin-film evaporation operation" means a distillation operation that employs a heating surface consisting of a large diameter tube that may

be either straight or tapered, horizontal or vertical. Liquid is spread on the tube wall by a rotating assembly of blades that maintain a close clearance from the wall or actually ride on the film of liquid on the wall.

"Vapor incinerator" means any enclosed combustion device that is used for destroying organic compounds and does not extract energy in the form of steam or process heat.

"Vented" means discharged through an opening, typically an open-ended pipe or stack, allowing the passage of a stream of liquids, gases, or fumes into the atmosphere. The passage of liquids, gases, or fumes is caused by mechanical means such as compressors or vacuum-producing systems or by process-related means such as evaporation produced by heating and not caused by tank loading and unloading (working losses) or by natural means such as diurnal temperature changes.

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

Section 721.933 Standards: Closed-Vent Systems and Control Devices

a) Applicability.

1) The remanufacturer or other person that stores or treats the hazardous secondary materials in hazardous secondary material management units using closed-vent systems and control devices used to comply with provisions of this Part must comply with the provisions of this Section.

2) This subsection (a)(2) corresponds with 40 CFR 261.1033, which USEPA has marked "reserved-". This statement maintains structural consistency with the federal regulations.

b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 721.932(a)(1) for all affected process vents can be attained at an efficiency less than 95 weight percent.

c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds, not carbon equivalents, on a dry basis corrected to three percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760 °C. If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame zone of the boiler or process heater.

d) Flares.

1) A flare must be designed for and operated with no visible emissions, as determined by the methods specified in subsection (e) (1), except for periods not to exceed a total of five minutes during any two consecutive hours.

2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f) (2) (C).

3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater if the flare is non-assisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e) (2).

4) Exit velocity.

A) A steam-assisted or nonassisted flare must be designed for and operated with an exit velocity, as determined by the methods specified in subsection (e) (3), less than 18.3 m/s (60 ft/s), except as provided in subsections (d) (4) (B) and (C).

B) A steam-assisted or non-assisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e) (3), equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

C) A steam-assisted or non-assisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e) (3), less than the velocity, V_{max} , as determined by the method specified in subsection (e) (4), and less than 122 m/s (400 ft/s) is allowed.

5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V_{max} , as determined by the method specified in subsection (e) (5).

6) A flare used to comply with this Section must be steam-assisted, air-assisted, or unassisted.

e) Compliance determination and equations.

1) Reference Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart AA. The observation period is two hours and must be used according to Method 22.

2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H_T = K \sum_{i=1}^n C_i H_i$$

Where:

HT = Net heating value of the sample, MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25 °C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mol is 20 °C; K = Constant, 1.74×10^{-7} (1/ppm) (g mol/scm) (MJ/kcal) where standard temperature for (g mol/scm) is 20 °C; Ci = Concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, and measured for hydrogen and carbon monoxide by ASTM D 1946-90, incorporated by reference in Section 720.111; and H_i = Net heat of combustion of sample component i, kcal/g mol at 25 °C and 760 mm Hg. The heats of combustion may be determined using ASTM D 2382-83, incorporated by reference in Section 720.111, if published values are not available or cannot be calculated.

3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)), 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), or 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts) in appendix A to 40 CFR 60 (Test Methods), each incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

4) The maximum allowed velocity in m/s, V_{max} , for a flare complying with subsection (d)(4)(C) must be determined by the following equation:

$$\log_{10}(V_{max}) = (H_T + 28.8) / 31.7$$

Where:

HT = The net heating value as determined in subsection (e)(2).

5) The maximum allowed velocity in m/s, V_{max} , for an air-assisted flare must be determined by the following equation:

$$V_{max} = 8.706 + 0.7084 (H_T)$$

Where:

HT = The net heating value as determined in subsection (e)(2).

f) The remanufacturer or other person that stores or treats the hazardous secondary material must monitor and inspect each control device required to comply with this section to ensure proper operation

and maintenance of the control device by implementing the following requirements:

1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before the point at which the vent streams are combined.

2) Install, calibrate, maintain, and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:

A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or ± 0.5 $^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or ± 0.5 $^{\circ}\text{C}$, whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.

C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.

D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or ± 0.5 $^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.

E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure a parameters that indicates good combustion operating practices are being used.

F) For a condenser, either:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or

ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature with an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or ± 0.5 $^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side).

G) For a carbon adsorption system that regenerates the carbon bed directly in the control device such as a fixed-bed carbon adsorber, either:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed; or

ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.

3) Inspect the readings from each monitoring device required by subsections (f)(1) and (f)(2) at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.

g) A remanufacturer or other person that stores or treats hazardous secondary material in a hazardous secondary material management unit using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device must replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 721.935(b)(4)(C)(vi).

h) A remanufacturer or other person that stores or treats hazardous secondary material in a hazardous secondary material management unit using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device must replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:

1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of Section 721.935(b)(4)(C)(vii), whichever is longer.

2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon

replacement interval established as a requirement of Section 721.935(b)(4)(C)(vii).

i) An alternative operational or process parameter may be monitored if it can be demonstrated that another parameter will ensure that the control device is operated in conformance with these standards and the control device's design specifications.

j) A remanufacturer or other person that stores or treats hazardous secondary material at an affected facility seeking to comply with the provisions of this part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

k) A closed-vent system must meet either of the following design requirements:

1) A closed-vent system must be designed to operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background as determined by the procedure in Section 721.934(b), and by visual inspections; or

2) A closed-vent system must be designed to operate at a pressure below atmospheric pressure. The system must be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.

l) The remanufacturer or other person that stores or treats the hazardous secondary material must monitor and inspect each closed-vent system required to comply with this section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:

1) Each closed-vent system that is used to comply with subsection (k)(1) must be inspected and monitored in accordance with the following requirements:

A) An initial leak detection monitoring of the closed-vent system must be conducted by the remanufacturer or other person that stores or treats the hazardous secondary material on or before the date that the system becomes subject to this section. The remanufacturer or other person that stores or treats the hazardous secondary material must monitor the closed-vent system components and connections using the procedures specified in Section 721.934(b) to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background.

B) After initial leak detection monitoring required in subsection (l)(1)(A), the remanufacturer or other person that stores or treats the hazardous secondary material must inspect and monitor the closed-vent system as follows:

i) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) must be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The remanufacturer or other person that stores or treats the hazardous secondary material must monitor a component or connection using the procedures specified in Section 721.934(b) to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted).

ii) Closed-vent system components or connections other than those specified in subsection (l)(1)(B)(i) must be monitored annually and at other times as requested by the Agency, except as provided for in subsection (o), using the procedures specified in Section 721.934(b) to demonstrate that the components or connections operate with no detectable emissions. The Agency must make any request for monitoring in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

C) In the event that a defect or leak is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect or leak in accordance with the requirements of subsection (l)(3).

D) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 721.935.

2) Each closed-vent system that is used to comply with subsection (k)(2) must be inspected and monitored in accordance with the following requirements:

A) The closed-vent system must be visually inspected by the remanufacturer or other person that stores or treats the hazardous secondary material to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping or loose connections.

B) The remanufacturer or other person that stores or treats the hazardous secondary material must perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the remanufacturer or other person that stores or treats the hazardous secondary material must perform the inspections at least once every year.

C) In the event that a defect or leak is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (1) (3) .

D) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 721.935.

3) The remanufacturer or other person that stores or treats the hazardous secondary material must repair all detected defects as follows:

A) Detectable emissions, as indicated by visual inspection, or by an instrument reading greater than 500 ppmv above background, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in subsection (1) (3) (C) .

B) A first attempt at repair must be made no later than 5 calendar days after the emission is detected.

C) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown, or if the remanufacturer or other person that stores or treats the hazardous secondary material determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment must be completed by the end of the next process unit shutdown.

D) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the defect repair in accordance with the requirements specified in Section 721.935.

m) Closed-vent systems and control devices used to comply with provisions of this Subpart AA must be operated at all times when emissions may be vented to them.

n) The owner or operator using a carbon adsorption system to control air pollutant emissions must document that all carbon that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the average volatile organic concentration of the carbon:

1) Regenerated or reactivated in a thermal treatment unit that meets one of the following:

A) The owner or operator of the unit has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart X ~~of this Part~~;

B) The unit is equipped with and operating air emission controls in accordance with the applicable requirements of Subparts AA and CC ~~of this Part~~ or Subparts AA and CC of 35 Ill. Adm. Code 725; or

C) The unit is equipped with and operating air emission controls in accordance with a national emission standard for hazardous air pollutants under 40 CFR 61 (National Emission Standards for Hazardous Air Pollutants) or 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), each incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) Incinerated in a hazardous waste incinerator for which the owner or operator either:

A) Has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart O ~~of this Part~~; or

B) Has designed and operates the incinerator in accordance with the interim status requirements of Subpart O of 35 Ill. Adm. Code 725.

3) Burned in a boiler or industrial furnace for which the owner or operator either:

A) Has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart H of 35 Ill. Adm. Code 726; or

B) Has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of Subpart H of 35 Ill. Adm. Code 726.

o) Any components of a closed-vent system that are designated, as described in Section 721.935(c)(9), as unsafe to monitor are exempt from the requirements of subsection (l)(1)(B)(ii) if both of the following conditions are fulfilled:

1) The remanufacturer or other person that stores or treats the hazardous secondary material in a hazardous secondary material management unit using a closed-vent system determines that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (l)(1)(B)(ii); and

2) The remanufacturer or other person that stores or treats the hazardous secondary material in a hazardous secondary material management unit using a closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the

procedure specified in subsection (1) (1) (B) (ii) as frequently as practicable during safe-to-monitor times.

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

Section 721.934 Test Methods and Procedures

a) Each remanufacturer or other person that stores or treats the hazardous secondary material subject to the provisions of this Subpart AA must comply with the test methods and procedural requirements provided in this Section.

b) When a closed-vent system is tested for compliance with no detectable emissions, as required in Section 721.933(1) of this Subpart AA, the test must comply with the following requirements:

1) Monitoring must comply with Reference Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111.

2) The detection instrument must meet the performance criteria of Reference Method 21.

3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

4) Calibration gases must be:

A) Zero air (less than 10 ppm of hydrocarbon in air).

B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.

5) The background level must be determined as set forth in Reference Method 21.

6) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

7) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

c) Performance tests to determine compliance with Section 721.932(a) and with the total organic compound concentration limit of Section 721.933(c) must comply with the following:

1) Performance tests to determine total organic compound concentrations and mass flow rates entering and exiting control devices

must be conducted and data reduced in accordance with the following reference methods and calculation procedures:

A) Reference Method 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111 for velocity and volumetric flow rate.

B) Reference Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography) or Reference Method 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, for organic content. If Reference Method 25A is used, the organic HAP used as the calibration gas must be the single organic HAP representing the largest percent by volume of the emissions. The use of Reference Method 25A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

C) Each performance test must consist of three separate runs; each run must be conducted for at least one hour under the conditions that exist when the hazardous secondary material management unit is operating at the highest load or capacity level reasonably expected to occur. For the purpose of determining total organic compound concentrations and mass flow rates, the average of results of all runs must apply. The average must be computed on a time-weighted basis.

D) Total organic mass flow rates must be determined by the following equation:

i) For sources utilizing Reference Method 18.

$$E_h = \frac{Q \sum_{i=1}^n C_i MW_i}{10^6}$$
Where:

E_h = Total organic mass flow rate, kg/h; Q = Volumetric flow rate of gases entering or exiting control device, as determined by Reference Method 2, dscm/h; n = Number of organic compounds in the vent gas; C_i = Organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Reference Method 18; MW_i = Molecular weight of organic compound i in the vent gas, kg/kg-mol; 0.0416 = Conversion factor for molar volume, kg-mol/m³ (@293 K and 760 mm Hg); and 10⁻⁶ = Conversion from ppm.

ii) For sources utilizing Reference Method 25A.

$E_h = (Q) (C) (MW) (0.0416) (10^{-6})$

Where:

E_h = Total organic mass flow rate, kg/h; Q = Volumetric flow rate of gases entering or exiting control device, as determined by Reference

Method 2, dscm/h; C = Organic concentration in ppm, dry basis, as determined by Reference Method 25A; MW = Molecular weight of propane, 44; 0.0416 = Conversion factor for molar volume, kg-mol/m³ (@293 K and 760 mm Hg); and 10⁻⁶ = Conversion from ppm.

E) The annual total organic emission rate must be determined by the following equation:

$$EA = (Eh) (H)$$

Where:

EA = Total organic mass emission rate, kg/y; Eh = Total organic mass flow rate for the process vent, kg/h; and ~~H~~ and ~~H~~ = Total annual hours of operations for the affected unit, h/y.

F) Total organic emissions from all affected process vents at the facility must be determined by summing the hourly total organic mass emission rates (Eh, as determined in subsection (c)(1)(D)) and by summing the annual total organic mass emission rates (EA, as determined in subsection (c)(1)(E)) for all affected process vents at the facility.

2) The remanufacturer or other person that stores or treats the hazardous secondary material must record process information as necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction must not constitute representative conditions for the purpose of a performance test.

3) The remanufacturer or other person that stores or treats the hazardous secondary material at an affected facility must provide, or cause to be provided, performance testing facilities, as follows:

A) Sampling ports adequate for the test methods specified in subsection (c)(1).

B) Safe sampling platforms.

C) Safe access to sampling platforms.

D) Utilities for sampling and testing equipment.

4) For the purpose of making compliance determinations, the time-weighted average of the results of the three runs must apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the control of the remanufacturer or other person that stores or treats the hazardous secondary material, the Agency may approve compliance determination using the average of the results of the two other runs. The Agency must state any approval or disapproval of a compliance determination in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

d) To show that a process vent associated with a hazardous secondary material distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation is not subject to the requirements of this Subpart AA, the remanufacturer or other person that stores or treats the hazardous secondary material must make an initial determination that the time-weighted, annual average total organic concentration of the material managed by the hazardous secondary material management unit is less than 10 ppmw using one of the following two methods:

1) Direct measurement of the organic concentration of the material using the following procedures:

A) The remanufacturer or other person that stores or treats the hazardous secondary material must take a minimum of four grab samples of material for each material stream managed in the affected unit under process conditions expected to cause the maximum material organic concentration.

B) For material generated onsite, the grab samples must be collected at a point before the material is exposed to the atmosphere such as in an enclosed pipe or other closed system that is used to transfer the material after generation to the first affected distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation. For material generated offsite, the grab samples must be collected at the inlet to the first material management unit that receives the material provided the material has been transferred to the facility in a closed system such as a tank truck and the material is not diluted or mixed with other material.

C) Each sample must be analyzed and the total organic concentration of the sample must be computed using Method 9060A of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or analyzed for its individual organic constituents.

D) The arithmetic mean of the results of the analyses of the four samples must apply for each material stream managed in the unit in determining the time-weighted, annual average total organic concentration of the material. The time-weighted average is to be calculated using the annual quantity of each material stream processed and the mean organic concentration of each material stream managed in the unit.

2) Using knowledge of the material to determine that its total organic concentration is less than 10 ppmw. Documentation of the material determination is required. Examples of documentation that must be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the material is generated by a process that is identical to a process at the same or another facility that has

previously been demonstrated by direct measurement to generate a material stream having a total organic content less than 10 ppmw, or prior speciation analysis results on the same material stream where it can also be documented that no process changes have occurred since that analysis that could affect the material total organic concentration.

e) The determination that distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations manage hazardous secondary materials with time-weighted, annual average total organic concentrations less than 10 ppmw must be made as follows:

1) By the effective date that the facility becomes subject to the provisions of this Subpart AA or by the date when the material is first managed in a hazardous secondary material management unit, whichever is later; and

2) For continuously generated material, annually; or

3) Whenever there is a change in the material being managed or a change in the process that generates or treats the material.

f) When a remanufacturer or other person that stores or treats the hazardous secondary material and the Agency do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous secondary material with organic concentrations of at least 10 ppmw based on knowledge of the material, the dispute may be resolved by using direct measurement, as specified at subsection (d)(1). The Agency must state any disagreement in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

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

Section 721.935 Recordkeeping Requirements

a) Compliance Required.

1) Each remanufacturer or other person that stores or treats the hazardous secondary material subject to the provisions of this Subpart AA must comply with the recordkeeping requirements of this Section.

2) A remanufacturer or other person that stores or treats the hazardous secondary material of more than one hazardous secondary material management unit subject to the provisions of this Subpart AA may comply with the recordkeeping requirements for these hazardous secondary material management units in one recordkeeping system if the system identifies each record by each hazardous secondary material management unit.

b) The remanufacturer or other person that stores or treats the hazardous secondary material must keep the following records on-site:

1) For facilities that comply with the provisions of Section 721.933(a)(2), an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The schedule must also include a rationale of why the installation cannot be completed at an earlier date. The implementation schedule must be kept on-site at the facility by the effective date that the facility becomes subject to the provisions of this Subpart AA.

2) Up-to-date documentation of compliance with the process vent standards in Section 721.932, including the following:

A) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for each 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 secondary material management units on a facility plot plan).

B) Information and data supporting determinations of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions, such as when the hazardous secondary material management unit is operating at the highest load or capacity level reasonably expected to occur. If the remanufacturer or other person that stores or treats the hazardous secondary material takes any action (e.g., managing a material of different composition or increasing operating hours of affected hazardous secondary material management units) that would result in an increase in total organic emissions from affected process vents at the facility, then a new determination is required.

3) Where a remanufacturer or other person that stores or treats the hazardous secondary material chooses to use test data to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan must be developed and include the following:

A) A description of how it is determined that the planned test is going to be conducted when the hazardous secondary material management unit is operating at the highest load or capacity level reasonably expected to occur. This must include the estimated or design flow rate and organic content of each vent stream and define the acceptable operating ranges of key process and control device parameters during the test program.

B) A detailed engineering description of the closed-vent system and control device, including the following:

- i) Manufacturer's name and model number of control device.
- ii) Type of control device.
- iii) Dimensions of the control device.
- iv) Capacity.
- v) Construction materials.

C) 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) Documentation of compliance with Section 721.933 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 Section 721.933(k).

C) If engineering calculations are used, a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions", incorporated by reference as specified in 35 Ill. Adm. Code 720.111, or other engineering texts acceptable to the Agency that present basic control device design information. Documentation provided by the control device manufacturer or vendor that describes the control device design in accordance with subsections (b)(4)(C)(i) through (b)(4)(C)(vii) may be used to comply with this requirement. The design analysis must address the vent stream characteristics and control device operation parameters, as specified below. The Agency must state whether or not the other engineering texts are acceptable or unacceptable in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

i) For a thermal vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.

ii) For a catalytic vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperatures across the catalyst bed inlet and outlet.

iii) For a boiler or process heater, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average flame zone temperatures, combustion zone residence time, and description of method and location where the vent stream is introduced into the combustion zone.

iv) For a flare, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also consider the requirements specified in Section 721.933(d).

v) For a condenser, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature. The design analysis must also establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream, and design average temperatures of the coolant fluid at the condenser inlet and outlet.

vi) For a carbon adsorption system such as a fixed-bed adsorber that regenerates the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature. The design analysis must also establish the design exhaust vent stream organic compound concentration level, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the carbon bed steaming and cooling/drying cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time, and design service life of carbon.

vii) For a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature. The design analysis must also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed, and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.

D) A statement signed and dated by the remanufacturer or other person that stores or treats the hazardous secondary material certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous secondary material management unit is or would be operating at the highest load or capacity level reasonably expected to occur.

E) A statement signed and dated by the remanufacturer or other person that stores or treats the hazardous secondary material certifying that the control device is designed to operate at an efficiency of 95 percent

or greater unless the total organic concentration limit of Section 721.932(a) is achieved at an efficiency less than 95 weight percent or the total organic emission limits of Section 721.932(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. A statement provided by the control device manufacturer or vendor certifying that the control equipment meets the design specifications may be used to comply with this requirement.

F) If performance tests are used to demonstrate compliance, all test results.

c) Design documentation and monitoring, operating, and inspection information for each closed-vent system and control device required to comply with the provisions of this part must be recorded and kept up-to-date at the facility. The information must include the following:

1) Description and date of each modification that is made to the closed-vent system or control device design.

2) Identification of operating parameter, description of monitoring device, and diagram of monitoring sensor location or locations used to comply with Section 721.933 (f) (1) and (f) (2).

3) Monitoring, operating, and inspection information required by Section 721.933(f) through (k).

4) Date, time, and duration of each period that occurs while the control device is operating when any monitored parameter exceeds the value established in the control device design analysis, as specified below:

A) For a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of $760\text{--}^{\circ}\text{C}$, period when the combustion temperature is below $760\text{--}^{\circ}\text{C}$.

B) For a thermal vapor incinerator designed to operate with an organic emission reduction efficiency of 95 weight percent or greater, period when the combustion zone temperature is more than $28\text{--}^{\circ}\text{C}$ below the design average combustion zone temperature established as a requirement of subsection (b) (4) (C) (i).

C) For a catalytic vapor incinerator, period when either of the following occurs:

i) Temperature of the vent stream at the catalyst bed inlet is more than $28\text{--}^{\circ}\text{C}$ below the average temperature of the inlet vent stream established as a requirement of subsection (b) (4) (C) (ii) ~~7.2~~ or

ii) Temperature difference across the catalyst bed is less than 80 percent of the design average temperature difference established as a requirement of subsection (b) (4) (C) (ii).

D) For a boiler or process heater, period when either of the following occurs:

i) Flame zone temperature is more than 28—°C below the design average flame zone temperature established as a requirement of subsection (b) (4) (C) (iii); or

ii) Position changes where the vent stream is introduced to the combustion zone from the location established as a requirement of subsection (b) (4) (C) (iii).

E) For a flare, period when the pilot flame is not ignited.

F) For a condenser that complies with Section 721.933(f) (2) (F) (i), period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the condenser are more than 20 percent greater than the design outlet organic compound concentration level established as a requirement of subsection (b) (4) (C) (v).

G) For a condenser that complies with Section 721.933(f) (2) (F) (ii), period when either of the following occurs:

i) Temperature of the exhaust vent stream from the condenser is more than 6—°C above the design average exhaust vent stream temperature established as a requirement of subsection (b) (4) (C) (v); or

ii) Temperature of the coolant fluid exiting the condenser is more than 6—°C above the design average coolant fluid temperature at the condenser outlet established as a requirement of subsection (b) (4) (C) (v).

H) For a carbon adsorption system, such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and which complies with Section 721.933(f) (2) (G) (i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the carbon bed are more than 20 percent greater than the design exhaust vent stream organic compound concentration level established as a requirement of subsection (b) (4) (C) (vi).

I) For a carbon adsorption system, such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and which complies with Section 721.933(f) (2) (G) (ii), any period when the vent stream continues to flow through the control device beyond the predetermined carbon bed regeneration time established as a requirement of subsection (b) (4) (C) (vi).

5) Explanation for each period recorded under subsection (c) (4) of the cause for control device operating parameter exceeding the design

value and the measures implemented to correct the control device operation.

6) For a carbon adsorption system operated subject to requirements specified in Section 721.933(g) or (h)(2), any date when existing carbon in the control device is replaced with fresh carbon.

7) For a carbon adsorption system operated subject to requirements specified in Section 721.933(h)(1), a log that records:

A) Date and time when control device is monitored for carbon breakthrough and the monitoring device reading.

B) Date when existing carbon in the control device is replaced with fresh carbon.

8) Date of each control device startup and shutdown.

9) A remanufacturer or other person that stores or treats the hazardous secondary material designating any components of a closed-vent system as unsafe to monitor pursuant to Section 721.933(o) must record in a log that is kept at the facility the identification of closed-vent system components that are designated as unsafe to monitor in accordance with the requirements of Section 721.933(o), an explanation for each closed-vent system component stating why the closed-vent system component is unsafe to monitor, and the plan for monitoring each closed-vent system component.

10) When each leak is detected as specified in Section 721.933(l), the following information must be recorded:

A) The instrument identification number, the closed-vent system component identification number, and the operator name, initials, or identification number.

B) The date the leak was detected and the date of first attempt to repair the leak.

C) The date of successful repair of the leak.

D) Maximum instrument reading measured by Reference Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, after it is successfully repaired or determined to be nonrepairable.

E) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

i) The remanufacturer or other person that stores or treats the hazardous secondary material may develop a written procedure that identifies the conditions that justify a delay of repair. In such

cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure.

ii) If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked on-site before depletion and the reason for depletion.

d) Records of the monitoring, operating, and inspection information required by subsections (c)(3) through (c)(10) must be maintained by the owner or operator for at least three years following the date of each occurrence, measurement, maintenance, corrective action, or record.

e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the Agency must specify the appropriate recordkeeping requirements. The Agency must specify the appropriate recordkeeping requirements in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 721.932, including supporting documentation as required by Section 721.934(d)(2) when application of the knowledge of the nature of the hazardous secondary material stream or the process by which it was produced is used, must be recorded in a log that is kept at the facility.

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

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 721.950 Applicability

The regulations in this this Subpart BB apply to equipment that contains hazardous secondary materials excluded under the remanufacturing exclusion at Section 721.104(a)(27), unless the equipment operations are subject to the requirements of an applicable federal Clean Air Act regulation in 40 CFR 60 (Standards of Performance for New Stationary Sources), 61 (National Emission Standards for Hazardous Air Pollutants), or 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), each incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: ~~Sections~~Section 9.1(b) and (d) of the Act ~~415-ILCS 5/9.1(b) and (d)~~ make the federal new source performance standards and national emission standards for hazardous air pollutants directly applicable in Illinois and prohibit operation of an emission source without a permit issued by the Agency. The Agency issues permits that incorporate the federal new source performance standards and national emission standards for hazardous air pollutants pursuant to Section 39.5 of the Act ~~415-ILCS 5/39.5.~~

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

Section 721.960 Standards: Closed-Vent Systems and Control Devices

a) The remanufacturer or other person that stores or treats the hazardous secondary material in a hazardous secondary material management unit ~~units~~ using closed-vent systems and control devices subject to this Subpart BB must comply with the provisions of Section 721.933.

b) Implementation Schedule.

1) The remanufacturer or other person that stores or treats the hazardous secondary material at an existing facility who cannot install a closed-vent system and control device to comply with the provisions of this Subpart BB on the effective date that the facility becomes subject to the provisions of this Subpart BB must prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart BB for installation and startup.

2) Any unit beginning ~~that begins~~ operation that ~~after July 13, 2015 and which~~ is subject to the provisions of this Subpart BB when operation begins, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 30-month implementation schedule does not apply.

3) The remanufacturer or other person that stores or treats the hazardous secondary material at any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart BB must comply with all requirements of this Subpart BB as soon as practicable but no later than 30 months after the amendment's effective date. When control equipment required by this Subpart BB cannot be installed and begin operation by the effective date of the statutory or regulatory amendment that renders the facility subject to this Subpart BB, the facility owner or operator must prepare an implementation schedule that includes the following information: specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart BB. The remanufacturer or other person that stores or treats the hazardous secondary material must keep a copy of the implementation schedule at the facility.

BOARD NOTE: The federal effective date of this provision was July 15, 2015. The resulting compliance deadline for the Subpart BB standards was then January 18, 2018 for all facilities to which this Subpart BB

applied on July 15, ~~2015.~~ 2015. All ~~and for all~~ new and modified facilities to which this Subpart BB applies are to ~~immediate~~immediately comply upon beginning operation after ~~would have applied had they existed on or been modified before July 15, 2015 in a way that would have made them subject to the requirements of this Subpart BB.~~ July 15, 2015. Where this Subpart BB becomes applicable to a facility subject to after July 15, 2015 as a result of statutory or regulatory amendment, compliance with the Subpart BB standards is required 30 months after the effective date of the statutory or regulatory amendment that subjected that facility to this provision.

4) Remanufacturers or other persons that store or treat the hazardous secondary materials at facilities and units that become newly subject to the requirements of this Subpart BB ~~after January 13, 2015,~~ due to an action other than those described in subsection (b)(3), must comply with all applicable requirements immediately (i.e., must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart BB; the 30-month implementation schedule does not apply).

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

Section 721.963 Test Methods and Procedures

a) Each remanufacturer or other person that stores or treats the hazardous secondary material subject to the provisions of this Subpart BB must comply with the test methods and procedures requirements provided in this Section.

b) Leak detection monitoring, as required in Sections 721.952 through 721.962, must comply with the following requirements:

1) Monitoring must comply with Reference Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111.

2) The detection instrument must meet the performance criteria of Reference Method 21.

3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

4) Calibration gases must be as follows:

A) Zero air (less than 10 ppm of hydrocarbon in air); and

B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.

5) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

c) When equipment is tested for compliance with no detectable emissions, as required in Sections 721.952(e), 721.953(i), 721.954, and 721.957(f), the test must comply with the following requirements:

1) The requirements of subsections (b)(1) through (b)(4).

2) The background level must be determined as set forth in Reference Method 21.

3) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

4) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

d) A remanufacturer or other person that stores or treats the hazardous secondary material must determine, for each piece of equipment, whether the equipment contains or contacts a hazardous secondary material with organic concentration that equals or exceeds 10 percent by weight using the following:

1) Methods described in ASTM Methods D 2267-88, E 169-87, E 168-88, E 260-85, incorporated by reference in 35 Ill. Adm. Code 720.111;

2) Method 9060A of "Test Methods for Evaluating Solid Waste", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, for computing total organic concentration of the sample, or analyzed for its individual organic constituents; or

3) Application of the knowledge of the nature of the hazardous secondary material stream or the process by which it was produced. Documentation of a material determination by knowledge is required. Examples of documentation that must be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the material is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to have a total organic content less than 10 percent, or prior speciation analysis results on the same material stream, where it can also be documented that no process changes have occurred since that analysis that could affect the material total organic concentration.

e) If a remanufacturer or other person that stores or treats the hazardous secondary material determines that a piece of equipment contains or contacts a hazardous secondary material with organic concentrations at least 10 percent by weight, the determination can be

revised only after following the procedures in subsection (d)(1) or (d)(2).

f) When a remanufacturer or other person that stores or treats the hazardous secondary material and the Agency do not agree on whether a piece of equipment contains or contacts a hazardous secondary material with organic concentrations at least 10 percent by weight, the procedures in subsection (d)(1) or (d)(2) can be used to resolve the dispute. The Agency must state any disagreement on whether a piece of equipment contains or contacts a hazardous secondary material with organic concentrations at least 10 percent by weight in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

g) Samples used in determining the percent organic content must be representative of the highest total organic content hazardous secondary material that is expected to be contained in or contact the equipment.

h) To determine if pumps or valves are in light liquid service, the vapor pressures of constituents may be obtained from standard reference texts or may be determined by ASTM D 2879-92, incorporated by reference in 35 Ill. Adm. Code 720.111.

i) Performance tests to determine if a control device achieves 95 weight percent organic emission reduction must comply with the procedures of Section 721.934(c)(1) through (c)(4).

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

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS

Section 721.983 Material Determination Procedures

a) Procedure to Determine Average Volatile Organic (VO) Concentration.

1) Determining average VO concentration at the point of material origination. A remanufacturer or other person that stores or treats the hazardous secondary material must determine the average VO concentration at the point of material origination for each hazardous secondary material placed in a hazardous secondary material management unit exempted under the provisions of Section 721.982(c)(1) from using air emission controls in accordance with standards specified in Sections 721.984 through 721.987, as applicable to the hazardous secondary material management unit.

A) An initial determination of the average VO concentration of the material stream must be made before the first time any portion of the material in the hazardous secondary material stream is placed in a hazardous secondary material management unit exempted under the provisions of Section 721.982(c)(1) from using air emission controls,

and thereafter an initial determination of the average VO concentration of the material stream must be made for each averaging period that a hazardous secondary material is managed in the unit; and

B) Perform a new material determination whenever changes to the source generating the material stream are reasonably likely to cause the average VO concentration of the hazardous secondary material to increase to a level that is equal to or greater than the applicable VO concentration limits specified in Section 721.982.

2) Determination of average VO concentration using direct measurement or knowledge. For a material determination that is required by subsection (a) (1), the average VO concentration of a hazardous secondary material at the point of material origination must be determined using either direct measurement, as specified in subsection (a) (3), or by knowledge of the hazardous secondary material, as specified in subsection (a) (4).

3) Direct measurement to determine average VO concentration of a hazardous secondary material at the point of material origination, as follows:

A) Identification. The remanufacturer or other person that stores or treats the hazardous secondary material must identify and record in a log that is kept at the facility the point of material origination for the hazardous secondary material.

B) Sampling. Samples of the hazardous secondary material stream must be collected at the point of material origination in a manner such that volatilization of organics contained in the material and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i) The averaging period to be used for determining the average VO concentration for the hazardous secondary material stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the remanufacturer or other person that stores or treats the hazardous secondary material determines is appropriate for the hazardous secondary material stream but must not exceed one year.

ii) A sufficient number of samples, but no less than four samples, must be collected and analyzed for a hazardous secondary material determination. All of the samples for a given material determination must be collected within a one-hour period. The average of the four or more sample results constitutes a material determination for the material stream. One or more material determinations may be required to represent the complete range of material compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous secondary material stream. Examples of such normal variations

are seasonal variations in material quantity or fluctuations in ambient temperature.

iii) All samples must be collected and handled in accordance with written procedures prepared by the remanufacturer or other person that stores or treats the hazardous secondary material and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous secondary material stream are collected such that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained at the facility. An example of acceptable sample collection and handling procedures for a total volatile organic constituent concentration may be found in Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111.

iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a) (3) (B) (iii), must be prepared and recorded to document the material quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the hazardous secondary material represented by the samples.

C) Analysis. Each collected sample must be prepared and analyzed in accordance with Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, for the total concentration of volatile organic constituents, or using one or more methods when the individual organic compound concentrations are identified and summed and the summed material concentration accounts for and reflects all organic compounds in the material with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase ($0.1 Y/X$) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m³) at 25 °C. At the discretion of the remanufacturer or other person that stores or treats the hazardous secondary material, the test data obtained may be adjusted by any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value of less than $0.1 Y/X$ at 25 °C. To adjust these data, the measured concentration of each individual chemical constituent contained in the material is multiplied by the appropriate constituent-specific adjustment factor (fm25D). If the remanufacturer or other person that stores or treats the hazardous secondary material elects to adjust the test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to $0.1 Y/X$ at 25 °C contained in the material. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factors (fm25D) approved in writing by the Agency. Other test methods may be used if they meet the requirements in subsection (a) (3) (C) (i) or (a) (3) (C) (ii) and provided

the requirement to reflect all organic compounds in the material with Henry's law constant values greater than or equal to 0.1 Y/X (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m³) at 25 °C, is met.

i) Any USEPA standard method that has been validated in accordance with appendix D to 40 CFR 63 (Alternative Validation Procedure for EPA Waste and Wastewater Methods), incorporated by reference in 35 Ill. Adm. Code 720.111.

ii) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.

D) Calculations.

i) The average VO concentration (\bar{C}) on a mass-weighted basis must be calculated by using the results for all material determinations conducted in accordance with subsections (a)(3)(B) and (a)(3)(C) and the following equation:

$$\bar{C} = 1/Q_T \sum_{i=1}^n Q_i \times C_i$$

Where:

\bar{C} = Average VO concentration of the hazardous secondary material at the point of material origination on a mass-weighted basis, ppmw; i = Individual material determination "i" of the hazardous secondary material; n = Total number of material determinations of the hazardous secondary material conducted for the averaging period (not to exceed one year); Q_i = Mass quantity of hazardous secondary material stream represented by C_i , kg/hr; Q_T = Total mass quantity of hazardous secondary material during the averaging period, kg/hr; ~~and C_i and C_i =~~
Measured VO concentration of material determination "i" as determined in accordance with the requirements of subsection (a)(3)(C) (i.e., the average of the four or more samples specified in subsection (a)(3)(B)(ii)), ppmw.

ii) For the purpose of determining C_i , for individual material samples analyzed in accordance with subsection (a)(3)(C), the remanufacturer or other person that stores or treats the hazardous secondary material must account for VO concentrations determined to be below the limit of detection of the analytical method by using the VO concentration that is one-half the blank value determined in the method at section 4.4 of Reference Method 25D, if Reference Method 25D is used for the analysis; or that is one-half the sum of the limits of detection established for

each organic constituent in the material that has a Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m³) at 25—°C, if any other analytical method is used.

4) Use of knowledge by the remanufacturer or other person that stores or treats the hazardous secondary material to determine average VO concentration of a hazardous secondary material at the point of material origination.

A) Documentation must be prepared that presents the information used as the basis for the knowledge by the remanufacturer or other person that stores or treats the hazardous secondary material of the hazardous secondary material stream's average VO concentration. Examples of information that may be used as the basis for knowledge include material balances for the source or process generating the hazardous secondary material stream; constituent-specific chemical test data for the hazardous secondary material stream from previous testing that are still applicable to the current material stream; previous test data for other locations managing the same type of material stream; or other knowledge based on information included in shipping papers or material certification notices.

B) If test data are used as the basis for knowledge, then the remanufacturer or other person that stores or treats the hazardous secondary material must document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, a remanufacturer or other person that stores or treats the hazardous secondary material may use organic concentration test data for the hazardous secondary material stream that are validated in accordance with Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (Test Methods) as the basis for knowledge of the material.

C) A remanufacturer or other person that stores or treats the hazardous secondary material using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous secondary material may adjust the test data to the corresponding average VO concentration value which would have been obtained had the material samples been analyzed using Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b). To adjust these data, the measured concentration for each individual chemical constituent contained in the material is multiplied by the appropriate constituent-specific adjustment factor (fm25D).

D) In the event that the Agency and the remanufacture or other person that stores or treats the hazardous secondary material disagree on a determination of the average VO concentration for a hazardous secondary

material stream using knowledge, then the results from a determination of average VO concentration using direct measurement as specified in subsection (a)(3) must be used to establish compliance with the applicable requirements of this Subpart CC. The Agency may perform or request that the remanufacturer or other person that stores or treats the hazardous secondary material perform this determination using direct measurement. The remanufacturer or other person that stores or treats the hazardous secondary material may choose one or more appropriate methods to analyze each collected sample in accordance with the requirements of subsection (a)(3)(C). The Agency must state any disagreement on determination of the average VO concentration for a hazardous secondary material stream using knowledge in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

b) This subsection (b) corresponds with 40 CFR 261.1083(b), marked "reserved" by USEPA. This statement maintains structural consistency with the federal regulations.

c) Procedure to determine the maximum organic vapor pressure of a hazardous secondary material in a tank.

1) A remanufacturer or other person that stores or treats the hazardous secondary material must determine the maximum organic vapor pressure for each hazardous secondary material placed in a tank using Tank Level 1 controls in accordance with standards specified in Section 721.984(c).

2) A remanufacturer or other person that stores or treats the hazardous secondary material must use either direct measurement as specified in subsection (c)(3) or knowledge of the waste as specified by subsection (c)(4) to determine the maximum organic vapor pressure which is representative of the hazardous secondary material composition stored or treated in the tank.

3) Direct measurement to determine the maximum organic vapor pressure of a hazardous secondary material.

A) Sampling. A sufficient number of samples must be collected to be representative of the hazardous secondary material contained in the tank. All samples must be collected and handled in accordance with written procedures prepared by the remanufacturer or other person that stores or treats the hazardous secondary material and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous secondary material are collected such that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan must be maintained at the facility. An example of acceptable sample collection and handling procedures may be found in Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR

60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

B) Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure of the hazardous secondary material:

i) Reference Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

ii) Methods described in American Petroleum Institute Publication 2517, Third Edition, February 1989, "Evaporative Loss from External Floating-Roof Tanks", incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) Methods obtained from standard reference texts;

iv) ASTM Method 2879-92, incorporated by reference in 35 Ill. Adm. Code 720.111; and

v) Any other method approved in writing by the Agency.

4) Use of knowledge to determine the maximum organic vapor pressure of the hazardous secondary material. Documentation must be prepared and recorded that presents the information used as the basis for the knowledge by the remanufacturer or other person that stores or treats the hazardous secondary material that the maximum organic vapor pressure of the hazardous secondary material is less than the maximum vapor pressure limit listed in Section 721.984(b)(1)(A) for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous secondary material is generated by a process for which at other locations it previously has been determined by direct measurement that the hazardous secondary material's maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.

d) Procedure for determining no detectable organic emissions for the purpose of complying with this Subpart CC:

1) The test must be conducted in accordance with the procedures specified in Reference Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111. Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices must be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to, the interface of the cover and its foundation mounting, the periphery of any opening on the cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure relief valve.

2) The test must be performed when the unit contains a hazardous secondary material having an organic concentration representative of the range of concentrations for the hazardous secondary material expected to be managed in the unit. During the test, the cover and closure devices must be secured in the closed position.

3) The detection instrument must meet the performance criteria of Reference Method 21, except the instrument response factor criteria in section 3.1.2(a) of Reference Method 21, must be for the average composition of the organic constituents in the hazardous secondary material placed in the hazardous secondary management unit, not for each individual organic constituent.

4) The detection instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

5) Calibration gases must be as follows:

A) Zero air (less than 10 ppmv hydrocarbon in air), and

B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppmv methane or n-hexane.

6) The background level must be determined according to the procedures in Reference Method 21.

7) Each potential leak interface must be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Reference Method 21. If the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface must be sampled. If the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet must be placed at approximately the center of the exhaust area to the atmosphere.

8) The arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 500 ppmv except when monitoring a seal around a rotating shaft that passes through a cover opening, in which case the comparison must be as specified in subsection (d)(9). If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

9) For the seals around a rotating shaft that passes through a cover opening, the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 10,000 ppmw. If the difference is less than 10,000 ppmw, then the potential leak interface is determined to operate with no detectable organic emissions.

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

Section 721.984 Standards: Tanks

a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 721.982(b) references the use of this Section for air emission control.

b) The remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:

1) For a tank that manages hazardous secondary material that meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C), the remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) or the Tank Level 2 controls specified in subsection (d).

A) The hazardous secondary material in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category, as follows:

i) For a tank design capacity equal to or greater than 151 m³, the maximum organic vapor pressure limit for the tank is 5.2 kPa.

ii) For a tank design capacity equal to or greater than 75 m³ but less than 151 m³, the maximum organic vapor pressure limit for the tank is 27.6 kPa.

iii) For a tank design capacity less than 75 m³, the maximum organic vapor pressure limit for the tank is 76.6 kPa.

B) The hazardous secondary material in the tank is not heated by the remanufacturer or other person that stores or treats the hazardous secondary material to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous secondary material is determined for the purpose of complying with subsection (b)(1)(A).

2) For a tank that manages hazardous secondary material that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C), the remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of subsection (d). An example of tanks required to use Tank Level 2 controls is a tank for which the hazardous secondary material in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category, as specified in subsection (b)(1)(A).

c) A remanufacturer or other person that stores or treats the hazardous secondary material controlling air pollutant emissions from a tank using Tank Level 1 controls must meet the requirements specified in subsections (c)(1) through (c)(4) ~~of this Section~~:

1) The remanufacturer or other person that stores or treats that hazardous secondary material must determine the maximum organic vapor pressure for a hazardous secondary material to be managed in the tank using Tank Level 1 controls before the first time the hazardous secondary material is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 721.983(c). Thereafter, the remanufacturer or other person that stores or treats the hazardous secondary material must perform a new determination whenever changes to the hazardous secondary material managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A), as applicable to the tank.

2) The tank must be equipped with a fixed roof designed to meet the following specifications:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous secondary material in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).

B) The fixed roof must be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.

C) Each opening in the fixed roof, and any manifold system associated with the fixed roof, must fulfill either of the following requirements:

i) It must be equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or

ii) It must be connected by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in the vent stream, and must be operating whenever hazardous secondary material is managed in the tank, except as provided in this subsection (c)(2)(C)(ii). During any period of routine inspection, maintenance, or other activities needed for normal operations, and for removal of accumulated sludge or other residues from the bottom of the tank. During any period when it is necessary to provide access to the tank for

performing the foregoing activities, venting of the vapor headspace underneath the fixed roof to the control device is not required, opening of closure devices is allowed, and removal of the fixed roof is allowed. Following completion of the activity, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure device in the closed position or reinstall the cover, as applicable, and resume operation of the control device.

BOARD NOTE: This subsection (c)(2)(C)(ii) corresponds with 40 CFR 261.1083(c)(2)(iii)(B). The Board combined the texts of 40 CFR 261.1083(c)(2)(iii)(B)(1) and (c)(2)(iii)(B)(2) into this single subsection to comport with codification requirements.

D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous secondary material to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the organic vapor permeability; the effects of any contact with the hazardous secondary material or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

3) Whenever a hazardous secondary material is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:

A) Opening of closure devices or removal of the fixed roof is allowed at the following times:

i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

ii) To remove accumulated sludge or other residues from the bottom of tank.

B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the tank

internal pressure is within the internal pressure operating range determined by the remanufacturer or other person that stores or treats the hazardous secondary material based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

C) Opening of a safety device, as defined in Section 721.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect the air emission control equipment in accordance with the following requirements.

A) The fixed roof and its closure devices must be visually inspected by the remanufacturer or other person that stores or treats the hazardous secondary material to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The remanufacturer or other person that stores or treats the hazardous secondary material must perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this section. Thereafter, the remanufacturer or other person that stores or treats the hazardous secondary material must perform the inspections at least once every year except under the special conditions provided for in subsection (l).

C) In the event that a defect is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (k).

D) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection in accordance with the requirements specified in Section 721.989(b).

d) Remanufacturers or other persons that store or treat the hazardous secondary material controlling air pollutant emissions from a tank using Tank Level 2 controls must use one of the following tanks:

1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e);

- 2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f);
 - 3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g);
 - 4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h); or
 - 5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i).
- e) The remanufacturer or other person that stores or treats the hazardous secondary material who controls air pollutant emissions from a tank using a fixed roof with an internal floating roof must meet the requirements specified in subsections (e) (1) through (e) (3).
- 1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:
 - A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.
 - B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:
 - i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in Section 721.981; or
 - ii) Two continuous seals mounted one above the other. The lower seal may be a vapor-mounted seal.
 - C) The internal floating roof must meet the following specifications:
 - i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.
 - ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains.
 - iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90 percent of the opening.
 - iv) Each automatic bleeder vent and rim space vent must be gasketed.

v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.

vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.

2) The remanufacturer or other person that stores or treats the hazardous secondary material must operate the tank in accordance with the following requirements:

A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.

B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.

C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.

3) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect the internal floating roof in accordance with the procedures specified as follows:

A) The floating roof and its closure devices must be visually inspected by the remanufacturer or other person that stores or treats the hazardous secondary material to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, the internal floating roof is not floating on the surface of the liquid inside the tank; liquid has accumulated on top of the internal floating roof; any portion of the roof seals have detached from the roof rim; holes, tears, or other openings are visible in the seal fabric; the gaskets no longer close off the hazardous secondary material surface from the atmosphere; or the slotted membrane has more than 10 percent open area.

B) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C):

i) It must visually inspect the internal floating roof components through openings on the fixed-roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill; and

ii) It must visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every 10 years.

C) As an alternative to performing the inspections specified in subsection (e)(3)(B), for an internal floating roof equipped with two continuous seals mounted one above the other, the remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.

D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C), the remanufacturer or other person that stores or treats the hazardous secondary material must notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The remanufacturer or other person that stores or treats the hazardous secondary material must notify the Agency of the date and location of the inspection as follows:

i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the remanufacturer or other person that stores or treats the hazardous secondary material so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned as provided for in subsection (e)(3)(D)(ii).

ii) When a visual inspection is not planned and the remanufacturer or other person that stores or treats the hazardous secondary material could not have known about the inspection 30 calendar days before refilling the tank, the remanufacturer or other person that stores or treats the hazardous secondary material must notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.

E) In the event that a defect is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (k).

F) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection in accordance with the requirements specified in Section 721.989(b).

4) Safety devices, as defined in Section 721.981, may be installed and operated as necessary on any tank complying with the requirements of subsection (e).

f) The remanufacturer or other person that stores or treats the hazardous secondary material who controls air pollutant emissions from a tank using an external floating roof must meet the requirements specified in subsections (f)(1) through (f)(3).

1) The remanufacturer or other person that stores or treats the hazardous secondary material must design the external floating roof in accordance with the following requirements:

A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

B) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 721.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm²) per meter of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 cm above the liquid surface.

ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 21.2 cm² per meter of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm.

C) The external floating roof must meet the following specifications:

i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface.

ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.

iii) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.

iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.

v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

vi) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.

vii) Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole.

viii) Each slotted guide pole must be equipped with a gasketed float or other device which closes off the liquid surface from the atmosphere.

ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.

2) The remanufacturer or other person that stores or treats the hazardous secondary material must operate the tank in accordance with the following requirements:

A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.

B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.

C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.

D) Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.

E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.

F) The cap on the end of each unslotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.

G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.

H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.

3) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect the external floating roof in accordance with the following procedures:

A) The remanufacturer or other person that stores or treats the hazardous secondary material must measure the external floating roof seal gaps in accordance with the following requirements:

i) The remanufacturer or other person that stores or treats the hazardous secondary material must perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.

ii) The remanufacturer or other person that stores or treats the hazardous secondary material must perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year.

iii) If a tank ceases to hold hazardous secondary material for a period of one year or more, subsequent introduction of hazardous secondary material into the tank must be considered an initial operation for the purposes of subsections (f) (3) (A) (i) and (f) (3) (A) (ii).

iv) The remanufacturer or other person that stores or treats the hazardous secondary material must determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure described in subsection (f) (3) (D):

BOARD NOTE: The Board moved corresponding 40 CFR 261.1084(f) (3) (i) (D) (1) through (f) (3) (i) (D) (4) to appear as subsections (f) (3) (D) (i) through (f) (3) (D) (iv) to comport with codification requirements.

v) In the event that the seal gap measurements do not conform to the specifications in subsection (f) (1) (B), the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (k).

vi) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection in accordance with the requirements specified in Section 721.989(b).

B) The remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the external floating roof in accordance with the following requirements:

i) The floating roof and its closure devices must be visually inspected by the remanufacturer or other person that stores or treats the hazardous secondary material to check for defects that could result

in air pollutant emissions. Defects include, but are not limited to, holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

ii) The remanufacturer or other person that stores or treats the hazardous secondary material must perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this ~~section~~Section. Thereafter, the remanufacturer or other person that stores or treats the hazardous secondary material must perform the inspections at least once every year except for the special conditions provided for in subsection (l).

iii) In the event that a defect is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (k).

iv) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection in accordance with the requirements specified in Section 721.989(b).

C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B), the remanufacturer or other person that stores or treats the hazardous secondary material must notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The remanufacturer or other person that stores or treats the hazardous secondary material must notify the Agency of the date and location of the inspection as follows:

i) Prior to each inspection to measure external floating roof seal gaps, as required under subsection (f)(3)(A), written notification must be prepared and sent by the remanufacturer or other person that stores or treats the hazardous secondary material so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.

ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the remanufacturer or other person that stores or treats the hazardous secondary material so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned as provided for in subsection (f)(3)(C)(iii).

iii) When a visual inspection is not planned and the remanufacturer or other person that stores or treats the hazardous secondary material could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator must notify the Agency as soon as possible, but no later than seven calendar days before refilling of

the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.

D) Procedure for determining the total surface area of gaps in the primary seal and in the secondary seal individually.

i) The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the roof supports.

ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32- cm diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.

iii) For a seal gap measured under this subsection (f)(3), the gap surface area must be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal diameter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type as specified in subsection (f)(1)(B).

BOARD NOTE: The texts of corresponding 40 CFR 261.1084(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4), which would normally appear in subsection (f)(3)(A)(iv), but codification requirements do not allow a fifth level of subsections. Thus, the Board has codified them to appear as subsections (f)(3)(D)(i) through (f)(3)(D)(iv) to comport with codification requirements.

4) Safety devices, as defined in Section 721.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (f).

g) The remanufacturer or other person that stores or treats the hazardous secondary material who controls air pollutant emissions from a tank by venting the tank to a control device must meet the requirements specified in subsections (g)(1) through (g)(3).

1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.

B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.

C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous secondary material to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include, organic vapor permeability, the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 721.987.

2) Whenever a hazardous secondary material is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device, except as follows:

A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:

i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of activities needed for normal operations include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

ii) To remove accumulated sludge or other residues from the bottom of a tank.

B) Opening of a safety device, as defined in Section 721.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect and monitor the air emission control equipment in accordance with the following procedures:

A) The fixed roof and its closure devices must be visually inspected by the remanufacturer or other person that stores or treats the hazardous secondary material to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The closed-vent system and control device must be inspected and monitored by the remanufacturer or other person that stores or treats the hazardous secondary material in accordance with the procedures specified in Section 721.987.

C) The remanufacturer or other person that stores or treats the hazardous secondary material must perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this section. Thereafter, the remanufacturer or other person that stores or treats the hazardous secondary material must perform the inspections at least once every year except for the special conditions provided for in subsection (l).

D) In the event that a defect is detected, the remanufacture or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (k).

E) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection in accordance with the requirements specified in Section 721.989(b).

h) The remanufacturer or other person that stores or treats the hazardous secondary material who controls air pollutant emissions by using a pressure tank must meet the following requirements:

1) The tank must be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.

2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in Section 721.983(d).

3) Whenever a hazardous secondary material is in the tank, the tank must be operated as a closed system that does not vent to the

atmosphere, except under either of the following conditions described in subsection (h) (3) (A) or (h) (3) (B).

A) At those times when opening of a safety device, as defined in Section 721.981, is required to avoid an unsafe condition.

B) At those times when purging of inerts from the tank is required and the purge stream is routed to a closed-vent system and control device designed and operated in accordance with the requirements of Section 721.987.

i) The remanufacturer or other person that stores or treats the hazardous secondary material who controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device must meet the following requirements:

1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T - Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B to 40 CFR 52.741, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The remanufacturer or other person that stores or treats the hazardous secondary material must perform the verification procedure for the enclosure as specified in Section 5.0 of "Procedure T - Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and annually thereafter.

2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 721.987.

3) Safety devices, as defined in Section 721.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of subsections (i) (1) and (i) (2).

4) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect and monitor the closed-vent system and control device, as specified in Section 721.987.

j) The remanufacturer or other person that stores or treats the hazardous secondary material must transfer hazardous secondary material to a tank subject to this section in accordance with the following requirements:

1) Transfer of hazardous secondary material, except as provided in subsection (j) (2), to the tank from another tank subject to this section

must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous secondary material to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of subpart RR of 40 CFR 63 (National Emission Standards for Individual Drain Systems), incorporated by reference in 35 Ill. Adm. Code 720.111.

2) The requirements of subsection (j)(1) do not apply when transferring a hazardous secondary material to the tank under any of the following conditions:

A) The hazardous secondary material meets the average VO concentration conditions specified in Section 721.982(c)(1) at the point of material origination.

B) The hazardous secondary material has been treated by an organic destruction or removal process to meet the requirements in Section 721.982(c)(2).

C) The hazardous secondary material meets the requirements of Section 721.982(c)(4).

k) The remanufacturer or other person that stores or treats the hazardous secondary material must repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(4), (e)(3), (f)(3), or (g)(3), as follows:

1) The remanufacturer or other person that stores or treats the hazardous secondary material must make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible, but no later than 45 calendar days after detection, except as provided in subsection (k)(2).

2) Repair of a defect may be delayed beyond 45 calendar days if the remanufacturer or other person that stores or treats the hazardous secondary material determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous secondary material normally managed in the tank. In this case, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect the next time the process or unit that is generating the hazardous secondary material managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.

1) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart CC, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:

1) If inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the remanufacturer or other person that stores or treats the hazardous secondary material may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.

B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable section of this Subpart CC, as frequently as practicable during those times when a worker can safely access the cover.

2) If a tank is buried partially or entirely underground, a remanufacturer or other person that stores or treats the hazardous secondary material is required to inspect and monitor, as required by the applicable provisions of this Section ~~section~~, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

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

Section 721.986 Standards: Containers

a) Applicability. The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 721.982(b) references the use of this Section for air emission control.

b) General Requirements.

1) The remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container.

A) For a container having a design capacity greater than 0.1 m³ and less than or equal to 0.46 m³, the remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c).

B) For a container having a design capacity greater than 0.46 m³ that is not in light material service, the remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c).

C) For a container having a design capacity greater than 0.46 m³ that is in light material service, the remanufacturer or other person that

stores or treats the hazardous secondary material must control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d).

2) This subsection (b)(2) corresponds with 40 CFR 261.1086(b)(2), marked "reserved" by USEPA. This statement maintains structural consistency with the federal regulations

c) Container Level 1 Standards.

1) A container using Container Level 1 controls is one of the following:

A) A container that meets the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation, as specified in subsection (f).

B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings such that, when the cover and closure devices are secured in the closed position, there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).

C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous secondary material in the container such that no hazardous secondary material is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.

2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous secondary material to the atmosphere and to maintain the equipment integrity, for as long as the container is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include, organic vapor permeability; the effects of contact with the hazardous secondary material or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.

3) Whenever a hazardous secondary material is in a container using Container Level 1 controls, the remanufacturer or other person that stores or treats the hazardous secondary material must install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous secondary material or other material to the container as follows:

i) If the container is filled to the intended final level in one continuous operation, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) If discrete quantities or batches of material intermittently are added to the container over a period of time, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the hazardous secondary material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous secondary material from the container, as follows:

i) For the purpose of meeting the requirements of this section, an empty hazardous secondary material container may be open to the atmosphere at any time (i.e., covers and closure devices on such a container are not required to be secured in the closed position).

ii) If discrete quantities or batches of material are removed from the container, but the container is not an empty hazardous secondary material container, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous secondary material. Examples of routine activities other than transfer of hazardous secondary material include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the remanufacturer or other persons that stores or treats the hazardous secondary material based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in Section 721.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The remanufacturer or other person that stores or treats the hazardous secondary material using containers with Container Level 1 controls must inspect the containers and their covers and closure devices, as follows:

A) If a hazardous secondary material already is in the container at the time the remanufacturer or other person that stores or treats the hazardous secondary material first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., is not an empty hazardous secondary material container) the remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date that the container is accepted at the facility (i.e., the date the container becomes subject to the container standards of this Subpart CC).

B) If a container used for managing hazardous secondary material remains at the facility for a period of one year or more, the remanufacturer or other person that stores or treats the hazardous secondary material must initially visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. After the initial inspection, a visual inspection must occur at least once every 12

months⁷. If a defect is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (c)(4)(C).

C) When a defect is detected for the container, cover, or closure devices, the remanufacturer or other person that stores or treats the hazardous secondary material must make first efforts at repair of the defect no later than 24 hours after detection and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous secondary material must be removed from the container and the container must not be used to manage hazardous secondary material until the defect is repaired.

5) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m³ or greater which do not meet applicable USDOT regulations, as specified in subsection (f), are not managing hazardous secondary material in light material service.

d) Container Level 2 Standards.

1) A container using Container Level 2 controls is one of the following:

A) A container that meets the applicable USDOT regulations on packaging hazardous materials for transportation, as specified in subsection (f).

B) A container that operates with no detectable organic emissions, as defined in Section 721.981, and determined in accordance with the procedure specified in subsection (g).

C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using Reference Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Unis Pressure-Vacuum Test) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h).

2) Transfer of hazardous secondary material in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous secondary material to the atmosphere, to the extent practical, considering the physical properties of the hazardous secondary material and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA has stated that it considers to meet the requirements of this subsection (d) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and

control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous secondary material is filled and subsequently purging the transfer line before removing it from the container opening.

3) Whenever a hazardous secondary material is in a container using Container Level 2 controls, the remanufacturer or other person that stores or treats the hazardous secondary material must install all covers and closure devices for the container, and secure and maintain each closure device in the closed position, except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous secondary material or other material to the container, as follows:

i) If the container is filled to the intended final level in one continuous operation, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) If discrete quantities or batches of material intermittently are added to the container over a period of time, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous secondary material from the container, as follows:

i) For the purpose of meeting the requirements of this Section, an empty hazardous secondary material container may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

ii) If discrete quantities or batches of material are removed from the container, but the container is not an empty hazardous secondary materials container, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous secondary material. Examples of routine activities other than transfer of hazardous secondary material include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the remanufacturer or other person that stores or treats the hazardous secondary material based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in Section 721.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The remanufacturer or other person that stores or treats the hazardous secondary material using containers with Container Level 2 controls must inspect the containers and their covers and closure devices as follows:

A) If a hazardous secondary material already is in the container at the time the remanufacturer or other person that stores or treats the hazardous secondary material first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., is not an empty hazardous secondary material container), the remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be

conducted on or before the date that the container is accepted at the facility (i.e., the date the container becomes subject to the container standards of this Subpart CC).

B) If a container used for managing hazardous secondary material remains at the facility for a period of one year or more, the remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (d)(4)(C).

C) When a defect is detected for the container, cover, or closure devices, the remanufacturer or other person that stores or treats the hazardous secondary material must make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous secondary material must be removed from the container and the container must not be used to manage hazardous secondary material until the defect is repaired.

e) Container Level 3 Standards.

1) A container using Container Level 3 controls is one of the following:

A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B).

B) A container that is vented inside an enclosure which is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B).

2) The remanufacturer or other person that stores or treats the hazardous secondary material must meet the following requirements, as applicable to the type of air emission control equipment selected by the remanufacturer or other person that stores or treats the hazardous secondary material:

A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T - Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B (VOM Measurement Techniques for Capture Efficiency) to 40 CFR 52.741, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of containers through

the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The remanufacturer or other person that stores or treats the hazardous secondary material must perform the verification procedure for the enclosure as specified in Section 5.0 of "Procedure T - Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 721.987.

3) Safety devices, as defined in Section 721.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1).

4) Remanufacturers or other persons that store or treat the hazardous secondary material using Container Level 3 controls in accordance with the provisions of this Subpart CC must inspect and monitor the closed-vent systems and control devices as specified in Section 721.987.

5) Remanufacturers or other persons that store or treat the hazardous secondary material that use Container Level 3 controls in accordance with the provisions of this Subpart CC must prepare and maintain the records specified in Section 721.989(d).

6) Transfer of hazardous secondary material in or out of a container using Container Level 3 controls must be conducted in such a manner as to minimize exposure of the hazardous secondary material to the atmosphere, to the extent practical, considering the physical properties of the hazardous secondary material and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA has stated that it considers to meet the requirements of this subsection (e) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous secondary material is filled and subsequently purging the transfer line before removing it from the container opening.

f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A), containers must be used that meet the applicable USDOT regulations on packaging hazardous materials for transportation, as follows:

1) The container meets the applicable requirements specified in 49 CFR 178 (Specifications for Packagings) or 179 (Specifications for Tank Cars), each incorporated by reference in 35 Ill. Adm. Code 720.111.

2) Hazardous secondary material is managed in the container in accordance with the applicable requirements specified in subpart B of 49 CFR 107 (Hazardous Material Program Procedures) and 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans), 173 (Shippers - General Requirements for Shipments and Packagings), and 180 (Continuing Qualification and Maintenance of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111.

3) For the purpose of complying with this Subpart CC, no exceptions to the 49 CFR 178 (Specifications for Packagings) or 179 (Specifications for Tank Cars) regulations are allowed.

g) To determine compliance with the no detectable organic emissions requirement of subsection (d)(1)(B), the procedure specified in Section 721.983(d) must be used.

1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include, but are not limited to: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.

2) The test must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous secondary materials expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.

h) Procedure for determining a container to be vapor-tight using Reference Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Units Pressure-Vacuum Test) in appendix A (Test Methods) to 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, for the purpose of complying with subsection (d)(1)(C).

1) The test must be performed in accordance with Reference Method 27 of appendix A to 40 CFR 60.

2) A pressure measurement device must be used that has a precision of ± 2.5 mm water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.

3) If the test results determined by Reference Method 27 indicate that the container sustains a pressure change less than or equal to 0.75 kPa within five minutes after it is pressurized to a minimum of 4.5 kPa, then the container is determined to be vapor-tight.

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

Section 721.987 Standards: Closed-Vent Systems and Control Devices

a) This Section applies to each closed-vent system and control device installed and operated by the remanufacturer or other person who stores or treats the hazardous secondary material to control air emissions in accordance with standards of this Subpart CC.

b) The closed-vent system must meet the following requirements:

1) The closed-vent system must route the gases, vapors, and fumes emitted from the hazardous secondary material in the hazardous secondary material management unit to a control device that meets the requirements specified in subsection (c).

2) The closed-vent system must be designed and operated in accordance with the requirements specified in Section 721.933(k).

3) If the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device must be equipped with either a flow indicator as specified in subsection (b)(3)(A) or a seal or locking device as specified in subsection (b)(3)(B). For the purpose of complying with this subsection (b), low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring loaded pressure relief valves, and other fittings used for safety purposes are not considered to be bypass devices.

A) If a flow indicator is used to comply with subsection (b)(3), the indicator must be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. For this subsection (b), a flow indicator means a device which indicates the presence of either gas or vapor flow in the bypass line.

B) If a seal or locking device is used to comply with subsection (b)(3), the device must be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle, damper lever, etc.) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve. The remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position.

4) The closed-vent system must be inspected and monitored by the remanufacturer or other person that stores or treats the hazardous secondary material in accordance with the procedure specified in Section 721.933(1).

c) The control device must meet the following requirements:

1) The control device must be one of the following devices:

A) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;

B) An enclosed combustion device designed and operated in accordance with the requirements of Section 721.933(c); or

C) A flare designed and operated in accordance with the requirements of Section 721.933(d).

2) The remanufacturer or other person that stores or treats the hazardous secondary material who elects to use a closed-vent system and control device to comply with the requirements of this Section ~~section~~ must comply with the requirements specified in subsections (c)(2)(A) through (c)(2)(F).

A) Periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, must not exceed 240 hours per year.

B) The specifications and requirements in subsections (c)(1)(A) through (c)(1)(C) for control devices do not apply during periods of planned routine maintenance.

C) The specifications and requirements in subsections (c)(1)(A) through (c)(1)(C) for control devices do not apply during a control device system malfunction.

D) The remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate compliance with the requirements of subsection (c)(2)(A) (i.e., planned routine maintenance of a control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, must not exceed 240 hours per year) by recording the information specified in Section 721.989(e)(1)(E).

E) The remanufacturer or other person that stores or treats the hazardous secondary material must correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants.

F) The remanufacturer or other person that stores or treats the hazardous secondary material must operate the closed-vent system such that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance or control device system malfunction (i.e., periods when the control device is not operating or

not operating normally) except in cases when it is necessary to vent the gases, vapors, or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions.

3) The remanufacturer or other person that stores or treats the hazardous secondary material using a carbon adsorption system to comply with subsection (c)(1) must operate and maintain the control device in accordance with the following requirements:

A) Following the initial startup of the control device, all activated carbon in the control device must be replaced with fresh carbon on a regular basis in accordance with the requirements of Section 721.933(g) or (h).

B) All carbon that is hazardous waste and that is removed from the control device must be managed in accordance with the requirements of Section 721.933(n), regardless of the average volatile organic concentration of the carbon.

4) A remanufacturer or other person that stores or treats the hazardous secondary material using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) must operate and maintain the control device in accordance with the requirements of Section 721.933(j).

5) The remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate that a control device achieves the performance requirements of subsection (c)(1) as follows:

A) A remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate the performance of each control device, using either a performance test, as specified in subsection (c)(5)(C), or a design analysis, as specified in subsection (c)(5)(D), except for the following:

i) A flare;

ii) A boiler or process heater with a design heat input capacity of 44 megawatts or greater; or

iii) A boiler or process heater into which the vent stream is introduced with the primary fuel.

B) A remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate the performance of each flare in accordance with the requirements specified in Section 721.933(e).

C) For a performance test conducted to meet the requirements of subsection (c)(5)(A), the remanufacturer or other person that stores or

treats the hazardous secondary material must use the test methods and procedures specified in Section 721.934(c)(1) through (c)(4).

D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A), the design analysis must meet the requirements specified in Section 721.935(b)(4)(C).

E) The remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.

6) If the remanufacturer or other person that stores or treats the hazardous secondary material and the Agency do not agree on a demonstration of control device performance using a design analysis, then the disagreement must be resolved using the results of a performance test performed by the remanufacturer or other person that stores or treats the hazardous secondary material in accordance with the requirements of subsection (c)(5)(C). The Agency may choose to have an authorized representative observe the performance test. The Agency must state any disagreement on a demonstration of control device performance using a design analysis in writing to the remanufacturer or other person that treats or stores hazardous secondary material.

7) The closed-vent system and control device must be inspected and monitored by the remanufacture or other person that stores or treats the hazardous secondary material in accordance with the procedures specified in Section 721.933(f)(2) and (1). The readings from each monitoring device required by Section 721.933(f)(2) must be inspected at least once each operating day to check control device operation. Any necessary corrective measures must be immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

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

Section 721.989 Recordkeeping Requirements

a) Each remanufacturer or other person that stores or treats the hazardous secondary material subject to requirements of this Subpart CC must record and maintain the information specified in subsections (b) through (j), as applicable to the facility. Except for air emission control equipment design documentation and information required by subsections (i) and (j), records required by this section must be maintained at the facility for a minimum of three years. Air emission control equipment design documentation must be maintained at the facility until the air emission control equipment is replaced or otherwise no longer in service. Information required by subsections (i)

and (j) must be maintained at the facility for as long as the hazardous secondary material management unit is not using air emission controls specified in Sections 721.984 through 721.987 in accordance with the conditions specified in Section 721.980(b)(7) or (d), respectively.

b) The remanufacturer or other person that stores or treats the hazardous secondary material using a tank with air emission controls in accordance with the requirements of Section 721.984 must prepare and maintain records for the tank that include the following information:

1) For each tank using air emission controls in accordance with the requirements of Section 721.984, the remanufacturer or other person that stores or treats the hazardous secondary material must record:

A) A tank identification number (or other unique identification description as selected by the remanufacturer or other person that stores or treats the hazardous secondary material).

B) A record for each inspection required by Section 721.984 that includes the following information:

i) The date inspection was conducted.

ii) For each defect detected during the inspection, the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the requirements of Section 721.984, the remanufacturer or other person that stores or treats the hazardous secondary material must also record the reason for the delay and the date that completion of repair of the defect is expected.

2) In addition to the information required by subsection (b)(1), the remanufacturer or other person that stores or treats the hazardous secondary material must record the following information, as applicable to the tank:

A) The remanufacturer or other person that stores or treats the hazardous secondary material using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 721.984(c) must prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous secondary material in the tank performed in accordance with the requirements of Section 721.984(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results.

B) The remanufacturer or other person that stores or treats the hazardous secondary material using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section 721.1084(e) of this Subpart CC must prepare and maintain documentation describing the floating roof design.

C) Remanufacturer or other persons that store or treat the hazardous secondary material using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 721.984(f) must prepare and maintain the following records:

i) Documentation describing the floating roof design and the dimensions of the tank.

ii) Records for each seal gap inspection required by Section 721.984(f)(3) describing the results of the seal gap measurements. The records must include the date that the measurements were performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in Section 721.984(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary.

D) Each remanufacturer or other person that stores or treats the hazardous secondary material using an enclosure to comply with the Tank Level 2 control requirements specified in Section 721.984(i) must prepare and maintain the following records:

i) Records for the most recent set of calculations and measurements performed by the remanufacturer or other person that stores or treats the hazardous secondary material to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T - Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B (VOM Measurement Techniques for Capture Efficiency) to 40 CFR 52.741, incorporated by reference in 35 Ill. Adm. Code 720.111.

ii) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e).

c) This subsection (c) corresponds with 40 CFR 261.1089(c), marked "reserved" by USEPA. This statement maintains structural consistency with the federal regulations

d) The remanufacturer or other person that stores or treats the hazardous secondary material using containers with Container Level 3 air emission controls in accordance with the requirements of Section 721.986 must prepare and maintain records that include the following information:

1) Records for the most recent set of calculations and measurements performed by the remanufacturer or other person that stores or treats the hazardous secondary material to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T - Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B (VOM Measurement Techniques for Capture Efficiency) to 40 CFR 52.741, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e).

e) The remanufacturer or other person that stores or treats the hazardous secondary material using a closed-vent system and control device in accordance with the requirements of Section 721.987 must prepare and maintain records that include the following information:

1) Documentation for the closed-vent system and control device that includes:

A) Certification that is signed and dated by the remanufacturer or other person that stores or treats the hazardous secondary material stating that the control device is designed to operate at the performance level documented by a design analysis, as specified in subsection (e) (1) (B), or by performance tests as specified in subsection (e) (1) (C) when the tank or container is or would be operating at capacity or the highest level reasonably expected to occur.

B) If a design analysis is used, then design documentation as specified in Section 721.935(b) (4). The documentation must include information prepared by the remanufacturer or other person that stores or treats the hazardous secondary material or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 721.935(b) (4) (C) and certification by the remanufacturer or other person that stores or treats the hazardous secondary material that the control equipment meets the applicable specifications.

C) If performance tests are used, then a performance test plan, as specified in Section 721.935(b) (3), and all test results.

D) Information as required by Section 721.935(c) (1) and (c) (2), as applicable.

E) A remanufacturer or other person that stores or treats the hazardous secondary material must record, on a semiannual basis, the information specified in subsections (e) (1) (E) (i) and (e) (1) (E) (ii) for those planned routine maintenance operations that would require the control device not to meet the requirements of Section 721.987(c) (1) (A), (c) (1) (B), or (c) (1) (C), as applicable.

i) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description must include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.

ii) A description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description must include the type of maintenance performed and the

total number of hours during those six months that the control device did not meet the requirements of Section 721.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance.

F) A remanufacturer or other person that stores or treats the hazardous secondary material must record the information specified in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) for those unexpected control device system malfunctions that would require the control device not to meet the requirements of Section 721.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.

i) The occurrence and duration of each malfunction of the control device system.

ii) The duration of each period during a malfunction when gases, vapors, or fumes are vented from the hazardous secondary material management unit through the closed-vent ~~closed-vent~~ system to the control device while the control device is not properly functioning.

iii) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation.

G) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 721.987(c)(3)(B).

f) The remanufacturer or other person that stores or treats the hazardous secondary material using a tank or container exempted under the hazardous secondary material organic concentration conditions specified in Section 721.982(c)(1) or (c)(2)(A) through (c)(2)(F), must prepare and maintain at the facility records documenting the information used for each material determination (e.g., test results, measurements, calculations, and other documentation). If analysis results for material samples are used for the material determination, then the remanufacturer or other person that stores or treats the hazardous secondary material must record the date, time, and location that each material sample is collected in accordance with applicable requirements of Section 721.983.

BOARD NOTE: Corresponding 40 CFR 261.1089(f) includes a subsection (f)(2) that USEPA marked "reserved-". Because there is no 40 CFR 1089(f)(1), the Board included no text to correspond with subsection (f)(2).

g) A remanufacturer or other person that stores or treats the hazardous secondary material designating a cover as "unsafe to inspect and monitor" pursuant to Section 721.984(1) or Section 721.985(g) must record and keep at facility the following information: the identification numbers for hazardous secondary material management units with covers that are designated as "unsafe to inspect and monitor", the explanation for each cover stating why the cover is unsafe to inspect

and monitor, and the plan and schedule for inspecting and monitoring each cover.

h) The remanufacturer or other person that stores or treats the hazardous secondary material that is subject to this Subpart CC and to the control device standards in subpart VV (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, on or Before November 7, 2006) of 40 CFR 60 or subpart V of 40 CFR 61 (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), each incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to demonstrate compliance with the applicable sections of this Subpart CC by documentation either pursuant to this Subpart CC, or pursuant to the provisions of subpart VV of 40 CFR 60 or subpart V of 40 CFR 61, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.

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

Section 721.APPENDIX A Representative Sampling Methods

The methods and equipment used for sampling waste materials will vary with the form and consistency of the waste materials to be sampled. Samples collected using the sampling protocols listed below, for sampling waste with properties similar to the indicated materials, are considered by USEPA to be representative of the waste.

Extremely viscous liquid: ASTM D 140-70 (Standard Practice for Sampling Bituminous Materials), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Crushed or powdered material: ASTM D 346-75 (Standard Practice for Collection and Preparation of Coke Samples for Laboratory Analysis), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Soil or rock-like material: ASTM D 420-69 (Guide to Site Characterization for Engineering, Design, and Construction Purposes), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Soil-like material: ASTM D 1452-65 (Standard Practice for Soil Investigation and Sampling by Auger Borings), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Fly ash-like material: ASTM D 2234-76 (Standard Practice for Collection of a Gross Sample of Coal), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Containerized liquid wastes: "Composite Liquid Waste Sampler (COLIWASA)-".

Liquid waste in pits, ponds, lagoons, and similar reservoirs: "Pond Sampler-".

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

Section 721.APPENDIX H Hazardous Constituents

Common Name Chemical Abstracts Name Chemical Abstracts Number (CAS No.) USEPA Hazardous Waste Number A2213 Ethanimidiothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester 30558-43-1 U394 Acetonitrile Same 75-05-8 U003 Acetophenone Ethanone, 1-phenyl-98-86-2 U0042-Acetylaminofluorene Acetamide, N-9H-fluoren-2-yl-53-96-3 U005 Acetyl chloride Same 75-36-5 U0061-Acetyl-2-thiourea Acetamide, N-(aminothioxomethyl)-591-08-2 P002 Acrolein 2-Propenal 107-02-8 P003 Acrylamide 2-Propenamide 79-06-1 U007 Acrylonitrile 2-Propenenitrile 107-13-1 U009 Aflatoxins Same 1402-68-2 Aldicarb Propanal, 2-methyl-2-(methylthio)-, O-((methylamino) carbonyl) oxime 116-06-3 P070 Aldicarb sulfone Propanal, 2-methyl-2-(methylsulfonyl)-, O-((methylamino) carbonyl) oxime 1646-88-4 P203 Aldrin 1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1-?,4-?,4a-?,5-?,8-?,8a-?) -309-00-2 P004 Allyl alcohol 2-Propen-1-ol 107-18-6 P005 Allyl chloride 1-Propene, 3-chloro-107-05-1

Aluminum phosphide Same 20859-73-8 P0064-Aminobiphenyl (1,1'-Biphenyl)-4-amine 92-67-1 5-(Aminomethyl)-3-isoxazolol 3(2H)-Isoxazolone, 5-(aminomethylamino-methyl)-2763-96-4 P0074-Aminopyridine 4-Pyridinamine 504-24-5 P008 Amitrole 1H-1,2,4-Triazol-3-amine 61-82-5 U011 Ammonium vanadate Vanadic acid, ammonium salt 7803-55-6 P119

Aniline Benzenamine 62-53-3 U012 o-Anisidine (2-methoxyaniline) Benzenamine, 2-Methoxy-90-04-0 Antimony Same 7440-36-0 Antimony compounds, N.O.S. (not otherwise specified) Aramite Sulfurous acid, 2-chloroethyl-, 2-(4-(1,1-dimethylethyl)phenoxy)-1-methylethyl ester 140-57-8 Arsenic Arsenic 7440-38-2 Arsenic compounds, N.O.S. Arsenic acid Arsenic acid H3AsO4 7778-39-4 P010 Arsenic pentoxide Arsenic oxide As2O5 1303-28-2 P011 Arsenic trioxide Arsenic oxide As2O3 1327-53-3 P012 Auramine Benzenamine, 4,4'-carbonimidoylbis carbon-imidoylbis (N,N-dimethyl-492-80-8 U014 Azaserine L-Serine, diazoacetate (ester) 115-02-6 U015 Barban Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester 101-27-9 U280 Barium Same 7440-39-3 Barium compounds, N.O.S. Barium cyanide Same 542-62-1 P013 Bendiocarb 1,3-Benzodioxol-4-ol-2,2-dimethyl-, methyl carbamate 22781-23-3 U278 Bendiocarb phenol 1,3-Benzodioxol-4-ol-2,2-dimethyl-, 22961-82-6 U364 Benomyl Carbamic acid, (1-((butylamino) carbonyl)-1H-benzimidazol-2-yl)-, methyl ester 17804-35-2 U271 Benz(c)acridine Same 225-51-4 U016 Benz(a)anthracene Same 56-55-3 U018 Benzal chloride Benzene, (dichloromethyl)-98-87-3 U017 Benzene Same 71-43-2 U019

Benzene
arsenic acid
Arsonic acid,
phenyl-98-05-5
Benzidine (1,1'-Biphenyl)-4,4'-diamine92-87-5U021
Benzo (b) fluoanthene
Benz (e) acephenanthrylene205-99-2
Benzo (j) fluoantheneSame205-82-3
Benzo (k) fluoantheneSame207-08-9
Benzo (a) pyreneSame50-32-8U022p-
Benzoquinone2,5-Cyclohexadiene-1,4-dione106-51-4U197
BenzotrichlorideBenzene,
(trichloromethyl)-98-07-7U023
Benzyl chlorideBenzene,
(chloromethyl)-100-44-7P028
Beryllium powderSame7440-41-7P015
Beryllium compounds, N.O.S.
Bis(pentamethylene)thiuram tetrasulfide
Piperidine, 1,1'-(tetrathiodicarbonothioyl)-bis-120-54-7
Bromoacetone2-Propanone, 1-bromo-598-31-2P017
BromoformMethane, tribromo-75-25-2U2254-
Bromophenyl phenyl etherBenzene,
1-bromo-4-phenoxy-101-55-3U030
BrucineStrychnidin-10-one,
2,3-dimethoxy-357-57-3P018
ButylateCarbamothioic acid,
bis(2-methylpropyl)-, S-ethyl ester2008-41-5
Butyl benzyl phthalate1,2-Benzenedicarboxylic acid,
butyl phenylmethyl ester85-68-7
Cacodylic acidArsenic acid,
dimethyl-75-60-5U136
CadmiumSame7440-43-9
Cadmium compounds, N.O.S.
Calcium chromateChromic acid H₂CrO₄, calcium salt13765-19-0U032
Calcium cyanideCalcium cyanide Ca (CN) 2592-01-8P021
Carbaryl1-Naphthalenol, methylcarbamate63-25-2U279
CarbendazimCarbamic acid, 1H-benzimidazol-2-yl, methyl ester10605-21-7U372
Carbofuran7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate1563-66-2P127
Carbofuran phenol7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-1563-38-8U367
CarbosulfanCarbamic acid, ((dibutylamino)thio) methyl-2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester55285-14-8P189
Carbon disulfideSame75-15-0P022
Carbon oxyfluorideCarbonic difluoride353-50-4U033
Carbon tetrachlorideMethane, tetrachloro-56-23-5U211
ChloralAcetaldehyde, trichloro-75-87-6U034
ChlorambucilBenzenebutanoic acid, 4(bis-(2-chloroethyl)amino)-305-03-3U035
Chlordane4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-57-74-9U036
Chlordane, ? and ? isomersU036
Chlorinated benzenes, N.O.S.
Chlorinated ethane, N.O.S.
Chlorinated fluorocarbons, N.O.S.
Chlorinated naphthalene, N.O.S.
Chlorinated phenol, N.O.S.
ChloronaphazineNaphthalenamine, N,N'-bis(2-chloroethyl)-494-03-1U026
ChloroacetaldehydeAcetaldehyde, chloro-107-20-0P023
Chloroalkyl ethers, N.O.S.
p-ChloroanilineBenzenamine, 4-chloro-106-47-8P024
ChlorobenzeneBenzene, chloro-108-90-7U037
ChlorobenzilateBenzenoacetic acid, 4-chloro-?-(4-chlorophenyl)-?-hydroxy-, ethyl ester510-15-6U038
p-Chloro-m-cresolPhenol, 4-chloro-3-methyl-59-50-7U039
2-Chloroethyl vinyl etherEthene, (2-chloroethoxy)-110-75-8U042
ChloroformMethane, trichloro-67-66-3U044
Chloromethyl methyl etherMethane, chloromethoxy-107-30-2U046
? -ChloronaphthaleneNaphthalene, 2-chloro-91-58-7U047
o-ChlorophenolPhenol, 2-chloro-95-57-8U048
1-(o-Chlorophenyl)thioureaThiourea, (2-chlorophenyl)-5344-82-1P026
Chloroprene1,3-Butadiene, 2-chloro-126-99-83-
ChloropropionitrilePropanenitrile, 3-chloro-542-76-7P027
ChromiumSame7440-47-3
Chromium compounds, N.O.S.
ChryseneSame218-01-9U050
Citrus red No. 22-Naphthalenol, 1-((2,5-dimethoxyphenyl)azo)-6358-53-8
Coal tar creosoteSame8007-45-2
Copper cyanideCopper cyanide CuCN544-92-3P029
Copper

dimethyldithiocarbamateCopper,
bis(dimethylcarbamo-dithioato-S,S')-,137-29-1CreosoteSameU051p-Cresidine2
-Methoxy-5-methylbenzenamine120-71-8Cresols (Cresylic acid)Phenol,
methyl-1319-77-3U052Crotonaldehyde2-Butenal4170-30-3U053m-Cumenyl
methylcarbamatePhenol, 3-(methylethyl)-, methyl
carbamate64-00-6P202Cyanides (soluble salts and complexes),
N.O.S.P030CyanogenEthanedinitrile460-19-5P031Cyanogen bromideCyanogen
bromide (CN)Br506-68-3U246Cyanogen chlorideCyanogen chloride
(CN)Cl506-77-4P033Cycasin?-D-glucopyranoside,
(methyl-ONN-azoxy)methyl-14901-08-7CycloateCarbamothioic acid,
cyclohexylethyl-, S-ethyl
ester1134-23-22-Cyclohexyl-4,6-dinitrophenolPhenol,
2-cyclohexyl-4,6-dinitro-131-89-5P034Cyclophosphamide2H-1,3,2-Oxazaphosp
horin-2-amine,
N,N-bis(2-chloroethyl)tetrahydro-2-oxide50-18-0U0582,4-DAcetic acid,
(2,4-dichlorophenoxy)-94-75-7U2402,4-D, salts and estersAcetic acid,
(2,4-dichlorophenoxy)-, salts and
estersU240Daunomycin5,12-Naphthacenedione,
8-acetyl-10-((3-amino-2,3,6-trideoxy?-L-lyxo-hexopyranosyl)oxy)-7,8,9,1
0-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (~~8S-cis~~)-5,
~~12-Naphthacenedione,-~~
~~8-acetyl-10-((3-amino-2,3,6-trideoxy?-L-lyxo-hexopyranosyl)oxy)-7,8,9,1~~
~~0-tetrahydro-6,8,11-trihydroxy-1-methoxy,-~~
8S-cis)-20830-81-3U059Dazomet2H-1,3,5-thiadiazine-2-thione,
tetrahydro-3,5-dimethyl533-74-4DDDBenzene,
1,1'-(2,2-dichloroethylidene)bis(4-chloro-72-54-8U060DDEBenzene,
1,1'-(dichloroethenylidene)bis(4-chloro-72-55-9DDTBenzene,
1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-50-29-3U061DiallateCarbamot
hioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl)
ester2303-16-4U062Dibenz(a,h)acridineSame226-36-8Dibenz(a,j)acridineSame
224-42-0Dibenz(a,h)anthraceneSame53-70-3U0637H-Dibenzo(c,g)carbazoleSame
194-59-2Dibenzo(a,e)pyreneNaphtho(1,2,3,4-def)chrysene192-65-4Dibenzo(a,
h)pyreneDibenzo(b,def)chrysene189-64-0Dibenzo(a,i)pyreneBenzo(rst)pentap
hene189-55-9U0641,2-Dibromo-3-chloropropanePropane,
1,2-dibromo-3-chloro-96-12-8U066Dibutyl phthalate1,2-Benzenedicarboxylic
acid, dibutyl ester84-74-2U069o-DichlorobenzeneBenzene,
1,2-dichloro-95-50-1U070m-DichlorobenzeneBenzene,
1,3-dichloro-541-73-1U071p-DichlorobenzeneBenzene,
1,4-dichloro-106-46-7U072Dichlorobenzene, N.O.S.Benzene,
dichloro-25321-22-63,3'-Dichlorobenzidine(1,1'-Biphenyl)-4,4'-diamine,
3,3'-dichloro-91-94-1U0731,4-Dichloro-2-butene2-Butene,
1,4-dichloro-764-41-0U074DichlorodifluoromethaneMethane,
dichlorodifluoro-75-71-8U075Dichloroethylene,
N.O.S.Dichloroethylene25323-30-21,1-DichloroethyleneEthene,
1,1-dichloro-75-35-4U0781,2-DichloroethyleneEthene, 1,2-dichloro-,
(E)-156-60-5U079Dichloroethyl etherEthane,
1,1'-oxybis(2-chloro-111-44-4U025Dichloroisopropyl etherPropane,
2,2'-oxybis(2-chloro-108-60-1U027DichloromethoxyethaneEthane,
1,1'-(methylenebis(oxy))-bis(2-chloro-111-91-1U024Dichloromethyl
etherMethane, oxybis(chloro-542-88-1P0162,4-DichlorophenolPhenol,
2,4-dichloro-120-83-2U0812,6-DichlorophenolPhenol,
2,6-dichloro-87-65-0U082DichlorophenylarsineArsonous dichloride,

phenyl-696-28-6P036Dichloropropane, N.O.S.Propane,
dichloro-26638-19-7Dichloropropanol, N.O.S.Propanol,
dichloro-26545-73-3Dichloropropene, N.O.S.1-Propene,
dichloro-26952-23-81,3-Dichloropropene1-Propene,
1,3-dichloro-542-75-6U084Dieldrin2,7:3,6-Dimethanonaphth(2, 3-b)oxirene,
3,4,5,6,9,9-hexachloro-1a,2,2a,3,6, 6a,7,7a-octahydro-,
(1a?,2?,2a?,3?,6?,6a?,7?,7a?)-60-57-1P0371,2:3,4-Diepoxybutane2,2'-Bioxirane1464-53-5U085DiethylarsineArsine, diethyl-692-42-2P038Diethylene glycol, dicarbamateEthanol, 2,2'-oxybis-,
dicarbamate5952-26-1U3951,4-Diethyleneoxide1,4-Dioxane123-91-1U108Diethylhexyl phthalate1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester117-81-7U028N,N'-DiethylhydrazineHydrazine,
1,2-diethyl-1615-80-1U086O,O-Diethyl-S-methyl dithiophosphatePhosphorodithioic acid, O,O-diethyl S-methyl ester3288-58-2U087Diethyl-p-nitrophenyl phosphatePhosphoric acid, diethyl 4-nitrophenyl ester311-45-5P041Diethyl phthalate1,2-Benzenedicarboxylic acid, diethyl ester84-66-2U088O,O-Diethyl O-pyrazinyl phosphorothioatePhosphorothioic acid, O,O-diethyl O-pyrazinyl ester297-97-2P040DiethylstilbestrolPhenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-,
(E)-56-53-1U089Dihydrosafrole1,3-Benzodioxole,
5-propyl-94-58-6U090Diisopropylfluorophosphate (DFP)Phosphorofluoridic acid, bis(1-methylethyl) ester55-91-4P043DimethoatePhosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) ester60-51-5P0443,3'-Dimethoxybenzidine(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-119-90-4U091p-DimethylaminoazobenzeneBenzenamine, N,N-dimethyl-4-(phenylazo)-60-11-7U0932,4-Dimethylaniline (2,4-xylidine) Benzenamine,
2,4-dimethyl-95-68-17,12-Dimethylbenz(a)anthraceneBenz(a)anthracene, 7,12-dimethyl-57-97-6U0943,3'-Dimethylbenzidine(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-119-93-7U095Dimethylcarbamoil chlorideCarbamic chloride, dimethyl-79-44-7U0971,1-DimethylhydrazineHydrazine,
1,1-dimethyl-57-14-7U0981,2-DimethylhydrazineHydrazine,
1,2-dimethyl-540-73-8U099?,?-DimethylphenethylamineBenzeneethanamine, ?, ?-dimethyl-122-09-8P0462,4-DimethylphenolPhenol,
2,4-dimethyl-105-67-9U101Dimethylphthalate1,2-Benzenedicarboxylic acid, dimethyl ester131-11-3U102Dimethyl sulfateSulfuric acid, dimethyl ester77-78-1U103DimetilanCarbamic acid, dimethyl-, 1-((dimethylamino) carbonyl)-5-methyl-1H-pyrazol-3-yl ester644-64-4P191Dinitrobenzene, N.O.S.Benzene, dinitro-25154-54-54,6-Dinitro-o-cresolPhenol, 2-methyl-4,6-dinitro-534-52-1P0474,6-Dinitro-o-cresol saltsP0472,4-DinitrophenolPhenol,
2,4-dinitro-51-28-5P0482,4-DinitrotolueneBenzene,
1-methyl-2,4-dinitro-121-14-2U1052,6-DinitrotolueneBenzene,
2-methyl-1,3-dinitro-606-20-2U106DinosebPhenol,
2-(1-methylpropyl)-4,6-dinitro-88-85-7P020Di-n-octyl phthalate1,2-Benzenedicarboxylic acid, dioctyl ester117-84-0U107DiphenylamineBenzenamine,
N-phenyl-122-39-41,2-DiphenylhydrazineHydrazine,
1,2-diphenyl-122-66-7U109Di-n-propylnitrosamine1-Propanamine,
N-nitroso-N-propyl-621-64-7U111DisulfiramThioperoxydicarbonic diamide, tetraethyl97-77-8DisulfotonPhosphorodithioic acid, O,O-diethyl

S-(2-(ethylthio)ethyl) ester298-04-4P039DithiobiuretThioimidodicarbonic
diamide ((H2N)C(S))2NH541-53-7P049Endosulfan6,
9-Methano-2,4,3-benzodioxathiepen,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a
-hexahydro-,
3-oxide,115-29-7P050Endothal7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic
acid145-73-3P088Endrin2,7:3,6-Dimethanonaphth(2,3-b)oxirene,
3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1a
?,2?,2a?,3?,6?,6a?,7?,7a?)-,72-20-8P051Endrin
metabolitesP051EpichlorohydrinOxirane,
(chloromethyl)-106-89-8U041Epinephrine1,2-Benzenediol,
4-(1-hydroxy-2-(methylamino)ethyl)-, (R)-51-43-4P042EPTCCarbamothioic
acid, dipropyl-, S-ethyl ester759-94-4Ethyl carbamate (urethane)Carbamic
acid, ethyl ester51-79-6U238Ethyl
cyanidePropanenitrile107-12-0P101Ethylenebisdithiocarbamic
acidCarbamodithioic acid,
1,2-ethanediylbis-111-54-6U114Ethylenebisdithiocarbamic acid, salts and
estersU114Ethylene dibromideEthane, 1,2-dibromo-106-93-4U067Ethylene
dichlorideEthane, 1,2-dichloro-107-06-2U077Ethylene glycol monoethyl
etherEthanol,
2-ethoxy-110-80-5U359EthyleneimineAziridine151-56-4P054Ethylene
oxideOxirane75-21-8U115Ethylenethiourea2-Imidazolidinethione96-45-7U116E
thylidine dichlorideEthane, 1,1-dichloro-75-34-3U076Ethyl
methacrylate2-Propenoic acid, 2-methyl-, ethyl ester97-63-2U118Ethyl
methanesulfonateMethanesulfonic acid, ethyl ester62-50-0U119Ethyl
ZiramZinc,
bis(diethylcarbamidithioato-S,S')-14324-55-1U407FamphurPhosphorothioic
acid, O-(4-((dimethylamino)sulfonyl)phenyl) O,O-dimethyl
ester52-85-7P097FerbamIron,
tris(dimethylcarbamidithioato-S,S')-,14484-64-1FluorantheneSame206-44-0U
120FluorineSame7782-41-4P056FluoroacetamideAcetamide,
2-fluoro-640-19-7P057Fluoroacetic acid, sodium saltAcetic acid, fluoro-,
sodium salt62-74-8P058FormaldehydeSame50-00-0U122Formetanate
hydrochlorideMethanimidamide,
N,N-dimethyl-N'-(3-((methylamino)carbonyl)oxy)phenyl)-,
monohydrochloride23422-53-9P198Formic
acidSame64-18-16U123FormparanateMethanimidamide,
N,N-dimethyl-N'-(2-methyl-4-((methylamino)
carbonyl)oxy)phenyl)-17702-57-7P197GlycidylaldehydeOxiranecarboxaldehyde
765-34-4U126Halomethanes,
N.O.S.Heptachlor4,7-Methano-1H-indene,1,4,5,6,7,8,8-heptachloro-3a,4,7,7
a-tetrahydro-76-44-8P059Heptachlor epoxide2,5-Methano-2H-indeno(1,
2b)oxirene, 2,3,4,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-,
(1a?,1b?,2?,5?,5a?,6?,6a?)-1024-57-3Heptachlor epoxide (? , ? , and ?
isomers)HeptachlorodibenzofuransHeptachlorodibenzo-p-dioxinsHexachlorobe
nzeneBenzene, hexachloro-118-74-1U127Hexachlorobutadiene1,3-Butadiene,
1,1,2,3,4,4-hexachloro-87-68-3U128Hexachlorocyclo-pentadiene1,3-Cyclopen
tadiene,
1,2,3,4,5,5-hexachloro-77-47-4U130Hexachlorodibenzo-p-dioxinsHexachlorod
ibenzofuransHexachloroethaneEthane,
hexachloro-67-72-1U131HexachlorophenePhenol,
2,2'-methylenebis(3,4,6-trichloro-70-30-4U132Hexachloropropene1-Propene,
1,1,2,3,3,3-hexachloro-1888-71-7U243HexaethyltetraphosphateTetraphosphor

ic acid, hexaethyl ester757-58-4P062HydrazineSame302-01-2U133Hydrogen cyanideHydrocyanic acid74-90-8P063Hydrogen fluorideHydrofluoric acid7664-39-3U134Hydrogen sulfideHydrogen sulfide H2S7783-06-4U135Indeno(1,2,3-cd)pyreneSame193-39-5U1373-Iodo-2-propynyl-n-butylcarbamateCarbamic acid, butyl-, 3-iodo-2-propynyl ester55406-53-6Isobutyl alcohol1-Propanol, 2-methyl-78-83-1U140Isodrin1,4:5,8-Dimethanonaphthalene,1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1?,4?,4a?,5?,8?,8a?)-,465-73-6P060IsolanCarbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester119-38-0P192Isosafrole1,3-Benzodioxole, 5-(1-propenyl)-120-58-1U141Kepone1,3,4-Metheno-2H-cyclobuta(cd)pentalen-2-one, 1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydro-,143-50-0U142Lasiocarpine2-Butenic acid, 2-methyl-, 7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1-(Z),7(2S*,3R*),7a?))-303-34-4 U143LeadSame7439-92-1Lead and compounds, N.O.S.Lead acetateAcetic acid, lead (2+) salt301-04-2U144Lead phosphatePhosphoric acid, lead (2+) salt (2:3)7446-27-7U145Lead subacetateLead, bis(acetato-O)tetrahydroxytri-1335-32-6U146LindaneCyclohexane, 1,2,3,4,5,6-hexachloro-, 1?,2?,3?,4?,5?,6?)-58-89-9U129Maleic anhydride2,5-Furandione108-31-6U147Maleic hydrazide3,6-Pyridazinedione, 1,2-dihydro-123-33-1U148MalononitrilePropanedinitrile109-77-3U149Manganese dimethyldithiocarbamateManganese, bis(dimethylcarbomodithioato-S,S')-,15339-36-3P196MelphalanL-Phenylalanine, 4-(bis(2-chloroethyl)amino)-148-82-3U150MercurySame7439-97-6U151Mercury compounds, N.O.S.Mercury fulminateFulminic acid, mercury (2+) salt628-86-4P065Metam SodiumCarbamodithioic acid, methyl-, monosodium salt137-42-8Methacrylonitrile2-Propenenitrile, 2-methyl-126-98-7U152Methapyrilene1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-91-80-5U155MethiocarbPhenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate2032-65-7P199MetholmylEthanimidothioic acid, N-(((methylamino)carbonyl)oxy)-, methyl ester16752-77-5P066MethoxychlorBenzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy-72-43-5U247Methyl bromideMethane, bromo-74-83-9U029Methyl chlorideMethane, chloro-74-87-3U045MethylchlorocarbonateCarbonochloridic acid, methyl ester79-22-1U156Methyl chloroformEthane, 1,1,1-trichloro-71-55-6U2263-MethylcholanthreneBenz(j)aceanthrylene, 1,2-dihydro-3-methyl-56-49-5U1574,4'-Methylenebis(2-chloroaniline)Benzenamine, 4,4'-methylenebis(2-chloro-101-14-4U158Methylene bromideMethane, dibromo-74-95-3U068Methylene chlorideMethane, dichloro-75-09-2U080Methyl ethyl ketone (MEK)2-Butanone78-93-3U159Methyl ethyl ketone peroxide2-Butanone, peroxide1338-23-4U160Methyl hydrazineHydrazine, methyl-60-34-4P068Methyl iodideMethane, iodo-74-88-4U138Methyl isocyanateMethane, isocyanato-624-83-9P0642-Methyl lactonitrilePropanenitrile, 2-hydroxy-2-methyl-75-86-5P069Methyl methacrylate2-Propenoic acid,

2-methyl-, methyl ester80-62-6U162Methyl methanesulfonateMethanesulfonic acid, methyl ester66-27-3Methyl parathionPhosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester298-00-0P071Methylthiouracil4-(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-56-04-2U164MetolcarbCarbamic acid, methyl-, 3-methylphenyl ester1129-41-5P190MexacarbatePhenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)315-18-4P128Mitomycin CAZirino(2', 3':3, 4)pyrrolo(1, 2-a)indole-4, 7-dione, 6-amino-8-((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-S-(1a?,?8?,?8a?,?8b?))-,50-07-7U010Molinate1H-Azepine-1-carbothioic acid, hexahydro-, S-ethyl ester2212-67-1MNNGGuanidine, N-methyl-N'-nitro-N-nitroso-70-25-7U163Mustard gasEthane, 1,1'-thiobis(2-chloro-505-60-2U165NaphthaleneSame91-20-3U1651,4-Naphthoquinone1,4-Naphthalenedione130-15-4U166?-Naphthylamine1-Naphthalenamine134-32-7U167?-Naphthylamine2-Naphthalenamine91-59-8U168?-NaphthylthioureaThiourea, 1-naphthalenyl-86-88-4P072NickelSame7440-02-0Nickel compounds, N.O.S.Nickel carbonylNickel carbonyl Ni(CO)₄, (T-4)-13463-39-3P073Nickel cyanideNickel cyanide Ni(CN)₂557-19-7P074NicotinePyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-54-11-5P075Nicotine saltsP075Nitric oxideNitrogen oxide NO10102-43-9P076p-NitroanilineBenzenamine, 4-nitro-100-01-6P077NitrobenzeneBenzene, nitro-98-95-3U169 Nitrogen dioxideNitrogen oxide NO210102-44-0P078Nitrogen mustardEthanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-51-75-2Nitrogen mustard, hydrochloride saltNitrogen mustard N-oxideEthanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-, N-oxide126-85-2Nitrogen mustard, N-oxide, hydrochloride saltNitroglycerin1,2,3-Propanetriol, trinitrate55-63-0P081p-NitrophenolPhenol, 4-nitro-100-02-7U1702-NitropropanePropane, 2-nitro-79-46-9U171Nitrosamines, N.O.S.35576-91-1N-Nitrosodi-n-butylamine 1-Butanamine, N-butyl-N-nitroso-924-16-3U172N-NitrosodiethanolamineEthanol, 2,2'-(nitrosoimino)bis-1116-54-7U173N-NitrosodiethylamineEthanamine, N-ethyl-N-nitroso-55-18-5U174N-NitrosodimethylamineMethanamine, N-methyl-N-nitroso-62-75-9P082N-Nitroso-N-ethylureaUrea, N-ethyl-N-nitroso-759-73-9U176N-NitrosomethylethylamineEthanamine, N-methyl-N-nitroso-10595-95-6N-Nitroso-N-methylureaUrea, N-methyl-N-nitroso-684-93-5U177N-Nitroso-N-methylurethaneCarbamic acid, methylnitroso-, ethyl ester615-53-2U178N-NitrosomethylvinylamineVinylamine, N-methyl-N-nitroso-4549-40-0P084N-NitrosomorpholineMorpholine, 4-nitroso-59-89-2N-NitrosornicotinePyridine, 3-(1-nitroso-2-pyrrolidinyl)-, (S)-16543-55-8N-NitrosopiperidinePiperidine, 1-nitroso-100-75-4U179N-NitrosopyrrolidinePyrrolidine, 1-nitroso-930-55-2U180N-NitrososarcosineGlycine, N-methyl-N-nitroso-13256-22-95-Nitro-o-toluidineBenzenamine, 2-methyl-5-nitro-99-55-8U181Octachlorodibenzo-p-dioxin (OCDD)1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin.3268-87-9Octachlorodibenzofuran (OCDF)1,2,3,4,6,7,8,9-Octachlorodibenzofuran.39001-02-0Octamethylpyropho

sphoramideDiphosphoramide, octamethyl-152-16-9P085Osmium tetroxideOsmium oxide OsO₄, (T-4)20816-12-0P087OxamylEthanimidothioc acid, 2-(dimethylamino)-N-(((methylamino)carbonyl)oxy)-2-oxo-, methyl ester23135-22-0P194Paraldehyde1,3,5-Trioxane, 2,4,6-trimethyl-123-63-7U182ParathionPhosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester56-38-2P089PebulateCarbamothioic acid, butylethyl-, S-propyl ester1114-71-2PentachlorobenzeneBenzene, pentachloro-608-93-5U183Pentachlorodibenzo-p-dioxinsPentachlorodibenzofuransPentachloroethaneEthane, pentachloro-76-01-7U184Pentachloronitrobenzene (PCNB)Benzene, pentachloronitro-82-68-8U185PentachlorophenolPhenol, pentachloro-87-86-5See F027PhenacetinAcetamide, N-(4-ethoxyphenyl)-62-44-2U187PhenolSame108-95-2U188PhenylenediamineBenzenediamine25265-76-31,2-Phenylenediamine1,2-Benzenediamine95-54-51,3-Phenylenediamine1,3-Benzenediamine108-45-2Phenylmercury acetateMercury, (acetato-O)phenyl-62-38-4P092PhenylthioureaThiourea, phenyl-103-85-5P093PhosgeneCarbonic dichloride75-44-5P095PhosphineSame7803-51-2P096PhoratePhosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester298-02-2P094Phthalic acid esters, N.O.S. Phthalic anhydride1,3-Isobenzofurandione85-44-9U190PhysostigminePyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-57-47-6P204Physostigmine salicylateBenzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3-b)indol-5-yl methylcarbamate ester (1:1)57-64-7P1882-PicolinePyridine, 2-methyl-109-06-8U191Polychlorinated biphenyls, N.O.S. Potassium cyanideSame151-50-8P098Potassium dimethyldithiocarbamateCarbamodithioic acid, dimethyl, potassium salt128-03-0Potassium n-hydroxymethyl-n-methyl-dithiocarbamateCarbamodithioic acid, (hydroxymethyl)methyl-, monopotassium salt51026-28-9Potassium n-methyldithiocarbamateCarbamodithioic acid, methyl-monopotassium salt137-41-7Potassium silver cyanideArgentate(1-), bis(cyano-C)-, potassium)506-61-6P099Potassium pentachlorophenatePentachlorophenol, potassium salt7778736NonePromecarbPhenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate2631-37-0P201PronamideBenzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-23950-58-5U1921,3-Propane sultone1,2-Oxathiolane, 2,2-dioxide1120-71-4U193ProphamCarbamic acid, phenyl-, 1-methylethyl ester122-42-9U373PropoxurPhenol, 2-(1-methylethoxy)-, methylcarbamate114-26-1U411n-Propylamine1-Propanamine107-10-8U194Propargyl alcohol2-Propyn-1-ol107-19-7P102Propylene dichloridePropane, 1,2-dichloro-78-87-5U0831,2-PropylenimineAziridine, 2-methyl-75-55-8P067Propylthiouracil4(1H)-Pyrimidinone, 2,3-dihydro-6-propyl-2-thioxo-51-52-5ProsulfocarbCarbamothioic acid, dipropyl-, S-(phenylmethyl) ester52888-80-9U387PyridineSame110-86-1U196ReserpineYohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester, (3?,16?,17?,18?,20?)-, 50-55-5U200Resorcinol1,3-Benzenediol108-46-3U201Safrole1,3-Benzodioxole, 5-(2-propenyl)-94-59-7U203SeleniumSame7782-49-2Selenium compounds,

N.O.S.Selenium dioxideSelenious acid7783-00-8U204Selenium sulfideSelenium sulfide SeS27488-56-4U205Selenium, tetrakis(dimethyl-dithiocarbamateCarbamodithioic acid, dimethyl-, tetraanhydrosulfide with orthothioselenious acid144-34-3SelenoureaSame630-10-4P103SilverSame7440-22-4Silver compounds, N.O.S.Silver cyanideSilver cyanide AgCN506-64-9P104Silvex (2,4,5-TP)Propanoic acid, 2-(2,4,5-trichlorophenoxy)-93-72-1See F027Sodium cyanideSodium cyanide NaCN143-33-9P106Sodium dibutyldithiocarbamateCarbamodithioic acid, dibutyl-, sodium salt136-30-1Sodium diethyldithiocarbamateCarbamodithioic acid, diethyl-, sodium salt148-18-5Sodium dimethyldithiocarbamateCarbamodithioic acid, dimethyl-, sodium salt128-04-1Sodium pentachlorophenatePentachlorophenol, sodium salt131522NoneStreptozotocinD-Glucose, 2-deoxy-2-((methylnitrosoamino)carbonyl)amino)-18883-66-4U206StrychnineStrychnidin-10-one57-24-9P108Strychnine saltsP108SulfallateCarbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester95-06-7TCDDDibenzo(b,e)(1,4)dioxin, 2,3,7,8-tetrachloro-1746-01-6Tetrabutylthiuram disulfideThioperoxydicarbonic diamide, tetrabutyl1634-02-2Tetramethylthiuram monosulfideBis(dimethylthiocarbamoyl) sulfide97-74-51,2,4,5-TetrachlorobenzeneBenzene, 1,2,4,5-tetrachloro-95-94-3U207Tetrachlorodibenzo-p-dioxinsTetrachlorodibenzofuransTetrachloroethane, N.O.S.Ethane, tetrachloro-, N.O.S.25322-20-71,1,1,2-TetrachloroethaneEthane, 1,1,1,2-tetrachloro-630-20-6U2081,1,2,2-TetrachloroethaneEthane, 1,1,2,2-tetrachloro-79-34-5U209TetrachloroethyleneEthene, tetrachloro-127-18-4U2102,3,4,6-TetrachlorophenolPhenol, 2,3,4,6-tetrachloro-58-90-2See F0272,3,4,6-Tetrachlorophenol, potassium saltSame53535276None2,3,4,6-Tetrachlorophenol, sodium saltSame25567559NoneTetraethyldithiopyrophosphateThiodiphosphoric acid, tetraethyl ester3689-24-5P109Tetraethyl leadPlumbane, tetraethyl-78-00-2P110TetraethylpyrophosphateDiphosphoric acid, tetraethyl ester107-49-3P111TetranitromethaneMethane, tetranitro-509-14-8P112ThalliumSame7440-28-0Thallium compoundsThallic oxideThallium oxide Tl2O31314-32-5P113Thallium (I) acetateAcetic acid, thallium (1+) salt563-68-8U214Thallium (I) carbonateCarbonic acid, dithallium (1+) salt6533-73-9U215Thallium (I) chlorideThallium chloride TlCl7791-12-0U216Thallium (I) nitrateNitric acid, thallium (1+) salt10102-45-1U217Thallium seleniteSelenious acid, dithallium (1+) salt12039-52-0P114Thallium (I) sulfateSulfuric acid, dithallium (1+) salt7446-18-6P115ThioacetamideEthanethioamide62-55-5U218ThiodicarbEthani midothioic acid, N,N'-(thiobis((methylimino)carbonyloxy))-bis-, dimethyl ester59669-26-0U410Thiofanox2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-((methylamino)carbonyl)oxime39196-18-4P045Thiophanate-methylCarbamic acid, (1,2-phenylenebis(iminocarbonothioyl))-bis-, dimethyl ester23564-05-8U409ThiomethanolMethanethiol74-93-1U153ThiophenolBenzenethiol108-98-5P014ThiosemicarbazideHydrazinecarbothioamide79-19-6P116ThioureaSame62-56-6P219ThiramThioperoxydicarbonic diamide ((H2N)C(S))2S2, tetramethyl-137-26-8U244Tirpate1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)carbonyl)

oxime26419-73-8P185TolueneBenzene,
 methyl-108-88-3U220ToluenediamineBenzenediamine,
 ar-methyl-25376-45-8U221Toluene-2,4-diamine1,3-Benzenediamine,
 4-methyl-95-80-7Toluene-2,6-diamine1,3-Benzenediamine,
 2-methyl-823-40-5Toluene-3,4-diamine1,2-Benzenediamine,
 4-methyl-496-72-0Toluene diisocyanateBenzene,
 1,3-diisocyanatomethyl-26471-62-5U223o-ToluidineBenzenamine,
 2-methyl-95-53-4U328o-Toluidine hydrochlorideBenzeneamine, 2-methyl-,
 hydrochloride636-21-5U222p-ToluidineBenzenamine,
 4-methyl-106-49-0U353ToxapheneSame8001-35-2P123TriallateCarbamothioic
 acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl)
 ester2303-17-5U3891,2,4-TrichlorobenzeneBenzene,
 1,2,4-trichloro-120-82-11,1,2-TrichloroethaneEthane,
 1,1,2-trichloro-79-00-5U227TrichloroethyleneEthene,
 trichloro-79-01-6U228TrichloromethanethiolMethanethiol,
 trichloro-75-70-7P118TrichloromonofluoromethaneMethane,
 trichlorofluoro-75-69-4U1212,4,5-TrichlorophenolPhenol,
 2,4,5-trichloro-95-95-4See F0272,4,6-TrichlorophenolPhenol,
 2,4,6-trichloro-88-06-2See F0272,4,5-TAcetic acid,
 (2,4,5-trichlorophenoxy)-93-76-5See F027Trichloropropane,
 N.O.S.25735-29-91,2,3-TrichloropropanePropane,
 1,2,3-trichloro-96-18-4TriethylamineEthanamine,
 N,N-diethyl-121-44-8U404O,O,O-TriethylphosphorothioatePhosphorothioic
 acid, O,O,O-triethyl ester126-68-11,3,5-TrinitrobenzeneBenzene,
 1,3,5-trinitro-99-35-4U234Tris(1-aziridinyl)phosphine sulfideAziridine,
 1,1',1"-phosphinothioylidynetris-52-24-4Tris(2,3-dibromopropyl)
 phosphate1-Propanol, 2,3-dibromo-, phosphate (3:1)126-72-7U235Trypan
 blue2,7-Naphthalenedisulfonic acid,
 3,3'-((3,3'-dimethyl(1,1'-biphenyl)-4,4'-diyl)bis(azo))bis(5-amino-4-hyd
 roxy)-, tetrasodium salt72-57-1U236Uracil
 mustard2,4-(1H,3H)-Pyrimidinedione,
 5-(bis(2-chloroethyl)amino)-66-75-1U237Vanadium pentoxideVanadium oxide
 V2O51314-62-1P120VernolateCarbamothioc acid, dipropyl-, S-propyl
 ester1929-77-7Vinyl chlorideEthene,
 chloro-75-01-4U043Warfarin2H-1-Benzopyran-2-one,
 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less
 than 0.3 percent81-81-2U248Warfarin2H-1-Benzopyran-2-one,
 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations
 greater than 0.3 percent81-81-2P001Warfarin salts, when present at
 concentrations less than 0.3 percentU248Warfarin salts, when present at
 concentrations greater than 0.3 percentP001Zinc cyanideZinc cyanide
 Zn(CN)2557-21-1P121Zinc phosphideZinc phosphide P2Zn3, when present at
 concentrations greater than 10 percent1314-84-7P122Zinc phosphideZinc
 phosphide P2Zn3, when present at concentrations of 10 percent or
 less1314-84-7U249ZiramZinc, bis(dimethylcarbamodithioato-S,S')-
 (T-4)-137-30-4P205

Note: The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class that are not specifically listed by name in this Section.

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

Section 721.APPENDIX I Wastes Excluded by Administrative Action

Section 721.TABLE B Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Specific Sources

Facility Address	Waste Description	Ameee	Description
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Amoco Oil Company	Wood River, Illinois		
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150 million gallons of DAF float from petroleum refining contained in four surge ponds after treatment with the Chemfix stabilization process. This waste contains USEPA hazardous waste number K048. This exclusion applies to the 150 million gallons of waste after chemical stabilization as long as the mixing ratios of the reagent with the waste are monitored continuously and do not vary outside of the limits presented in the demonstration samples and one grab sample is taken each hour from each treatment unit, composited, and TCLP tests performed on each sample. If the levels of lead or total chromium exceed 0.5 ppm in the EP extract, then the waste that was processed during the compositing period is considered hazardous; the treatment residue must be pumped into bermed cells to ensure that the waste is identifiable in the event that removal is necessary.

Conversion Systems, Inc. Horsham, Pennsylvania (Sterling, Illinois operations) Chemically stabilized electric arc furnace dust (CSEAFD) that is generated by Conversion Systems, Inc. (CSI) (using the Super Detox(r) treatment process, as modified by CSI to treat electric arc furnace dust (EAFD) (USEPA hazardous waste no. K061)), at the following site and which is disposed of in a RCRA Subtitle D municipal solid waste landfill (MSWLF): Northwestern Steel, Sterling, Illinois.

CSI must implement a testing program for each site that meets the following conditions:

1. Verification testing requirements: Sample collection and analyses, including quality control procedures, must be performed using appropriate methods. As applicable to the method-defined parameters of concern, analyses requiring the use of methods in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods₇", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), must be used without substitution. As applicable, the EPA-530/SW-846 methods might include Methods 0010, 0011, 0020, 0023A, 0030, 0031, 0040, 0050, 0051, 0060, 0061, 1010A, 1020B, 1110A, 1310B, 1311, 1312, 1320, 1330A, 9010C, 9012B, 9040C, 9045D, 9060A, 9070A (uses USEPA Method 1664, Rev. A), 9071B, and 9095B.

- A. Initial verification testing: During the first 20 days of full-scale operation of a newly-constructed Super Detox(r) treatment facility, CSI must analyze a minimum of four composite samples of CSEAFD representative of the full 20-day period. Composite samples must be composed of representative samples collected from every batch generated. The CSEAFD samples must be analyzed for the constituents listed in condition 3 below. CSI must report the operational and analytical test data, including quality control information, obtained during this

initial period no later than 60 days after the generation of the first batch of CSEAFD.

B. Addition of new Super Detox(r) treatment facilities to the exclusion:

Option 1: If USEPA approves additional facilities, CSI may petition the Board for identical-in substance amendment of this exclusion pursuant to Section 22.4 for the Act and 35 Ill. Adm. Code 102 and 720.120(a), or

Option 2: If USEPA has not approved such amendment, CSI may petition the Board for amendment pursuant to the general rulemaking procedures of Section 27 of the Act and 35 Ill. Adm. Code 102 and 720.120(b); or

Option 3: Alternatively to options 1 or 2 above, CSI may petition the Board for a hazardous waste delisting pursuant to Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104 and 35 Ill. Adm. Code 720.122.

If CSI pursues general rulemaking (option 2 above) or hazardous waste delisting (option 3 above), it must demonstrate that the CSEAFD generated by a specific Super Detox(r) treatment facility consistently meets the delisting levels specified in condition 3 below.

C. Subsequent verification testing: For the approved facility, CSI must collect and analyze at least one composite sample of CSEAFD each month. The composite samples must be composed of representative samples collected from all batches treated in each month. These monthly representative samples must be analyzed, prior to the disposal of the CSEAFD, for the constituents listed in condition 3 below. CSI may, at its discretion, analyze composite samples gathered more frequently to demonstrate that smaller batches of waste are non-hazardous.

2. Waste holding and handling: CSI must store as hazardous all CSEAFD generated until verification testing, as specified in condition 1A or 1C above, as appropriate, is completed and valid analyses demonstrate that condition 3 below is satisfied. If the levels of constituents measured in the samples of CSEAFD do not exceed the levels set forth in condition 3, then the CSEAFD is non-hazardous and may be disposed of in a RCRA Subtitle D municipal solid waste landfill. If constituent levels in a sample exceed any of the delisting levels set forth in condition 3 below, the CSEAFD generated during the time period corresponding to this sample must be retreated until it meets these levels or managed and disposed of as hazardous waste, in accordance with 35 Ill. Adm. Code 702 through 705, 720 through 728, 733, 738, and 739. CSEAFD generated by a new CSI treatment facility must be managed as a hazardous waste prior to the addition of the name and location of the facility to this exclusion pursuant to condition 1C above. After addition of the new facility to the exclusion pursuant to condition 1B above, CSEAFD generated during the verification testing in condition 1A is also non-hazardous if the delisting levels in condition 3 are satisfied.

3. Delisting levels: All leachable concentrations for metals must not exceed the following levels (in parts per million (ppm)): antimony - 0.06; arsenic - 0.50; barium - 7.6; beryllium - 0.010; cadmium - 0.050; chromium - 0.33; lead - 0.15; mercury - 0.009; nickel - 1; selenium - 0.16; silver - 0.30; thallium - 0.020; vanadium - 2; and zinc - 70. Metal concentrations must be measured in the waste leachate by the method specified in Section 721.124.

4. Changes in operating conditions: After initiating subsequent testing, as described in condition 1C, if CSI significantly changes the stabilization process established pursuant to condition 1 (e.g., use of new stabilization reagents), CSI must seek amendment of this exclusion using one of the options set forth in condition 1B above. After written amendment of this exclusion, CSI may manage CSEAFD wastes generated from the new process as non-hazardous if the wastes meet the delisting levels set forth in condition 3 above.

5. Data submittals: At least one month prior to operation of a new Super Detox(r) treatment facility, CSI must notify the Agency in writing when the Super Detox(r) treatment facility is scheduled to be on-line. The data obtained through condition 1A must be submitted to the Agency within the time period specified. Records of operating conditions and analytical data from condition 1 must be compiled, summarized, and maintained on site for a minimum of five years. These records and data must be furnished to the Agency upon request and made available for inspection. Failure to submit the required data within the specified time period or to maintain the required records on site for the specified time will be considered a violation of the Act and Board regulations. All data submitted must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the data submitted:

"Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations, I certify that the information contained in or accompanying this document is true, accurate, and complete.

"As to (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate, and complete.

"In the event that any of this information is determined by the Board or a court of law to be false, inaccurate, or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by the Board or court and that the company will be liable for any actions taken in contravention of the company's obligations under the federal RCRA and Comprehensive Environmental Response, Compensation and Liability Act (42 USC 9601 et seq.) and

corresponding provisions of the Act premised upon the company's reliance on the void exclusion."

BOARD NOTE: The obligations of this exclusion are derived from but also distinct from the obligations under the corresponding federally-granted exclusion of table 2 of appendix IX to 40 CFR 261.

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

Section 721.APPENDIX I Wastes Excluded by Administrative Action

Section 721.TABLE D Wastes Excluded by the Board by Adjusted Standard

The Board has entered the following orders on petitions for adjusted standards for delisting, pursuant to 35 Ill. Adm. Code 720.122.

AS 91-1 Petition of Keystone Steel & Wire Co. for Hazardous Waste Delisting, ~~AS 91-1~~ (Feb. 6, 1992 and Apr. 23, 1992). (Chemically stabilized electric arc furnace dust (K061 waste).)

AS 91-3 Petition of Peoria Disposal Company for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D, ~~AS 91-3~~ (Feb. 4, 1993 and Mar. 11, 1993). (Chemically stabilized wastewater treatment sludges from electroplating, anodizing, chemical milling and etching, and circuit board manufacturing (F006 waste).)

AS 93-7 Petition of Keystone Steel & Wire Company for an Adjusted Standard from 35 Ill. Adm. Code ~~721.132, AS 93-7~~ 721.132 (Feb. 17, 1994, Mar. 17, 1994, and Dec. 14, 1994). (Chemically stabilized waste pickling liquor (K062 waste).)

AS 94-10 Petition of Envirote Corporation for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D, AS 94-10 (Dec. 14, 1994 and Feb. 16, 1995). (Sludge from the treatment of multiple hazardous wastes (F006, F007, F008, F009, F011, F012, F019, K002, K003, K004, K005, K006, K007, K008, and K062 wastes).)

AS 08-5 Petition of BFI Waste Systems of North America, Inc. for Waste Delisting (Dec. 4, 2008). (F039 waste)

AS 08-10 RCRA Delisting Adjusted Standard Petition of Peoria Disposal Co. (Jan. 8, 2009). (Treated K061 waste)

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

Section 721.APPENDIX Y Table to Section 721.138: Maximum Contaminant Concentration and Minimum Detection Limit Values for Comparable Fuel Specification (Repealed)

~~The following table lists the maximum concentration limit and minimum analytical detection limit required for each contaminant for which USEPA has established a comparable fuel specification. This table supports the requirements of the excluded fuels rule of Section 721.138.~~

Chemical name	CAS No	Concentration limit (mg/kg at 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
Total Nitrogen as NNA	4,900		
Total Halogens as ClNA	540		
Total Organic Halogens as ClNA (Note 1)			
Polychlorinated biphenyls, total (Aroclors, total)	1336-36-3	ND1.4	
Cyanide, total	57-12-5	ND1.0	
Metals:			
Antimony, total	7440-36-0	12	
Arsenic,			

~~total7440 38 20.23 Barium, total7440 39 323 Beryllium,~~
~~total7440 41 71.2 Cadmium, total7440 43 91.2 Chromium,~~
~~total7440 47 32.3 Cobalt7440 48 44.6 Lead, total7439 92 131~~
~~Manganese7439 96 51.2 Mercury, total7439 97 60.25 Nickel,~~
~~total7440 02 058 Selenium, total7782 49 20.23 Silver, total7440 22 42.3~~
~~Thallium, total7440 28 023~~Hydrocarbons:
~~Benzo(a)anthracene56 55 32,400 Benzene71 43 24,100~~
~~Benzo(b)fluoranthene205 99 22,400~~
~~Benzo(k)fluoranthene207 08 92,400 Benzo(a)pyrene50 32 82,400~~
~~Chrysene218 01 92,400 Dibenz(a,h)anthracene53 70 32,400~~
~~7,12-Dimethylbenz(a)anthracene57 97 62,400~~
~~Fluoranthene206 44 02,400 Indeno(1,2,3-cd)pyrene193 39 52,400~~
~~3-Methylcholanthrene56 49 52,400 Naphthalene91 20 33,200~~
~~Toluene108 88 336,000~~Oxygenates: ~~Acetophenone98 86 22,400~~
~~Acrolein107 02 839 Allyl alcohol107 18 630~~
~~Bis(2-ethylhexyl)phthalate~~
~~(Di(2-ethylhexyl) phthalate)117 81 72,400 Butyl benzyl-~~
~~phthalate85 68 72,400 o-Cresol~~
~~(2-Methyl phenol)95 48 72,400 m-Cresol~~
~~(3-Methyl phenol)108 39 42,400 p-Cresol~~
~~(4-Methyl phenol)106 44 52,400 Di-n-butyl phthalate84 74 22,400~~
~~Diethyl phthalate84 66 22,400 2,4-Dimethylphenol105 67 92,400~~
~~Dimethyl phthalate131 11 32,400 Di-n-octyl-~~
~~phthalate117 84 02,400 Endothall145 73 3100 Ethyl methacrylate97 63 239~~
~~2-Ethoxyethanol~~
~~(Ethylene glycol monoethyl ether)110 80 5100 Isobutyl-~~
~~alcohol78 83 139 Isosafrole120 58 12,400 Methyl ethyl ketone~~
~~(2-Butanone)78 93 339 Methyl methacrylate80 62 639~~
~~1,4-Naphthoquinone130 15 42,400 Phenol108 95 22,400 Propargyl-~~
~~alcohol~~
~~(2-Propyn-1-ol)107 19 730 Safrole94 59 72,400~~Sulfonated-
~~Organics: Carbon disulfide75 15 0ND39 Disulfoton298 04 4ND2,400~~
~~Ethyl methanesulfonate62 50 0ND2,400 Methyl-~~
~~methanesulfonate66 27 3ND2,400 Phorate298 02 2ND2,400 1,3-Propane-~~
~~sultone1120 71 4ND100 Tetraethyldithiopyrophosphate~~
~~(Sulfotepp)3689 24 5ND2,400 Thiophenol~~
~~(Benzenethiol)108 98 5ND30 O,O,O-Triethyl-~~
~~phosphorothioate126 68 1ND2,400~~Nitrogenated Organics: ~~Acetonitrile-~~
~~(Methyl cyanide)75 05 8ND39 2-Acetylaminofluorene (2-AAF)53 96 3ND2,400~~
~~Acrylonitrile107 13 1ND39 4-Aminobiphenyl92 67 1ND2,400~~
~~4-Aminopyridine504 24 5ND100 Aniline62 53 3ND2,400~~
~~Benzidine92 87 5ND2,400 Dibenz(a,j)acridine224 42 0ND2,400~~
~~O,O-Diethyl O-pyrazinyl phosphoro-thioate~~
~~(Thionazin)297 97 2ND2,400 Dimethoate60 51 5ND2,400~~
~~p-(Dimethylamino)azobenzene~~
~~(4-Dimethylaminoazobenzene)60 11 7ND2,400~~
~~3,3'-Dimethylbenzidine119 93 7ND2,400~~
~~a,a-Dimethylphenethylamine122 09 8ND2,400~~
~~3,3'-Dimethoxybenzidine119 90 4ND100 1,3-Dinitrobenzene~~
~~(m-Dinitrobenzene)99 65 0ND2,400~~
~~4,6-Dinitro o-cresol534 52 1ND2,400~~
~~2,4-Dinitrophenol51 28 5ND2,400~~

~~2,4-Dinitrotoluene~~121-14-2ND2,400
~~2,6-Dinitrotoluene~~606-20-2ND2,400 Dinoseb
~~(2-sec-Butyl-4,6-dinitrophenol)~~88-85-7ND2,400
~~Diphenylamine~~122-39-4ND2,400 Ethyl carbamate
~~(Urethane)~~51-79-6ND100 Ethylenethiourea
~~(2-Imidazolidinethione)~~96-45-7ND110 Famphur~~52-85-7ND2,400~~
~~Methacrylonitrile~~126-98-7ND39 Methapyrilene~~91-80-5ND2,400~~
~~Methomyl~~16752-77-5ND57 2-Methylacetonitrile
~~(Acetone cyanohydrin)~~75-86-5ND100 Methyl-
parathion~~298-00-0ND2,400~~ MNNG
~~(N-Methyl-N-nitroso-N'-nitroguanidine)~~70-25-7ND110 1-Naphthylamine
~~(? Naphthylamine)~~134-32-7ND2,400 2-Naphthylamine
~~(? Naphthylamine)~~91-59-8ND2,400 Nicotine~~54-11-5ND100~~
4-Nitroaniline
~~(p-Nitroaniline)~~100-01-6ND2,400 Nitrobenzene~~98-95-3ND2,400~~
p-Nitrophenol
~~(4-Nitrophenol)~~100-02-7ND2,400
5-Nitro-o-toluidine~~99-55-8ND2,400~~
N-Nitrosodi-n-butylamine~~924-16-3ND2,400~~
N-Nitrosodiethylamine~~55-18-5ND2,400~~ N-Nitrosodiphenylamine
~~(Diphenylnitrosamine)~~86-30-6ND2,400
N-Nitroso-N-methylethylamine~~10595-95-6ND2,400~~
N-Nitrosomorpholine~~59-89-2ND2,400~~
N-Nitrosopiperidine~~100-75-4ND2,400~~
N-Nitrosopyrrolidine~~930-55-2ND2,400~~ 2-Nitropropane~~79-46-9ND30~~
Parathion~~56-38-2ND2,400~~ Phenacetin~~62-44-2ND2,400~~
1,4-Phenylene diamine
~~(p-Phenylenediamine)~~106-50-3ND2,400
N-Phenylthiourea~~103-85-5ND57~~2-Picoline
~~(a-Picoline)~~109-06-8ND2,400 Propylthiouracil
~~(6-Propyl-2-thiouracil)~~51-52-5ND100 Pyridine~~110-86-1ND2,400~~
Strychnine~~57-24-9ND100~~ Thioacetamide~~62-55-5ND57~~
Thiofanox~~39196-18-4ND100~~ Thiourea~~62-56-6ND57~~
Toluene-2,4-diamine
~~(2,4-Diaminotoluene)~~95-80-7ND57 Toluene-2,6-diamine
~~(2,6-Diaminotoluene)~~823-40-5ND57 o-Toluidine~~95-53-4ND2,400~~
p-Toluidine~~106-49-0ND100~~ 1,3,5-Trinitrobenzene
~~(sym-Trinitrobenzene)~~99-35-4ND2,400 Halogenated Organics: Allyl-
chloride~~107-05-1ND39~~ Aramite~~140-57-8ND2,400~~ Benzal chloride
~~(Dichloromethyl benzene)~~98-87-3ND100 Benzyl-
chloride~~100-44-7ND100~~ bis(2-Chloroethyl)ether
~~(Dichloroethyl ether)~~111-44-4ND2,400 Bromoform
~~(Tribromomethane)~~75-25-2ND39 Bromomethane
~~(Methyl bromide)~~74-83-9ND39 4-Bromophenyl phenyl ether
~~(p-Bromodiphenyl ether)~~101-55-3ND2,400 Carbon-
tetrachloride~~56-23-5ND39~~ Chlordane~~57-74-9ND14~~
p-Chloroaniline~~106-47-8ND2,400~~ Chlorobenzene~~108-90-7ND39~~
Chlorobenzilate~~510-15-6ND2,400~~ p-Chloro-m-cresol~~59-50-7ND2,400~~
2-Chloroethyl vinyl ether~~110-75-8ND39~~ Chloroform~~67-66-3ND39~~
Chloromethane
~~(Methyl chloride)~~74-87-3ND39 2-Chloronaphthalene
~~(β-Chlorophthalene)~~91-58-7ND2,400 2-Chlorophenol

~~(o-Chlorophenol) 95-57-8ND2,400 Chloroprene~~
~~(2-Chloro-1,3-butadiene) 1126-99-8ND39 2,4-D~~
~~(2,4-Dichlorophenoxyacetic acid) 94-75-7ND7.0~~
~~Diallate 2303-16-4ND2,400 1,2-Dibromo-3-chloropropane 96-12-8ND39~~
~~1,2-Dichlorobenzene~~
~~(o-Dichlorobenzene) 95-50-1ND2,400 1,3-Dichlorobenzene~~
~~(m-Dichlorobenzene) 541-73-1ND2,400 1,4-Dichlorobenzene~~
~~(p-Dichlorobenzene) 106-46-7ND2,400~~
~~3,3'-Dichlorobenzidine 91-94-1ND2,400 Dichlorodifluoromethane~~

~~(CFC-12) 75-71-8ND39 1,2-Dichloroethane~~
~~(Ethylene dichloride) 107-06-2ND39 1,1-Dichloroethylene~~
~~(Vinylidene chloride) 75-35-4ND39 Dichloromethoxy ethane~~
~~(bis(2-Chloroethoxy)methane) 111-91-1ND2,400~~
~~2,4-Dichlorophenol 120-83-2ND2,400 2,6-Dichlorophenol 87-65-0ND2,400~~
~~1,2-Dichloropropane~~
~~(Propylene dichloride) 78-87-5ND39~~
~~cis-1,3-Dichloropropylene 10061-01-5ND39~~
~~trans-1,3-Dichloropropylene 10061-02-6ND39~~
~~1,3-Dichloro-2-propanol 96-23-1ND30 Endosulfan I 959-98-8ND1.4~~
~~Endosulfan II 33213-65-9ND1.4 Endrin 72-20-8ND1.4 Endrin-~~
~~aldehyde 7421-93-4ND1.4 Endrin Ketone 53494-70-5ND1.4 Epichlorohydrin~~
~~(1-Chloro-2,3-epoxy propane) 106-89-8ND30 Ethylidene dichloride~~
~~(1,1-Dichloroethane) 75-34-3ND39 2-Fluoroacetamide 640-19-7ND100~~
~~Heptachlor 76-44-8ND1.4 Heptachlor epoxide 1024-57-3ND2.8~~
~~Hexachlorobenzene 118-74-1ND2,400 Hexachloro-1,3-butadiene~~
~~(Hexachlorobutadiene) 87-68-3ND2,400~~
~~Hexachlorocyclopentadiene 77-47-4ND2,400~~
~~Hexachloroethane 67-72-1ND2,400 Hexachlorophene 70-30-4ND59,000~~
~~Hexachloropropene~~
~~(Hexachloropropylene) 1888-71-7ND2,400 Isodrin 465-73-6ND2,400~~
~~Kepone~~
~~(Chlordecene) 143-50-0ND4,700 Lindane~~
~~(? Hexachlorocyclohexane)~~
~~(? BHC) 58-89-9ND1.4 Methylene chloride~~
~~(Dichloromethane) 75-09-2ND39~~
~~4,4'-methylene bis(2-chloroaniline) 101-14-4ND100 Methyl iodide~~
~~(Iodomethane) 74-88-4ND39 Pentachlorobenzene 608-93-5ND2,400~~
~~Pentachloroethane 76-01-7ND39 Pentachloronitrobenzene~~
~~(PCNB)~~
~~(Quintobenzene)~~
~~(Quintozene) 82-68-8ND2,400 Pentachlorophenol 87-86-5ND2,400~~
~~Pronamide 23950-58-5ND2,400 Silvex~~
~~(2,4,5-Trichlorophenoxypropionic acid) 93-72-1ND7.0~~
~~2,3,7,8-Tetrachlorodibenzo-p-dioxin~~
~~(2,3,7,8-TCDD) 1746-01-6ND30~~
~~1,2,4,5-Tetrachlorobenzene 95-94-3ND2,400~~
~~1,1,2,2-Tetrachloroethane 79-34-5ND39 Tetrachloroethylene~~
~~(Perchloroethylene) 127-18-4ND39~~
~~2,3,4,6-Tetrachlorophenol 58-90-2ND2,400~~
~~1,2,4-Trichlorobenzene 120-82-1ND2,400 1,1,1-Trichloroethane~~
~~(Methyl chloroform) 71-55-6ND39 1,1,2-Trichloroethane~~

~~(Vinyl trichloride)79-00-5ND39 Trichloroethylene79-01-6ND39~~

~~Trichlorofluoromethane~~

~~(Trichloromonofluoromethane)75-69-4ND39~~

~~2,4,5-Trichlorophenol95-95-4ND2,400~~

~~2,4,6-Trichlorophenol88-06-2ND2,400~~

~~1,2,3-Trichloropropane96-18-4ND39 Vinyl Chloride75-01-4ND39Notes-~~

~~to Table:~~

~~"NA" means not applicable.~~

~~"ND" means nondetect.~~

~~Note 1 (to Total Organic Halogens as Cl): 25 (mg/kg at 10,000 Btu/lb) as organic halogen or as the individual halogenated organics listed in the table at the levels indicated.~~

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

Section 721.APPENDIX Z Table to Section 721.102: Recycled Materials That Are Solid Waste

The following table lists the instances when a recycled secondary material is solid waste, based on the type of secondary material and the mode of material management during recycling. This table supports the requirements of the recycling provision of the definition of solid waste rule, at Section 721.102(c).

Table

1234Use constituting disposalBurning for energy recovery or use to produce a fuelReclamation (except as provided in Section 721.104(a)(17), (a)(23), (a)(24), or (a)(27))Speculative accumulationApplicable Subsection of Section 721.102:(c)(1)(c)(2)(c)(3)(c)(4)Spent materialsYesYesYesYesSludgesmaterialsYesYesYesYesSludges (listed in Section 721.131 or 721.132)YesYesYesYesSludgesYesYesYesYesSludges exhibiting a characteristic of hazardous wasteYesYesNoYesBywasteYesYesNoYesBy-products (listed in Section 721.131 or 721.132)YesYesYesYesByYesYesYesYesBy-products exhibiting a characteristic of hazardous wasteYesYesNoYesCommercialwasteYesYesNoYesCommercial chemical products listed in Section 721.133YesYesNoNoScrapYesYesNoNoScrap metal that is not excluded pursuant to Section 721.104(a)(13)YesYesYesYesYesYesYesYesYesYesYes - Defined as a solid waste No - Not defined as a solid waste

BOARD NOTE: Derived from Table 1 to 40 CFR 261.2 (2017)-(2010). The terms "spent materials_T", "sludges_T", "by-products_T", "scrap metal_T", and "processed scrap metal" are defined in Section 721.101.

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

JCAR350721-1809980r01

~~ILLINOIS REGISTER~~
~~POLLUTION CONTROL BOARD~~
~~NOTICE OF PROPOSED AMENDMENTS~~

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Legend:	
<u>Insertion</u>	
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Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	86
Deletions	613
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	699

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- 8) Date of each control device startup and shutdown.
 - 9) A remanufacturer or other person that stores or treats the hazardous secondary material designating any components of a closed-vent system as unsafe to monitor pursuant to Section 721.933(o) must record in a log that is kept at the facility the identification of closed-vent system components that are designated as unsafe to monitor in accordance with the requirements of Section 721.933(o), an explanation for each closed-vent system component stating why the closed-vent system component is unsafe to monitor, and the plan for monitoring each closed-vent system component.
 - 10) When each leak is detected as specified in Section 721.933(l), the following information must be recorded:
 - A) The instrument identification number, the closed-vent system component identification number, and the operator name, initials, or identification number.
 - B) The date the leak was detected and the date of first attempt to repair the leak.
 - C) The date of successful repair of the leak.
 - D) Maximum instrument reading measured by Reference Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, after it is successfully repaired or determined to be nonrepairable.
 - E) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
 - i) The remanufacturer or other person that stores or treats the hazardous secondary material may develop a written procedure that identifies the conditions that justify a delay of repair. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure.
 - ii) If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were

sufficiently stocked on-site before depletion and the reason for depletion.

- d) Records of the monitoring, operating, and inspection information required by subsections (c)(3) through (c)(10) must be maintained by the owner or operator for at least three years following the date of each occurrence, measurement, maintenance, corrective action, or record.
- e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the Agency must specify the appropriate recordkeeping requirements. The Agency must specify the appropriate recordkeeping requirements in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.
- f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 721.932, including supporting documentation as required by Section 721.934(d)(2) when application of the knowledge of the nature of the hazardous secondary material stream or the process by which it was produced is used, must be recorded in a log that is kept at the facility.

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

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 721.950 Applicability

The regulations in this this Subpart BB apply to equipment that contains hazardous secondary materials excluded under the remanufacturing exclusion at Section 721.104(a)(27), unless the equipment operations are subject to the requirements of an applicable federal Clean Air Act regulation in 40 CFR 60 (Standards of Performance for New Stationary Sources), 61 (National Emission Standards for Hazardous Air Pollutants), or 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), each incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: Section 9.1(b) and (d) of the Act415 ILCS 5/9.1(b) and (d) make the federal new source performance standards and national emission standards for hazardous air pollutants directly applicable in Illinois and prohibit operation of an emission source without a permit issued by the Agency. The Agency issues permits that incorporate the federal new source performance standards and national emission standards for hazardous air pollutants pursuant to Section 39.5 of the Act415 ILCS 5/39.5.

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

Section 721.960 Standards: Closed-Vent Systems and Control Devices

- a) The remanufacturer or other person that stores or treats the hazardous secondary material in a hazardous secondary material management ~~unit~~ units using closed-vent systems and control devices subject to this Subpart BB must comply with the provisions of Section 721.933.

- b) Implementation Schedule.
 - 1) The remanufacturer or other person that stores or treats the hazardous secondary material at an existing facility who cannot install a closed-vent system and control device to comply with the provisions of this Subpart BB on the effective date that the facility becomes subject to the provisions of this Subpart BB must prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart BB for installation and startup.

 - 2) Any unit ~~beginning~~ that begins operation that ~~after July 13, 2015 and which~~ is subject to the provisions of this Subpart BB when operation begins, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 30-month implementation schedule does not apply.

 - 3) The remanufacturer or other person that stores or treats the hazardous secondary material at any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart BB must comply with all requirements of this Subpart BB as soon as practicable but no later than 30 months after the amendment's effective date. When control equipment required by this Subpart BB cannot be installed and begin operation by the effective date of the statutory or regulatory amendment that renders the facility subject to this Subpart BB, the facility owner or operator must prepare an implementation schedule that includes the following information: specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart BB. The remanufacturer or other person that stores or treats

7707 the hazardous secondary material must keep a copy of the implementation
7708 schedule at the facility.

7709
7710 BOARD NOTE: The federal effective date of this provision was July 15,
7711 2015. The resulting compliance deadline for the Subpart BB standards
7712 was then January 18, 2018 for all facilities to which this Subpart BB
7713 applied on July 15, 2015. ~~All and for all new and modified facilities to~~
7714 ~~which this Subpart BB applies are to immediately comply upon beginning~~
7715 ~~operation after would have applied had they existed on or been modified~~
7716 ~~before July 15, 2015 in a way that would have made them subject to the~~
7717 ~~requirements of this Subpart BB.~~ Where this Subpart BB becomes
7718 applicable to a facility subject to after July 15, 2015 as a result of statutory
7719 or regulatory amendment, compliance with the Subpart BB standards is
7720 required 30 months after the effective date of the statutory or regulatory
7721 amendment that subjected that facility to this provision.

- 7722
7723 4) Remanufacturers or other persons that store or treat the hazardous
7724 secondary materials at facilities and units that become newly subject to the
7725 requirements of this Subpart BB ~~after January 13, 2015~~, due to an action
7726 other than those described in subsection (b)(3), must comply with all
7727 applicable requirements immediately (i.e., must have control devices
7728 installed and operating on the date the facility or unit becomes subject to
7729 this Subpart BB; the 30-month implementation schedule does not apply).

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7731 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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7733 **Section 721.963 Test Methods and Procedures**
7734

- 7735 a) Each remanufacturer or other person that stores or treats the hazardous secondary
7736 material subject to the provisions of this Subpart BB must comply with the test
7737 methods and procedures requirements provided in this Section.
7738
7739 b) Leak detection monitoring, as required in Sections 721.952 through 721.962, must
7740 comply with the following requirements:
7741
7742 1) Monitoring must comply with Reference Method 21 (Determination of
7743 Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test
7744 Methods), incorporated by reference in 35 Ill. Adm. Code 720.111.
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7746 2) The detection instrument must meet the performance criteria of Reference
7747 Method 21.
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- 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
 - 4) Calibration gases must be as follows:
 - A) Zero air (less than 10 ppm of hydrocarbon in air); and
 - B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.
 - 5) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
- c) When equipment is tested for compliance with no detectable emissions, as required in Sections 721.952(e), 721.953(i), 721.954, and 721.957(f), the test must comply with the following requirements:
- 1) The requirements of subsections (b)(1) through (b)(4).
 - 2) The background level must be determined as set forth in Reference Method 21.
 - 3) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
 - 4) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.
- d) A remanufacturer or other person that stores or treats the hazardous secondary material must determine, for each piece of equipment, whether the equipment contains or contacts a hazardous secondary material with organic concentration that equals or exceeds 10 percent by weight using the following:
- 1) Methods described in ASTM Methods D 2267-88, E 169-87, E 168-88, E 260-85, incorporated by reference in 35 Ill. Adm. Code 720.111;
 - 2) Method 9060A of "Test Methods for Evaluating Solid Waste," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, for computing total organic concentration of the sample, or analyzed for its individual organic constituents; or

- 7791 3) Application of the knowledge of the nature of the hazardous secondary
7792 material stream or the process by which it was produced. Documentation
7793 of a material determination by knowledge is required. Examples of
7794 documentation that must be used to support a determination under this
7795 provision include production process information documenting that no
7796 organic compounds are used, information that the material is generated by
7797 a process that is identical to a process at the same or another facility that
7798 has previously been demonstrated by direct measurement to have a total
7799 organic content less than 10 percent, or prior speciation analysis results on
7800 the same material stream, where it can also be documented that no process
7801 changes have occurred since that analysis that could affect the material
7802 total organic concentration.
7803
- 7804 e) If a remanufacturer or other person that stores or treats the hazardous secondary
7805 material determines that a piece of equipment contains or contacts a hazardous
7806 secondary material with organic concentrations at least 10 percent by weight, the
7807 determination can be revised only after following the procedures in subsection
7808 (d)(1) or (d)(2).
7809
- 7810 f) When a remanufacturer or other person that stores or treats the hazardous
7811 secondary material and the Agency do not agree on whether a piece of equipment
7812 contains or contacts a hazardous secondary material with organic concentrations
7813 at least 10 percent by weight, the procedures in subsection (d)(1) or (d)(2) can be
7814 used to resolve the dispute. The Agency must state any disagreement on whether
7815 a piece of equipment contains or contacts a hazardous secondary material with
7816 organic concentrations at least 10 percent by weight in writing to the
7817 remanufacturer or other person that stores or treats the hazardous secondary
7818 material.
7819
- 7820 g) Samples used in determining the percent organic content must be representative
7821 of the highest total organic content hazardous secondary material that is expected
7822 to be contained in or contact the equipment.
7823
- 7824 h) To determine if pumps or valves are in light liquid service, the vapor pressures of
7825 constituents may be obtained from standard reference texts or may be determined
7826 by ASTM D 2879-92, incorporated by reference in 35 Ill. Adm. Code 720.111.
7827
- 7828 i) Performance tests to determine if a control device achieves 95 weight percent
7829 organic emission reduction must comply with the procedures of Section
7830 721.934(c)(1) through (c)(4).
7831

7832 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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SUBPART CC: AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS

Section 721.983 Material Determination Procedures

- a) Procedure to Determine Average Volatile Organic (VO) Concentration.
 - 1) Determining average VO concentration at the point of material origination. A remanufacturer or other person that stores or treats the hazardous secondary material must determine the average VO concentration at the point of material origination for each hazardous secondary material placed in a hazardous secondary material management unit exempted under the provisions of Section 721.982(c)(1) from using air emission controls in accordance with standards specified in Sections 721.984 through 721.987, as applicable to the hazardous secondary material management unit.
 - A) An initial determination of the average VO concentration of the material stream must be made before the first time any portion of the material in the hazardous secondary material stream is placed in a hazardous secondary material management unit exempted under the provisions of Section 721.982(c)(1) from using air emission controls, and thereafter an initial determination of the average VO concentration of the material stream must be made for each averaging period that a hazardous secondary material is managed in the unit; and
 - B) Perform a new material determination whenever changes to the source generating the material stream are reasonably likely to cause the average VO concentration of the hazardous secondary material to increase to a level that is equal to or greater than the applicable VO concentration limits specified in Section 721.982.
 - 2) Determination of average VO concentration using direct measurement or knowledge. For a material determination that is required by subsection (a)(1), the average VO concentration of a hazardous secondary material at the point of material origination must be determined using either direct measurement, as specified in subsection (a)(3), or by knowledge of the hazardous secondary material, as specified in subsection (a)(4).
 - 3) Direct measurement to determine average VO concentration of a hazardous secondary material at the point of material origination, as follows:

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- A) Identification. The remanufacturer or other person that stores or treats the hazardous secondary material must identify and record in a log that is kept at the facility the point of material origination for the hazardous secondary material.

 - B) Sampling. Samples of the hazardous secondary material stream must be collected at the point of material origination in a manner such that volatilization of organics contained in the material and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.
 - i) The averaging period to be used for determining the average VO concentration for the hazardous secondary material stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the remanufacturer or other person that stores or treats the hazardous secondary material determines is appropriate for the hazardous secondary material stream but must not exceed one year.

 - ii) A sufficient number of samples, but no less than four samples, must be collected and analyzed for a hazardous secondary material determination. All of the samples for a given material determination must be collected within a one-hour period. The average of the four or more sample results constitutes a material determination for the material stream. One or more material determinations may be required to represent the complete range of material compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous secondary material stream. Examples of such normal variations are seasonal variations in material quantity or fluctuations in ambient temperature.

 - iii) All samples must be collected and handled in accordance with written procedures prepared by the remanufacturer or other person that stores or treats the hazardous secondary material and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous secondary material stream are collected such that a minimum loss of organics occurs

7920 throughout the sample collection and handling process, and
 7921 by which sample integrity is maintained. A copy of the
 7922 written sampling plan must be maintained at the facility.
 7923 An example of acceptable sample collection and handling
 7924 procedures for a total volatile organic constituent
 7925 concentration may be found in Reference Method 25D
 7926 (Determination of the Volatile Organic Concentration of
 7927 Waste Samples) in appendix A to 40 CFR 60 (Test
 7928 Methods), incorporated by reference in 35 Ill. Adm. Code
 7929 720.111.
 7930
 7931 iv) Sufficient information, as specified in the "site sampling
 7932 plan" required under subsection (a)(3)(B)(iii), must be
 7933 prepared and recorded to document the material quantity
 7934 represented by the samples and, as applicable, the operating
 7935 conditions for the source or process generating the
 7936 hazardous secondary material represented by the samples.
 7937
 7938 C) Analysis. Each collected sample must be prepared and analyzed in
 7939 accordance with Reference Method 25D (Determination of the
 7940 Volatile Organic Concentration of Waste Samples) in appendix A
 7941 to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill.
 7942 Adm. Code 720.111, for the total concentration of volatile organic
 7943 constituents, or using one or more methods when the individual
 7944 organic compound concentrations are identified and summed and
 7945 the summed material concentration accounts for and reflects all
 7946 organic compounds in the material with Henry's law constant
 7947 values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-
 7948 the-liquid-phase (0.1 Y/X) (which can also be expressed as $1.8 \times$
 7949 10^{-6} atmospheres/gram-mole/m³) at 25°C. At the discretion of the
 7950 remanufacturer or other person that stores or treats the hazardous
 7951 secondary material, the test data obtained may be adjusted by any
 7952 appropriate method to discount any contribution to the total
 7953 volatile organic concentration that is a result of including a
 7954 compound with a Henry's law constant value of less than 0.1 Y/X
 7955 at 25°C. To adjust these data, the measured concentration of each
 7956 individual chemical constituent contained in the material is
 7957 multiplied by the appropriate constituent-specific adjustment factor
 7958 (fm_{25D}). If the remanufacturer or other person that stores or treats
 7959 the hazardous secondary material elects to adjust the test data, the
 7960 adjustment must be made to all individual chemical constituents
 7961 with a Henry's law constant value greater than or equal to 0.1 Y/X
 7962 at 25°C contained in the material. To adjust these data, the

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measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factors (fm_{25D}) approved in writing by the Agency. Other test methods may be used if they meet the requirements in subsection (a)(3)(C)(i) or (a)(3)(C)(ii) and provided the requirement to reflect all organic compounds in the material with Henry's law constant values greater than or equal to 0.1 Y/X (which can also be expressed as 1.8 × 10⁻⁶ atmospheres/gram-mole/m³) at 25°C, is met.

- i) Any USEPA standard method that has been validated in accordance with appendix D to 40 CFR 63 (Alternative Validation Procedure for EPA Waste and Wastewater Methods), incorporated by reference in 35 Ill. Adm. Code 720.111.
- ii) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.

D) Calculations.

- i) The average VO concentration (\bar{C}) on a mass-weighted basis must be calculated by using the results for all material determinations conducted in accordance with subsections (a)(3)(B) and (a)(3)(C) and the following equation:

$$\bar{C} = \frac{1}{Q_T} \times \sum_{i=1}^n Q_i \times C_i$$

Where:

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- \bar{C} = Average VO concentration of the hazardous secondary material at the point of material origination on a mass-weighted basis, ppmw;
- i = Individual material determination "i" of the hazardous secondary material;
- n = Total number of material determinations of the hazardous secondary material conducted for the averaging period (not to exceed one year);
- Q_i = Mass quantity of hazardous secondary material stream represented by C_i , kg/hr;
- Q_T = Total mass quantity of hazardous secondary material during the averaging period, kg/hr; and
- C_i = Measured VO concentration of material determination "i" as determined in accordance with the requirements of subsection (a)(3)(C) (i.e., the average of the four or more samples specified in subsection (a)(3)(B)(ii)), ppmw.

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- ii) For the purpose of determining C_i , for individual material samples analyzed in accordance with subsection (a)(3)(C), the remanufacturer or other person that stores or treats the hazardous secondary material must account for VO concentrations determined to be below the limit of detection of the analytical method by using the VO concentration that is one-half the blank value determined in the method at section 4.4 of Reference Method 25D, if Reference Method 25D is used for the analysis; or that is one-half the sum of the limits of detection established for each organic constituent in the material that has a Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m³) at 25°C, if any other analytical method is used.
- 4) Use of knowledge by the remanufacturer or other person that stores or treats the hazardous secondary material to determine average VO concentration of a hazardous secondary material at the point of material origination.
 - A) Documentation must be prepared that presents the information used as the basis for the knowledge by the remanufacturer or other person that stores or treats the hazardous secondary material of the

- 8028 hazardous secondary material stream's average VO concentration.
 8029 Examples of information that may be used as the basis for
 8030 knowledge include material balances for the source or process
 8031 generating the hazardous secondary material stream; constituent-
 8032 specific chemical test data for the hazardous secondary material
 8033 stream from previous testing that are still applicable to the current
 8034 material stream; previous test data for other locations managing the
 8035 same type of material stream; or other knowledge based on
 8036 information included in shipping papers or material certification
 8037 notices.
 8038
- 8039 B) If test data are used as the basis for knowledge, then the
 8040 remanufacturer or other person that stores or treats the hazardous
 8041 secondary material must document the test method, sampling
 8042 protocol, and the means by which sampling variability and
 8043 analytical variability are accounted for in the determination of the
 8044 average VO concentration. For example, a remanufacturer or other
 8045 person that stores or treats the hazardous secondary material may
 8046 use organic concentration test data for the hazardous secondary
 8047 material stream that are validated in accordance with Method 301
 8048 (Field Validation of Pollutant Measurement Methods from Various
 8049 Waste Media) in appendix A to 40 CFR 63 (Test Methods) as the
 8050 basis for knowledge of the material.
 8051
- 8052 C) A remanufacturer or other person that stores or treats the hazardous
 8053 secondary material using chemical constituent-specific
 8054 concentration test data as the basis for knowledge of the hazardous
 8055 secondary material may adjust the test data to the corresponding
 8056 average VO concentration value which would have been obtained
 8057 had the material samples been analyzed using Reference Method
 8058 25D (Determination of the Volatile Organic Concentration of
 8059 Waste Samples) in appendix A to 40 CFR 60 (Test Methods),
 8060 incorporated by reference in 35 Ill. Adm. Code 720.111(b). To
 8061 adjust these data, the measured concentration for each individual
 8062 chemical constituent contained in the material is multiplied by the
 8063 appropriate constituent-specific adjustment factor (fm_{25D}).
 8064
- 8065 D) In the event that the Agency and the remanufacture or other person
 8066 that stores or treats the hazardous secondary material disagree on a
 8067 determination of the average VO concentration for a hazardous
 8068 secondary material stream using knowledge, then the results from a
 8069 determination of average VO concentration using direct
 8070 measurement as specified in subsection (a)(3) must be used to

8071 establish compliance with the applicable requirements of this
8072 Subpart CC. The Agency may perform or request that the
8073 remanufacturer or other person that stores or treats the hazardous
8074 secondary material perform this determination using direct
8075 measurement. The remanufacturer or other person that stores or
8076 treats the hazardous secondary material may choose one or more
8077 appropriate methods to analyze each collected sample in
8078 accordance with the requirements of subsection (a)(3)(C). The
8079 Agency must state any disagreement on determination of the
8080 average VO concentration for a hazardous secondary material
8081 stream using knowledge in writing to the remanufacturer or other
8082 person that stores or treats the hazardous secondary material.
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- 8084 b) This subsection (b) corresponds with 40 CFR 261.1083(b), marked "reserved" by
8085 USEPA. This statement maintains structural consistency with the federal
8086 regulations.
8087
- 8088 c) Procedure to determine the maximum organic vapor pressure of a hazardous
8089 secondary material in a tank.
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- 8091 1) A remanufacturer or other person that stores or treats the hazardous
8092 secondary material must determine the maximum organic vapor pressure
8093 for each hazardous secondary material placed in a tank using Tank Level 1
8094 controls in accordance with standards specified in Section 721.984(c).
8095
- 8096 2) A remanufacturer or other person that stores or treats the hazardous
8097 secondary material must use either direct measurement as specified in
8098 subsection (c)(3) or knowledge of the waste as specified by subsection
8099 (c)(4) to determine the maximum organic vapor pressure which is
8100 representative of the hazardous secondary material composition stored or
8101 treated in the tank.
8102
- 8103 3) Direct measurement to determine the maximum organic vapor pressure of
8104 a hazardous secondary material.
8105
- 8106 A) Sampling. A sufficient number of samples must be collected to be
8107 representative of the hazardous secondary material contained in the
8108 tank. All samples must be collected and handled in accordance
8109 with written procedures prepared by the remanufacturer or other
8110 person that stores or treats the hazardous secondary material and
8111 documented in a site sampling plan. This plan must describe the
8112 procedure by which representative samples of the hazardous
8113 secondary material are collected such that a minimum loss of

8114 organics occurs throughout the sample collection and handling
8115 process and by which sample integrity is maintained. A copy of
8116 the written sampling plan must be maintained at the facility. An
8117 example of acceptable sample collection and handling procedures
8118 may be found in Reference Method 25D (Determination of the
8119 Volatile Organic Concentration of Waste Samples) in appendix A
8120 to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill.
8121 Adm. Code 720.111(b).
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- 8123 B) Analysis. Any appropriate one of the following methods may be
8124 used to analyze the samples and compute the maximum organic
8125 vapor pressure of the hazardous secondary material:
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- 8127 i) Reference Method 25E (Determination of Vapor Phase
8128 Organic Concentration in Waste Samples) in appendix A to
8129 40 CFR 60 (Test Methods), incorporated by reference in 35
8130 Ill. Adm. Code 720.111(b);
8131
 - 8132 ii) Methods described in American Petroleum Institute
8133 Publication 2517, Third Edition, February 1989,
8134 "Evaporative Loss from External Floating-Roof Tanks,"
8135 incorporated by reference in 35 Ill. Adm. Code 720.111;
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 - 8137 iii) Methods obtained from standard reference texts;
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 - 8139 iv) ASTM Method 2879-92, incorporated by reference in 35
8140 Ill. Adm. Code 720.111; and
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 - 8142 v) Any other method approved in writing by the Agency.
8143
- 8144 4) Use of knowledge to determine the maximum organic vapor pressure of
8145 the hazardous secondary material. Documentation must be prepared and
8146 recorded that presents the information used as the basis for the knowledge
8147 by the remanufacturer or other person that stores or treats the hazardous
8148 secondary material that the maximum organic vapor pressure of the
8149 hazardous secondary material is less than the maximum vapor pressure
8150 limit listed in Section 721.984(b)(1)(A) for the applicable tank design
8151 capacity category. An example of information that may be used is
8152 documentation that the hazardous secondary material is generated by a
8153 process for which at other locations it previously has been determined by
8154 direct measurement that the hazardous secondary material's maximum
8155 organic vapor pressure is less than the maximum vapor pressure limit for
8156 the appropriate tank design capacity category.

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- d) Procedure for determining no detectable organic emissions for the purpose of complying with this Subpart CC:
- 1) The test must be conducted in accordance with the procedures specified in Reference Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111. Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices must be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to, the interface of the cover and its foundation mounting, the periphery of any opening on the cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure relief valve.
 - 2) The test must be performed when the unit contains a hazardous secondary material having an organic concentration representative of the range of concentrations for the hazardous secondary material expected to be managed in the unit. During the test, the cover and closure devices must be secured in the closed position.
 - 3) The detection instrument must meet the performance criteria of Reference Method 21, except the instrument response factor criteria in section 3.1.2(a) of Reference Method 21, must be for the average composition of the organic constituents in the hazardous secondary material placed in the hazardous secondary management unit, not for each individual organic constituent.
 - 4) The detection instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
 - 5) Calibration gases must be as follows:
 - A) Zero air (less than 10 ppmv hydrocarbon in air), and
 - B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppmv methane or n-hexane.
 - 6) The background level must be determined according to the procedures in Reference Method 21.
 - 7) Each potential leak interface must be checked by traversing the instrument probe around the potential leak interface as close to the interface as

8200 possible, as described in Reference Method 21. If the configuration of the
 8201 cover or closure device prevents a complete traverse of the interface, all
 8202 accessible portions of the interface must be sampled. If the configuration
 8203 of the closure device prevents any sampling at the interface and the device
 8204 is equipped with an enclosed extension or horn (e.g., some pressure relief
 8205 devices), the instrument probe inlet must be placed at approximately the
 8206 center of the exhaust area to the atmosphere.

8207
 8208 8) The arithmetic difference between the maximum organic concentration
 8209 indicated by the instrument and the background level must be compared
 8210 with the value of 500 ppmv except when monitoring a seal around a
 8211 rotating shaft that passes through a cover opening, in which case the
 8212 comparison must be as specified in subsection (d)(9). If the difference is
 8213 less than 500 ppmv, then the potential leak interface is determined to
 8214 operate with no detectable organic emissions.

8215
 8216 9) For the seals around a rotating shaft that passes through a cover opening,
 8217 the arithmetic difference between the maximum organic concentration
 8218 indicated by the instrument and the background level must be compared
 8219 with the value of 10,000 ppmw. If the difference is less than 10,000
 8220 ppmw, then the potential leak interface is determined to operate with no
 8221 detectable organic emissions.

8222
 8223 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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8225 **Section 721.984 Standards: Tanks**

8226
 8227 a) The provisions of this Section apply to the control of air pollutant emissions from
 8228 tanks for which Section 721.982(b) references the use of this Section for air
 8229 emission control.

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 8231 b) The remanufacturer or other person that stores or treats the hazardous secondary
 8232 material must control air pollutant emissions from each tank subject to this
 8233 Section in accordance with the following requirements, as applicable:

8234
 8235 1) For a tank that manages hazardous secondary material that meets all of the
 8236 conditions specified in subsections (b)(1)(A) through (b)(1)(C), the
 8237 remanufacturer or other person that stores or treats the hazardous
 8238 secondary material must control air pollutant emissions from the tank in
 8239 accordance with the Tank Level 1 controls specified in subsection (c) or
 8240 the Tank Level 2 controls specified in subsection (d).
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8284
- A) The hazardous secondary material in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category, as follows:
 - i) For a tank design capacity equal to or greater than 151 m³, the maximum organic vapor pressure limit for the tank is 5.2 kPa.
 - ii) For a tank design capacity equal to or greater than 75 m³ but less than 151 m³, the maximum organic vapor pressure limit for the tank is 27.6 kPa.
 - iii) For a tank design capacity less than 75 m³, the maximum organic vapor pressure limit for the tank is 76.6 kPa.
 - B) The hazardous secondary material in the tank is not heated by the remanufacturer or other person that stores or treats the hazardous secondary material to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous secondary material is determined for the purpose of complying with subsection (b)(1)(A).
- 2) For a tank that manages hazardous secondary material that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C), the remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of subsection (d). An example of tanks required to use Tank Level 2 controls is a tank for which the hazardous secondary material in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category, as specified in subsection (b)(1)(A).
- c) A remanufacturer or other person that stores or treats the hazardous secondary material controlling air pollutant emissions from a tank using Tank Level 1 controls must meet the requirements specified in subsections (c)(1) through (c)(4) of this Section:
 - 1) The remanufacturer or other person that stores or treats that hazardous secondary material must determine the maximum organic vapor pressure for a hazardous secondary material to be managed in the tank using Tank Level 1 controls before the first time the hazardous secondary material is

8285 placed in the tank. The maximum organic vapor pressure must be
 8286 determined using the procedures specified in Section 721.983(c).
 8287 Thereafter, the remanufacturer or other person that stores or treats the
 8288 hazardous secondary material must perform a new determination
 8289 whenever changes to the hazardous secondary material managed in the
 8290 tank could potentially cause the maximum organic vapor pressure to
 8291 increase to a level that is equal to or greater than the maximum organic
 8292 vapor pressure limit for the tank design capacity category specified in
 8293 subsection (b)(1)(A), as applicable to the tank.
 8294

8295 2) The tank must be equipped with a fixed roof designed to meet the
 8296 following specifications:
 8297

8298 A) The fixed roof and its closure devices must be designed to form a
 8299 continuous barrier over the entire surface area of the hazardous
 8300 secondary material in the tank. The fixed roof may be a separate
 8301 cover installed on the tank (e.g., a removable cover mounted on an
 8302 open-top tank) or may be an integral part of the tank structural
 8303 design (e.g., a horizontal cylindrical tank equipped with a hatch).
 8304

8305 B) The fixed roof must be installed in a manner such that there are no
 8306 visible cracks, holes, gaps, or other open spaces between roof
 8307 section joints or between the interface of the roof edge and the tank
 8308 wall.
 8309

8310 C) Each opening in the fixed roof, and any manifold system
 8311 associated with the fixed roof, must fulfill either of the following
 8312 requirements:
 8313

8314 i) It must be equipped with a closure device designed to
 8315 operate such that when the closure device is secured in the
 8316 closed position there are no visible cracks, holes, gaps, or
 8317 other open spaces in the closure device or between the
 8318 perimeter of the opening and the closure device; or
 8319

8320 ii) It must be connected by a closed-vent system that is vented
 8321 to a control device. The control device must remove or
 8322 destroy organics in the vent stream, and must be operating
 8323 whenever hazardous secondary material is managed in the
 8324 tank, except as provided in this subsection (c)(2)(C)(ii).
 8325 During any period of routine inspection, maintenance, or
 8326 other activities needed for normal operations, and for
 8327 removal of accumulated sludge or other residues from the

8328 bottom of the tank. During any period when it is necessary
8329 to provide access to the tank for performing the foregoing
8330 activities, venting of the vapor headspace underneath the
8331 fixed roof to the control device is not required, opening of
8332 closure devices is allowed, and removal of the fixed roof is
8333 allowed. Following completion of the activity, the
8334 remanufacturer or other person that stores or treats the
8335 hazardous secondary material must promptly secure the
8336 closure device in the closed position or reinstall the cover,
8337 as applicable, and resume operation of the control device.
8338

8339 BOARD NOTE: This subsection (c)(2)(C)(ii) corresponds
8340 with 40 CFR 261.1083(c)(2)(iii)(B). The Board combined
8341 the texts of 40 CFR 261.1083(c)(2)(iii)(B)(1) and
8342 (c)(2)(iii)(B)(2) into this single subsection to comport with
8343 codification requirements.
8344

8345 D) The fixed roof and its closure devices must be made of suitable
8346 materials that will minimize exposure of the hazardous secondary
8347 material to the atmosphere, to the extent practical, and will
8348 maintain the integrity of the fixed roof and closure devices
8349 throughout their intended service life. Factors to be considered
8350 when selecting the materials for and designing the fixed roof and
8351 closure devices must include the organic vapor permeability; the
8352 effects of any contact with the hazardous secondary material or its
8353 vapors managed in the tank; the effects of outdoor exposure to
8354 wind, moisture, and sunlight; and the operating practices used for
8355 the tank on which the fixed roof is installed.
8356

8357 3) Whenever a hazardous secondary material is in the tank, the fixed roof
8358 must be installed with each closure device secured in the closed position,
8359 except as follows:
8360

8361 A) Opening of closure devices or removal of the fixed roof is allowed
8362 at the following times:
8363

8364 i) To provide access to the tank for performing routine
8365 inspection, maintenance, or other activities needed for
8366 normal operations. Examples of such activities include
8367 those times when a worker needs to open a port to sample
8368 the liquid in the tank, or when a worker needs to open a
8369 hatch to maintain or repair equipment. Following
8370 completion of the activity, the remanufacturer or other

- 8371 person that stores or treats the hazardous secondary
8372 material must promptly secure the closure device in the
8373 closed position or reinstall the cover, as applicable, to the
8374 tank.
8375
8376 ii) To remove accumulated sludge or other residues from the
8377 bottom of tank.
8378
8379 B) Opening of a spring-loaded pressure-vacuum relief valve,
8380 conservation vent, or similar type of pressure relief device which
8381 vents to the atmosphere is allowed during normal operations for
8382 the purpose of maintaining the tank internal pressure in accordance
8383 with the tank design specifications. The device must be designed
8384 to operate with no detectable organic emissions when the device is
8385 secured in the closed position. The settings at which the device
8386 opens must be established such that the device remains in the
8387 closed position whenever the tank internal pressure is within the
8388 internal pressure operating range determined by the remanufacturer
8389 or other person that stores or treats the hazardous secondary
8390 material based on the tank manufacturer recommendations,
8391 applicable regulations, fire protection and prevention codes,
8392 standard engineering codes and practices, or other requirements for
8393 the safe handling of flammable, ignitable, explosive, reactive, or
8394 hazardous materials. Examples of normal operating conditions
8395 that may require these devices to open are during those times when
8396 the tank internal pressure exceeds the internal pressure operating
8397 range for the tank as a result of loading operations or diurnal
8398 ambient temperature fluctuations.
8399
8400 C) Opening of a safety device, as defined in Section 721.981, is
8401 allowed at any time conditions require doing so to avoid an unsafe
8402 condition.
8403
8404 4) The remanufacturer or other person that stores or treats the hazardous
8405 secondary material must inspect the air emission control equipment in
8406 accordance with the following requirements.
8407
8408 A) The fixed roof and its closure devices must be visually inspected
8409 by the remanufacturer or other person that stores or treats the
8410 hazardous secondary material to check for defects that could result
8411 in air pollutant emissions. Defects include, but are not limited to,
8412 visible cracks, holes, or gaps in the roof sections or between the
8413 roof and the tank wall; broken, cracked, or otherwise damaged

- 8414 seals or gaskets on closure devices; and broken or missing hatches,
8415 access covers, caps, or other closure devices.
8416
- 8417 B) The remanufacturer or other person that stores or treats the
8418 hazardous secondary material must perform an initial inspection of
8419 the fixed roof and its closure devices on or before the date that the
8420 tank becomes subject to this section. Thereafter, the
8421 remanufacturer or other person that stores or treats the hazardous
8422 secondary material must perform the inspections at least once
8423 every year except under the special conditions provided for in
8424 subsection (l).
8425
- 8426 C) In the event that a defect is detected, the remanufacturer or other
8427 person that stores or treats the hazardous secondary material must
8428 repair the defect in accordance with the requirements of subsection
8429 (k).
8430
- 8431 D) The remanufacturer or other person that stores or treats the
8432 hazardous secondary material must maintain a record of the
8433 inspection in accordance with the requirements specified in Section
8434 721.989(b).
8435
- 8436 d) Remanufacturers or other persons that store or treat the hazardous secondary
8437 material controlling air pollutant emissions from a tank using Tank Level 2
8438 controls must use one of the following tanks:
8439
- 8440 1) A fixed-roof tank equipped with an internal floating roof in accordance
8441 with the requirements specified in subsection (e);
8442
- 8443 2) A tank equipped with an external floating roof in accordance with the
8444 requirements specified in subsection (f);
8445
- 8446 3) A tank vented through a closed-vent system to a control device in
8447 accordance with the requirements specified in subsection (g);
8448
- 8449 4) A pressure tank designed and operated in accordance with the
8450 requirements specified in subsection (h); or
8451
- 8452 5) A tank located inside an enclosure that is vented through a closed-vent
8453 system to an enclosed combustion control device in accordance with the
8454 requirements specified in subsection (i).
8455

- 8456 e) The remanufacturer or other person that stores or treats the hazardous secondary
 8457 material who controls air pollutant emissions from a tank using a fixed roof with
 8458 an internal floating roof must meet the requirements specified in subsections
 8459 (e)(1) through (e)(3).
 8460
- 8461 1) The tank must be equipped with a fixed roof and an internal floating roof
 8462 in accordance with the following requirements:
 8463
- 8464 A) The internal floating roof must be designed to float on the liquid
 8465 surface except when the floating roof must be supported by the leg
 8466 supports.
 8467
- 8468 B) The internal floating roof must be equipped with a continuous seal
 8469 between the wall of the tank and the floating roof edge that meets
 8470 either of the following requirements:
 8471
- 8472 i) A single continuous seal that is either a liquid-mounted seal
 8473 or a metallic shoe seal, as defined in Section 721.981; or
 8474
- 8475 ii) Two continuous seals mounted one above the other. The
 8476 lower seal may be a vapor-mounted seal.
 8477
- 8478 C) The internal floating roof must meet the following specifications:
 8479
- 8480 i) Each opening in a noncontact internal floating roof except
 8481 for automatic bleeder vents (vacuum breaker vents) and the
 8482 rim space vents is to provide a projection below the liquid
 8483 surface.
 8484
- 8485 ii) Each opening in the internal floating roof must be equipped
 8486 with a gasketed cover or a gasketed lid except for leg
 8487 sleeves, automatic bleeder vents, rim space vents, column
 8488 wells, ladder wells, sample wells, and stub drains.
 8489
- 8490 iii) Each penetration of the internal floating roof for the
 8491 purpose of sampling must have a slit fabric cover that
 8492 covers at least 90 percent of the opening.
 8493
- 8494 iv) Each automatic bleeder vent and rim space vent must be
 8495 gasketed.
 8496
- 8497 v) Each penetration of the internal floating roof that allows for
 8498 passage of a ladder must have a gasketed sliding cover.

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- vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.
- 2) The remanufacturer or other person that stores or treats the hazardous secondary material must operate the tank in accordance with the following requirements:
- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
 - B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
 - C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.
- 3) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect the internal floating roof in accordance with the procedures specified as follows:
- A) The floating roof and its closure devices must be visually inspected by the remanufacturer or other person that stores or treats the hazardous secondary material to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, the internal floating roof is not floating on the surface of the liquid inside the tank; liquid has accumulated on top of the internal floating roof; any portion of the roof seals have detached from the roof rim; holes, tears, or other openings are visible in the seal fabric; the gaskets no longer close off the hazardous secondary material surface from the atmosphere; or the slotted membrane has more than 10 percent open area.
 - B) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect the internal floating

8541 roof components as follows, except as provided in subsection
8542 (e)(3)(C):

- 8543
- 8544 i) It must visually inspect the internal floating roof
- 8545 components through openings on the fixed-roof (e.g.,
- 8546 manholes and roof hatches) at least once every 12 months
- 8547 after initial fill; and
- 8548
- 8549 ii) It must visually inspect the internal floating roof, primary
- 8550 seal, secondary seal (if one is in service), gaskets, slotted
- 8551 membranes, and sleeve seals (if any) each time the tank is
- 8552 emptied and degassed and at least every 10 years.
- 8553

8554 C) As an alternative to performing the inspections specified in
8555 subsection (e)(3)(B), for an internal floating roof equipped with
8556 two continuous seals mounted one above the other, the
8557 remanufacturer or other person that stores or treats the hazardous
8558 secondary material must visually inspect the internal floating roof,
8559 primary and secondary seals, gaskets, slotted membranes, and
8560 sleeve seals (if any) each time the tank is emptied and degassed
8561 and at least every five years.

8562

8563 D) Prior to each inspection required by subsection (e)(3)(B) or
8564 (e)(3)(C), the remanufacturer or other person that stores or treats
8565 the hazardous secondary material must notify the Agency in
8566 advance of each inspection to provide the Agency with the
8567 opportunity to have an observer present during the inspection. The
8568 remanufacturer or other person that stores or treats the hazardous
8569 secondary material must notify the Agency of the date and location
8570 of the inspection as follows:

- 8571
- 8572 i) Prior to each visual inspection of an internal floating roof in
- 8573 a tank that has been emptied and degassed, written
- 8574 notification must be prepared and sent by the
- 8575 remanufacturer or other person that stores or treats the
- 8576 hazardous secondary material so that it is received by the
- 8577 Agency at least 30 calendar days before refilling the tank,
- 8578 except when an inspection is not planned as provided for in
- 8579 subsection (e)(3)(D)(ii).
- 8580
- 8581 ii) When a visual inspection is not planned and the
- 8582 remanufacturer or other person that stores or treats the
- 8583 hazardous secondary material could not have known about

8584 the inspection 30 calendar days before refilling the tank, the
8585 remanufacturer or other person that stores or treats the
8586 hazardous secondary material must notify the Agency as
8587 soon as possible, but no later than seven calendar days
8588 before refilling of the tank. This notification may be made
8589 by telephone and immediately followed by a written
8590 explanation for why the inspection is unplanned.
8591 Alternatively, written notification, including the
8592 explanation for the unplanned inspection, may be sent so
8593 that it is received by the Agency at least seven calendar
8594 days before refilling the tank.

8595
8596 E) In the event that a defect is detected, the remanufacturer or other
8597 person that stores or treats the hazardous secondary material must
8598 repair the defect in accordance with the requirements of subsection
8599 (k).

8600
8601 F) The remanufacturer or other person that stores or treats the
8602 hazardous secondary material must maintain a record of the
8603 inspection in accordance with the requirements specified in Section
8604 721.989(b).

8605
8606 4) Safety devices, as defined in Section 721.981, may be installed and
8607 operated as necessary on any tank complying with the requirements of
8608 subsection (e).

8609
8610 f) The remanufacturer or other person that stores or treats the hazardous secondary
8611 material who controls air pollutant emissions from a tank using an external
8612 floating roof must meet the requirements specified in subsections (f)(1) through
8613 (f)(3).

8614
8615 1) The remanufacturer or other person that stores or treats the hazardous
8616 secondary material must design the external floating roof in accordance
8617 with the following requirements:

8618
8619 A) The external floating roof must be designed to float on the liquid
8620 surface except when the floating roof must be supported by the leg
8621 supports.

8622
8623 B) The floating roof must be equipped with two continuous seals, one
8624 above the other, between the wall of the tank and the roof edge.
8625 The lower seal is referred to as the primary seal, and the upper seal
8626 is referred to as the secondary seal.

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- i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 721.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm²) per meter of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 cm above the liquid surface.
 - ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 21.2 cm² per meter of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm.
- C) The external floating roof must meet the following specifications:
- i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface.
 - ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.
 - iii) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.
 - iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.
 - v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

- 8669 vi) Each unslotted and slotted guide pole well must be
- 8670 equipped with a gasketed sliding cover or a flexible fabric
- 8671 sleeve seal.
- 8672
- 8673 vii) Each unslotted guide pole must be equipped with a
- 8674 gasketed cap on the end of the pole.
- 8675
- 8676 viii) Each slotted guide pole must be equipped with a gasketed
- 8677 float or other device which closes off the liquid surface
- 8678 from the atmosphere.
- 8679
- 8680 ix) Each gauge hatch and each sample well must be equipped
- 8681 with a gasketed cover.
- 8682
- 8683 2) The remanufacturer or other person that stores or treats the hazardous
- 8684 secondary material must operate the tank in accordance with the following
- 8685 requirements:
- 8686
- 8687 A) When the floating roof is resting on the leg supports, the process of
- 8688 filling, emptying, or refilling must be continuous and must be
- 8689 completed as soon as practical.
- 8690
- 8691 B) Except for automatic bleeder vents, rim space vents, roof drains,
- 8692 and leg sleeves, each opening in the roof must be secured and
- 8693 maintained in a closed position at all times except when the closure
- 8694 device must be open for access.
- 8695
- 8696 C) Covers on each access hatch and each gauge float well must be
- 8697 bolted or fastened when secured in the closed position.
- 8698
- 8699 D) Automatic bleeder vents must be set closed at all times when the
- 8700 roof is floating, except when the roof is being floated off or is
- 8701 being landed on the leg supports.
- 8702
- 8703 E) Rim space vents must be set to open only at those times that the
- 8704 roof is being floated off the roof leg supports or when the pressure
- 8705 beneath the rim seal exceeds the manufacturer's recommended
- 8706 setting.
- 8707
- 8708 F) The cap on the end of each unslotted guide pole must be secured in
- 8709 the closed position at all times except when measuring the level or
- 8710 collecting samples of the liquid in the tank.
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- G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.
 - H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.
- 3) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect the external floating roof in accordance with the following procedures:
- A) The remanufacturer or other person that stores or treats the hazardous secondary material must measure the external floating roof seal gaps in accordance with the following requirements:
 - i) The remanufacturer or other person that stores or treats the hazardous secondary material must perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.
 - ii) The remanufacturer or other person that stores or treats the hazardous secondary material must perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year.
 - iii) If a tank ceases to hold hazardous secondary material for a period of one year or more, subsequent introduction of hazardous secondary material into the tank must be considered an initial operation for the purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii).
 - iv) The remanufacturer or other person that stores or treats the hazardous secondary material must determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure described in subsection (f)(3)(D):

- 8754 BOARD NOTE: The Board moved corresponding 40 CFR
8755 261.1084(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4) to appear as
8756 subsections (f)(3)(D)(i) through (f)(3)(D)(iv) to comport
8757 with codification requirements.
8758
- 8759 v) In the event that the seal gap measurements do not conform
8760 to the specifications in subsection (f)(1)(B), the
8761 remanufacturer or other person that stores or treats the
8762 hazardous secondary material must repair the defect in
8763 accordance with the requirements of subsection (k).
8764
- 8765 vi) The remanufacturer or other person that stores or treats the
8766 hazardous secondary material must maintain a record of the
8767 inspection in accordance with the requirements specified in
8768 Section 721.989(b).
8769
- 8770 B) The remanufacturer or other person that stores or treats the
8771 hazardous secondary material must visually inspect the external
8772 floating roof in accordance with the following requirements:
8773
- 8774 i) The floating roof and its closure devices must be visually
8775 inspected by the remanufacturer or other person that stores
8776 or treats the hazardous secondary material to check for
8777 defects that could result in air pollutant emissions. Defects
8778 include, but are not limited to, holes, tears, or other
8779 openings in the rim seal or seal fabric of the floating roof; a
8780 rim seal detached from the floating roof; all or a portion of
8781 the floating roof deck being submerged below the surface
8782 of the liquid in the tank; broken, cracked, or otherwise
8783 damaged seals or gaskets on closure devices; and broken or
8784 missing hatches, access covers, caps, or other closure
8785 devices.
8786
- 8787 ii) The remanufacturer or other person that stores or treats the
8788 hazardous secondary material must perform an initial
8789 inspection of the external floating roof and its closure
8790 devices on or before the date that the tank becomes subject
8791 to this Section. Thereafter, the remanufacturer or other
8792 person that stores or treats the hazardous secondary
8793 material must perform the inspections at least once every
8794 year except for the special conditions provided for in
8795 subsection (l).
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- iii) In the event that a defect is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (k).
 - iv) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection in accordance with the requirements specified in Section 721.989(b).
- C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B), the remanufacturer or other person that stores or treats the hazardous secondary material must notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The remanufacturer or other person that stores or treats the hazardous secondary material must notify the Agency of the date and location of the inspection as follows:
- i) Prior to each inspection to measure external floating roof seal gaps, as required under subsection (f)(3)(A), written notification must be prepared and sent by the remanufacturer or other person that stores or treats the hazardous secondary material so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.
 - ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the remanufacturer or other person that stores or treats the hazardous secondary material so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned as provided for in subsection (f)(3)(C)(iii).
 - iii) When a visual inspection is not planned and the remanufacturer or other person that stores or treats the hazardous secondary material could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator must notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by

8840 telephone and immediately followed by a written
8841 explanation for why the inspection is unplanned.
8842 Alternatively, written notification, including the
8843 explanation for the unplanned inspection, may be sent so
8844 that it is received by the Agency at least seven calendar
8845 days before refilling the tank.
8846

- 8847 D) Procedure for determining the total surface area of gaps in the
8848 primary seal and in the secondary seal individually.
8849
- 8850 i) The seal gap measurements must be performed at one or
8851 more floating roof levels when the roof is floating off the
8852 roof supports.
8853
 - 8854 ii) Seal gaps, if any, must be measured around the entire
8855 perimeter of the floating roof in each place where a 0.32 cm
8856 diameter uniform probe passes freely (without forcing or
8857 binding against the seal) between the seal and the wall of
8858 the tank and measure the circumferential distance of each
8859 such location.
8860
 - 8861 iii) For a seal gap measured under this subsection (f)(3), the
8862 gap surface area must be determined by using probes of
8863 various widths to measure accurately the actual distance
8864 from the tank wall to the seal and multiplying each such
8865 width by its respective circumferential distance.
8866
 - 8867 iv) The total gap area must be calculated by adding the gap
8868 surface areas determined for each identified gap location
8869 for the primary seal and the secondary seal individually,
8870 and then dividing the sum for each seal type by the nominal
8871 diameter of the tank. These total gap areas for the primary
8872 seal and secondary seal are then compared to the respective
8873 standards for the seal type as specified in subsection
8874 (f)(1)(B).
8875

8876 BOARD NOTE: The texts of corresponding 40 CFR
8877 261.1084(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4), which
8878 would normally appear in subsection (f)(3)(A)(iv), but
8879 codification requirements do not allow a fifth level of
8880 subsections. Thus, the Board has codified them to appear
8881 as subsections (f)(3)(D)(i) through (f)(3)(D)(iv) to comport
8882 with codification requirements.

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- 4) Safety devices, as defined in Section 721.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (f).
- g) The remanufacturer or other person that stores or treats the hazardous secondary material who controls air pollutant emissions from a tank by venting the tank to a control device must meet the requirements specified in subsections (g)(1) through (g)(3).
- 1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:
- A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.
 - B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.
 - C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous secondary material to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include, organic vapor permeability, the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

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- D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 721.987.
 - 2) Whenever a hazardous secondary material is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device, except as follows:
 - A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:
 - i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of activities needed for normal operations include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.
 - ii) To remove accumulated sludge or other residues from the bottom of a tank.
 - B) Opening of a safety device, as defined in Section 721.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
 - 3) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect and monitor the air emission control equipment in accordance with the following procedures:
 - A) The fixed roof and its closure devices must be visually inspected by the remanufacturer or other person that stores or treats the hazardous secondary material to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

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- B) The closed-vent system and control device must be inspected and monitored by the remanufacturer or other person that stores or treats the hazardous secondary material in accordance with the procedures specified in Section 721.987.
 - C) The remanufacturer or other person that stores or treats the hazardous secondary material must perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this section. Thereafter, the remanufacturer or other person that stores or treats the hazardous secondary material must perform the inspections at least once every year except for the special conditions provided for in subsection (l).
 - D) In the event that a defect is detected, the remanufacture or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (k).
 - E) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection in accordance with the requirements specified in Section 721.989(b).
- h) The remanufacturer or other person that stores or treats the hazardous secondary material who controls air pollutant emissions by using a pressure tank must meet the following requirements:
- 1) The tank must be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.
 - 2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in Section 721.983(d).
 - 3) Whenever a hazardous secondary material is in the tank, the tank must be operated as a closed system that does not vent to the atmosphere, except under either or the following conditions described in subsection (h)(3)(A) or (h)(3)(B).

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- A) At those times when opening of a safety device, as defined in Section 721.981, is required to avoid an unsafe condition.
 - B) At those times when purging of inerts from the tank is required and the purge stream is routed to a closed-vent system and control device designed and operated in accordance with the requirements of Section 721.987.
- i) The remanufacturer or other person that stores or treats the hazardous secondary material who controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device must meet the following requirements:
- 1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B to 40 CFR 52.741, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The remanufacturer or other person that stores or treats the hazardous secondary material must perform the verification procedure for the enclosure as specified in Section 5.0 of "Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and annually thereafter.
 - 2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 721.987.
 - 3) Safety devices, as defined in Section 721.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of subsections (i)(1) and (i)(2).
 - 4) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect and monitor the closed-vent system and control device, as specified in Section 721.987.

- 9053 j) The remanufacturer or other person that stores or treats the hazardous secondary
9054 material must transfer hazardous secondary material to a tank subject to this
9055 section in accordance with the following requirements:
9056
- 9057 1) Transfer of hazardous secondary material, except as provided in
9058 subsection (j)(2), to the tank from another tank subject to this section must
9059 be conducted using continuous hard-piping or another closed system that
9060 does not allow exposure of the hazardous secondary material to the
9061 atmosphere. For the purpose of complying with this provision, an
9062 individual drain system is considered to be a closed system when it meets
9063 the requirements of subpart RR of 40 CFR 63 (National Emission
9064 Standards for Individual Drain Systems), incorporated by reference in 35
9065 Ill. Adm. Code 720.111.
9066
 - 9067 2) The requirements of subsection (j)(1) do not apply when transferring a
9068 hazardous secondary material to the tank under any of the following
9069 conditions:
 - 9070 A) The hazardous secondary material meets the average VO
9071 concentration conditions specified in Section 721.982(c)(1) at the
9072 point of material origination.
9073
 - 9074 B) The hazardous secondary material has been treated by an organic
9075 destruction or removal process to meet the requirements in Section
9076 721.982(c)(2).
9077
 - 9078 C) The hazardous secondary material meets the requirements of
9079 Section 721.982(c)(4).
9080
- 9081 k) The remanufacturer or other person that stores or treats the hazardous secondary
9082 material must repair each defect detected during an inspection performed in
9083 accordance with the requirements of subsection (c)(4), (e)(3), (f)(3), or (g)(3), as
9084 follows:
9085
- 9086 1) The remanufacturer or other person that stores or treats the hazardous
9087 secondary material must make first efforts at repair of the defect no later
9088 than five calendar days after detection, and repair must be completed as
9089 soon as possible, but no later than 45 calendar days after detection, except
9090 as provided in subsection (k)(2).
9091
 - 9092 2) Repair of a defect may be delayed beyond 45 calendar days if the
9093 remanufacturer or other person that stores or treats the hazardous
9094 secondary material determines that repair of the defect requires emptying
9095

9096 or temporary removal from service of the tank and no alternative tank
9097 capacity is available at the site to accept the hazardous secondary material
9098 normally managed in the tank. In this case, the remanufacturer or other
9099 person that stores or treats the hazardous secondary material must repair
9100 the defect the next time the process or unit that is generating the hazardous
9101 secondary material managed in the tank stops operation. Repair of the
9102 defect must be completed before the process or unit resumes operation.

9103
9104 l) Following the initial inspection and monitoring of the cover as required by the
9105 applicable provisions of this Subpart CC, subsequent inspection and monitoring
9106 may be performed at intervals longer than one year under the following special
9107 conditions:

9108
9109 1) If inspecting or monitoring the cover would expose a worker to dangerous,
9110 hazardous, or other unsafe conditions, then the remanufacturer or other
9111 person that stores or treats the hazardous secondary material may
9112 designate a cover as an "unsafe to inspect and monitor cover" and comply
9113 with all of the following requirements:

9114
9115 A) Prepare a written explanation for the cover stating the reasons why
9116 the cover is unsafe to visually inspect or to monitor, if required.

9117
9118 B) Develop and implement a written plan and schedule to inspect and
9119 monitor the cover, using the procedures specified in the applicable
9120 section of this Subpart CC, as frequently as practicable during
9121 those times when a worker can safely access the cover.

9122
9123 2) If a tank is buried partially or entirely underground, a remanufacturer or
9124 other person that stores or treats the hazardous secondary material is
9125 required to inspect and monitor, as required by the applicable provisions
9126 of this ~~Section~~section, only those portions of the tank cover and those
9127 connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.)
9128 that are located on or above the ground surface.

9129
9130 (Source: Amended at 42 Ill. Reg. _____, effective _____)

9131
9132 **Section 721.986 Standards: Containers**

9133
9134 a) Applicability. The provisions of this Section apply to the control of air pollutant
9135 emissions from containers for which Section 721.982(b) references the use of this
9136 Section for air emission control.

9137
9138 b) General Requirements.

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- 1) The remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container.
 - A) For a container having a design capacity greater than 0.1 m³ and less than or equal to 0.46 m³, the remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c).
 - B) For a container having a design capacity greater than 0.46 m³ that is not in light material service, the remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c).
 - C) For a container having a design capacity greater than 0.46 m³ that is in light material service, the remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d).
 - 2) This subsection (b)(2) corresponds with 40 CFR 261.1086(b)(2), marked "reserved" by USEPA. This statement maintains structural consistency with the federal regulations
 - c) Container Level 1 Standards.
 - 1) A container using Container Level 1 controls is one of the following:
 - A) A container that meets the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation, as specified in subsection (f).
 - B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings such that, when the cover and closure devices are secured in the closed position, there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural

- 9182 design (e.g., a "portable tank" or bulk cargo container equipped
9183 with a screw-type cap).
9184
- 9185 C) An open-top container in which an organic-vapor suppressing
9186 barrier is placed on or over the hazardous secondary material in the
9187 container such that no hazardous secondary material is exposed to
9188 the atmosphere. One example of such a barrier is application of a
9189 suitable organic-vapor suppressing foam.
9190
- 9191 2) A container used to meet the requirements of subsection (c)(1)(B) or
9192 (c)(1)(C) must be equipped with covers and closure devices, as applicable
9193 to the container, that are composed of suitable materials to minimize
9194 exposure of the hazardous secondary material to the atmosphere and to
9195 maintain the equipment integrity, for as long as the container is in service.
9196 Factors to be considered in selecting the materials of construction and
9197 designing the cover and closure devices must include, organic vapor
9198 permeability; the effects of contact with the hazardous secondary material
9199 or its vapor managed in the container; the effects of outdoor exposure of
9200 the closure device or cover material to wind, moisture, and sunlight; and
9201 the operating practices for which the container is intended to be used.
9202
- 9203 3) Whenever a hazardous secondary material is in a container using
9204 Container Level 1 controls, the remanufacturer or other person that stores
9205 or treats the hazardous secondary material must install all covers and
9206 closure devices for the container, as applicable to the container, and secure
9207 and maintain each closure device in the closed position except as follows:
9208
- 9209 A) Opening of a closure device or cover is allowed for the purpose of
9210 adding hazardous secondary material or other material to the
9211 container as follows:
9212
- 9213 i) If the container is filled to the intended final level in one
9214 continuous operation, the remanufacturer or other person
9215 that stores or treats the hazardous secondary material must
9216 promptly secure the closure devices in the closed position
9217 and install the covers, as applicable to the container, upon
9218 conclusion of the filling operation.
9219
- 9220 ii) If discrete quantities or batches of material intermittently
9221 are added to the container over a period of time, the
9222 remanufacturer or other person that stores or treats the
9223 hazardous secondary material must promptly secure the
9224 closure devices in the closed position and install covers, as

9225 applicable to the container, upon either the container being
9226 filled to the intended final level; the completion of a batch
9227 loading after which no additional material will be added to
9228 the container within 15 minutes; the person performing the
9229 loading operation leaving the immediate vicinity of the
9230 container; or the shutdown of the process generating the
9231 hazardous secondary material being added to the container,
9232 whichever condition occurs first.
9233

9234 B) Opening of a closure device or cover is allowed for the purpose of
9235 removing hazardous secondary material from the container, as
9236 follows:
9237

9238 i) For the purpose of meeting the requirements of this section,
9239 an empty hazardous secondary material container may be
9240 open to the atmosphere at any time (i.e., covers and closure
9241 devices on such a container are not required to be secured
9242 in the closed position).
9243

9244 ii) If discrete quantities or batches of material are removed
9245 from the container, but the container is not an empty
9246 hazardous secondary material container, the remanufacturer
9247 or other person that stores or treats the hazardous secondary
9248 material must promptly secure the closure devices in the
9249 closed position and install covers, as applicable to the
9250 container, upon the completion of a batch removal after
9251 which no additional material will be removed from the
9252 container within 15 minutes or the person performing the
9253 unloading operation leaves the immediate vicinity of the
9254 container, whichever condition occurs first.
9255

9256 C) Opening of a closure device or cover is allowed when access inside
9257 the container is needed to perform routine activities other than
9258 transfer of hazardous secondary material. Examples of routine
9259 activities other than transfer of hazardous secondary material
9260 include those times when a worker needs to open a port to measure
9261 the depth of or sample the material in the container, or when a
9262 worker needs to open a manhole hatch to access equipment inside
9263 the container. Following completion of the activity, the
9264 remanufacturer or other person that stores or treats the hazardous
9265 secondary material must promptly secure the closure device in the
9266 closed position or reinstall the cover, as applicable to the container.
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- D) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the remanufacturer or other persons that stores or treats the hazardous secondary material based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.
 - E) Opening of a safety device, as defined in Section 721.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
 - 4) The remanufacturer or other person that stores or treats the hazardous secondary material using containers with Container Level 1 controls must inspect the containers and their covers and closure devices, as follows:
 - A) If a hazardous secondary material already is in the container at the time the remanufacturer or other person that stores or treats the hazardous secondary material first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., is not an empty hazardous secondary material container) the remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date that the

9310 container is accepted at the facility (i.e., the date the container
9311 becomes subject to the container standards of this Subpart CC).

9312
9313 B) If a container used for managing hazardous secondary material
9314 remains at the facility for a period of one year or more, the
9315 remanufacturer or other person that stores or treats the hazardous
9316 secondary material must initially visually inspect the container and
9317 its cover and closure devices to check for visible cracks, holes,
9318 gaps, or other open spaces into the interior of the container when
9319 the cover and closure devices are secured in the closed position.
9320 After the initial inspection, a visual inspection must occur at least
9321 once every 12 months. If a defect is detected, the remanufacturer
9322 or other person that stores or treats the hazardous secondary
9323 material must repair the defect in accordance with the requirements
9324 of subsection (c)(4)(C).

9325
9326 C) When a defect is detected for the container, cover, or closure
9327 devices, the remanufacturer or other person that stores or treats the
9328 hazardous secondary material must make first efforts at repair of
9329 the defect no later than 24 hours after detection and repair must be
9330 completed as soon as possible but no later than five calendar days
9331 after detection. If repair of a defect cannot be completed within
9332 five calendar days, then the hazardous secondary material must be
9333 removed from the container and the container must not be used to
9334 manage hazardous secondary material until the defect is repaired.

9335
9336 5) The remanufacturer or other person that stores or treats the hazardous
9337 secondary material must maintain at the facility a copy of the procedure
9338 used to determine that containers with capacity of 0.46 m³ or greater
9339 which do not meet applicable USDOT regulations, as specified in
9340 subsection (f), are not managing hazardous secondary material in light
9341 material service.

9342
9343 d) Container Level 2 Standards.

9344
9345 1) A container using Container Level 2 controls is one of the following:

9346
9347 A) A container that meets the applicable USDOT regulations on
9348 packaging hazardous materials for transportation, as specified in
9349 subsection (f).
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- B) A container that operates with no detectable organic emissions, as defined in Section 721.981, and determined in accordance with the procedure specified in subsection (g).
 - C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using Reference Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Unis Pressure-Vacuum Test) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h).
- 2) Transfer of hazardous secondary material in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous secondary material to the atmosphere, to the extent practical, considering the physical properties of the hazardous secondary material and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA has stated that it considers to meet the requirements of this subsection (d) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous secondary material is filled and subsequently purging the transfer line before removing it from the container opening.
- 3) Whenever a hazardous secondary material is in a container using Container Level 2 controls, the remanufacturer or other person that stores or treats the hazardous secondary material must install all covers and closure devices for the container, and secure and maintain each closure device in the closed position, except as follows:
- A) Opening of a closure device or cover is allowed for the purpose of adding hazardous secondary material or other material to the container, as follows:
 - i) If the container is filled to the intended final level in one continuous operation, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

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ii) If discrete quantities or batches of material intermittently are added to the container over a period of time, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous secondary material from the container, as follows:

i) For the purpose of meeting the requirements of this Section, an empty hazardous secondary material container may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

ii) If discrete quantities or batches of material are removed from the container, but the container is not an empty hazardous secondary materials container, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous secondary material. Examples of routine activities other than transfer of hazardous secondary material include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a

9437 worker needs to open a manhole hatch to access equipment inside
 9438 the container. Following completion of the activity, the
 9439 remanufacturer or other person that stores or treats the hazardous
 9440 secondary material must promptly secure the closure device in the
 9441 closed position or reinstall the cover, as applicable to the container.
 9442

D) Opening of a spring-loaded, pressure-vacuum relief valve,
 9443 conservation vent, or similar type of pressure relief device which
 9444 vents to the atmosphere is allowed during normal operations for
 9445 the purpose of maintaining the internal pressure of the container in
 9446 accordance with the container design specifications. The device
 9447 must be designed to operate with no detectable organic emission
 9448 when the device is secured in the closed position. The settings at
 9449 which the device opens must be established such that the device
 9450 remains in the closed position whenever the internal pressure of the
 9451 container is within the internal pressure operating range
 9452 determined by the remanufacturer or other person that stores or
 9453 treats the hazardous secondary material based on container
 9454 manufacturer recommendations, applicable regulations, fire
 9455 protection and prevention codes, standard engineering codes and
 9456 practices, or other requirements for the safe handling of
 9457 flammable, ignitable, explosive, reactive, or hazardous materials.
 9458 Examples of normal operating conditions that may require these
 9459 devices to open are during those times when the internal pressure
 9460 of the container exceeds the internal pressure operating range for
 9461 the container as a result of loading operations or diurnal ambient
 9462 temperature fluctuations.
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E) Opening of a safety device, as defined in Section 721.981, is
 9465 allowed at any time conditions require doing so to avoid an unsafe
 9466 condition.
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 9468

4) The remanufacturer or other person that stores or treats the hazardous
 9469 secondary material using containers with Container Level 2 controls must
 9470 inspect the containers and their covers and closure devices as follows:
 9471
 9472

A) If a hazardous secondary material already is in the container at the
 9473 time the remanufacturer or other person that stores or treats the
 9474 hazardous secondary material first accepts possession of the
 9475 container at the facility and the container is not emptied within 24
 9476 hours after the container is accepted at the facility (i.e., is not an
 9477 empty hazardous secondary material container), the
 9478 remanufacturer or other person that stores or treats the hazardous
 9479

9480 secondary material must visually inspect the container and its
9481 cover and closure devices to check for visible cracks, holes, gaps,
9482 or other open spaces into the interior of the container when the
9483 cover and closure devices are secured in the closed position. The
9484 container visual inspection must be conducted on or before the date
9485 that the container is accepted at the facility (i.e., the date the
9486 container becomes subject to the container standards of this
9487 Subpart CC).
9488

9489 B) If a container used for managing hazardous secondary material
9490 remains at the facility for a period of one year or more, the
9491 remanufacturer or other person that stores or treats the hazardous
9492 secondary material must visually inspect the container and its
9493 cover and closure devices initially and thereafter, at least once
9494 every 12 months, to check for visible cracks, holes, gaps, or other
9495 open spaces into the interior of the container when the cover and
9496 closure devices are secured in the closed position. If a defect is
9497 detected, the remanufacturer or other person that stores or treats
9498 the hazardous secondary material must repair the defect in
9499 accordance with the requirements of subsection (d)(4)(C).
9500

9501 C) When a defect is detected for the container, cover, or closure
9502 devices, the remanufacturer or other person that stores or treats the
9503 hazardous secondary material must make first efforts at repair of
9504 the defect no later than 24 hours after detection, and repair must be
9505 completed as soon as possible but no later than five calendar days
9506 after detection. If repair of a defect cannot be completed within
9507 five calendar days, then the hazardous secondary material must be
9508 removed from the container and the container must not be used to
9509 manage hazardous secondary material until the defect is repaired.
9510

9511 e) Container Level 3 Standards.
9512

9513 1) A container using Container Level 3 controls is one of the following:
9514

9515 A) A container that is vented directly through a closed-vent system to
9516 a control device in accordance with the requirements of subsection
9517 (e)(2)(B).
9518

9519 B) A container that is vented inside an enclosure which is exhausted
9520 through a closed-vent system to a control device in accordance
9521 with the requirements of subsections (e)(2)(A) and (e)(2)(B).
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- 2) The remanufacturer or other person that stores or treats the hazardous secondary material must meet the following requirements, as applicable to the type of air emission control equipment selected by the remanufacturer or other person that stores or treats the hazardous secondary material:
 - A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B (VOM Measurement Techniques for Capture Efficiency) to 40 CFR 52.741, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The remanufacturer or other person that stores or treats the hazardous secondary material must perform the verification procedure for the enclosure as specified in Section 5.0 of "Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.
 - B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 721.987.
 - 3) Safety devices, as defined in Section 721.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1).
 - 4) Remanufacturers or other persons that store or treat the hazardous secondary material using Container Level 3 controls in accordance with the provisions of this Subpart CC must inspect and monitor the closed-vent systems and control devices as specified in Section 721.987.
 - 5) Remanufacturers or other persons that store or treat the hazardous secondary material that use Container Level 3 controls in accordance with the provisions of this Subpart CC must prepare and maintain the records specified in Section 721.989(d).
 - 6) Transfer of hazardous secondary material in or out of a container using Container Level 3 controls must be conducted in such a manner as to minimize exposure of the hazardous secondary material to the atmosphere, to the extent practical, considering the physical properties of the hazardous

9566 secondary material and good engineering and safety practices for handling
 9567 flammable, ignitable, explosive, reactive, or other hazardous materials.
 9568 Examples of container loading procedures that USEPA has stated that it
 9569 considers to meet the requirements of this subsection (e) include using any
 9570 one of the following: a submerged-fill pipe or other submerged-fill
 9571 method to load liquids into the container; a vapor-balancing system or a
 9572 vapor-recovery system to collect and control the vapors displaced from the
 9573 container during filling operations; or a fitted opening in the top of a
 9574 container through which the hazardous secondary material is filled and
 9575 subsequently purging the transfer line before removing it from the
 9576 container opening.
 9577

- 9578 f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A), containers
 9579 must be used that meet the applicable USDOT regulations on packaging
 9580 hazardous materials for transportation, as follows:
 9581
- 9582 1) The container meets the applicable requirements specified in 49 CFR 178
 9583 (Specifications for Packagings) or 179 (Specifications for Tank Cars),
 9584 each incorporated by reference in 35 Ill. Adm. Code 720.111.
 9585
 - 9586 2) Hazardous secondary material is managed in the container in accordance
 9587 with the applicable requirements specified in subpart B of 49 CFR 107
 9588 (Hazardous Material Program Procedures) and 49 CFR 172 (Hazardous
 9589 Materials Table, Special Provisions, Hazardous Materials
 9590 Communications, Emergency Response Information, Training
 9591 Requirements, and Security Plans), 173 (Shippers – General Requirements
 9592 for Shipments and Packagings), and 180 (Continuing Qualification and
 9593 Maintenance of Packagings), incorporated by reference in 35 Ill. Adm.
 9594 Code 720.111.
 9595
 - 9596 3) For the purpose of complying with this Subpart CC, no exceptions to the
 9597 49 CFR 178 (Specifications for Packagings) or 179 (Specifications for
 9598 Tank Cars) regulations are allowed.
 9599
- 9600 g) To determine compliance with the no detectable organic emissions requirement of
 9601 subsection (d)(1)(B), the procedure specified in Section 721.983(d) must be used.
 9602
- 9603 1) Each potential leak interface (i.e., a location where organic vapor leakage
 9604 could occur) on the container, its cover, and associated closure devices, as
 9605 applicable to the container, must be checked. Potential leak interfaces that
 9606 are associated with containers include, but are not limited to: the interface
 9607 of the cover rim and the container wall; the periphery of any opening on

- 9608 the container or container cover and its associated closure device; and the
 9609 sealing seat interface on a spring-loaded pressure-relief valve.
 9610
 9611 2) The test must be performed when the container is filled with a material
 9612 having a volatile organic concentration representative of the range of
 9613 volatile organic concentrations for the hazardous secondary materials
 9614 expected to be managed in this type of container. During the test, the
 9615 container cover and closure devices must be secured in the closed position.
 9616
 9617 h) Procedure for determining a container to be vapor-tight using Reference Method
 9618 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Unis Pressure-
 9619 Vacuum Test) in appendix A (Test Methods) to 40 CFR 60, incorporated by
 9620 reference in 35 Ill. Adm. Code 720.111, for the purpose of complying with
 9621 subsection (d)(1)(C).
 9622
 9623 1) The test must be performed in accordance with Reference Method 27 of
 9624 appendix A to 40 CFR 60.
 9625
 9626 2) A pressure measurement device must be used that has a precision of ± 2.5
 9627 mm water and that is capable of measuring above the pressure at which
 9628 the container is to be tested for vapor tightness.
 9629
 9630 3) If the test results determined by Reference Method 27 indicate that the
 9631 container sustains a pressure change less than or equal to 0.75 kPa within
 9632 five minutes after it is pressurized to a minimum of 4.5 kPa, then the
 9633 container is determined to be vapor-tight.
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9635 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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9637 **Section 721.987 Standards: Closed-Vent Systems and Control Devices**
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- 9639 a) This Section applies to each closed-vent system and control device installed and
 9640 operated by the remanufacturer or other person who stores or treats the hazardous
 9641 secondary material to control air emissions in accordance with standards of this
 9642 Subpart CC.
 9643
 9644 b) The closed-vent system must meet the following requirements:
 9645
 9646 1) The closed-vent system must route the gases, vapors, and fumes emitted
 9647 from the hazardous secondary material in the hazardous secondary
 9648 material management unit to a control device that meets the requirements
 9649 specified in subsection (c).
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- 2) The closed-vent system must be designed and operated in accordance with the requirements specified in Section 721.933(k).
 - 3) If the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device must be equipped with either a flow indicator as specified in subsection (b)(3)(A) or a seal or locking device as specified in subsection (b)(3)(B). For the purpose of complying with this subsection (b), low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring loaded pressure relief valves, and other fittings used for safety purposes are not considered to be bypass devices.
 - A) If a flow indicator is used to comply with subsection (b)(3), the indicator must be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. For this subsection (b), a flow indicator means a device which indicates the presence of either gas or vapor flow in the bypass line.
 - B) If a seal or locking device is used to comply with subsection (b)(3), the device must be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle, damper lever, etc.) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve. The remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position.
 - 4) The closed-vent system must be inspected and monitored by the remanufacturer or other person that stores or treats the hazardous secondary material in accordance with the procedure specified in Section 721.933(l).
- c) The control device must meet the following requirements:
- 1) The control device must be one of the following devices:
 - A) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;

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- B) An enclosed combustion device designed and operated in accordance with the requirements of Section 721.933(c); or
 - C) A flare designed and operated in accordance with the requirements of Section 721.933(d).
- 2) The remanufacturer or other person that stores or treats the hazardous secondary material who elects to use a closed-vent system and control device to comply with the requirements of this ~~Section~~ must comply with the requirements specified in subsections (c)(2)(A) through (c)(2)(F).
- A) Periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, must not exceed 240 hours per year.
 - B) The specifications and requirements in subsections (c)(1)(A) through (c)(1)(C) for control devices do not apply during periods of planned routine maintenance.
 - C) The specifications and requirements in subsections (c)(1)(A) through (c)(1)(C) for control devices do not apply during a control device system malfunction.
 - D) The remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate compliance with the requirements of subsection (c)(2)(A) (i.e., planned routine maintenance of a control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, must not exceed 240 hours per year) by recording the information specified in Section 721.989(e)(1)(E).
 - E) The remanufacturer or other person that stores or treats the hazardous secondary material must correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants.
 - F) The remanufacturer or other person that stores or treats the hazardous secondary material must operate the closed-vent system such that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance or control

device system malfunction (i.e., periods when the control device is not operating or not operating normally) except in cases when it is necessary to vent the gases, vapors, or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions.

- 3) The remanufacturer or other person that stores or treats the hazardous secondary material using a carbon adsorption system to comply with subsection (c)(1) must operate and maintain the control device in accordance with the following requirements:
 - A) Following the initial startup of the control device, all activated carbon in the control device must be replaced with fresh carbon on a regular basis in accordance with the requirements of Section 721.933(g) or (h).
 - B) All carbon that is hazardous waste and that is removed from the control device must be managed in accordance with the requirements of Section 721.933(n), regardless of the average volatile organic concentration of the carbon.
- 4) A remanufacturer or other person that stores or treats the hazardous secondary material using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) must operate and maintain the control device in accordance with the requirements of Section 721.933(j).
- 5) The remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate that a control device achieves the performance requirements of subsection (c)(1) as follows:
 - A) A remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate the performance of each control device, using either a performance test, as specified in subsection (c)(5)(C), or a design analysis, as specified in subsection (c)(5)(D), except for the following:
 - i) A flare;
 - ii) A boiler or process heater with a design heat input capacity of 44 megawatts or greater; or

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- iii) A boiler or process heater into which the vent stream is introduced with the primary fuel.
 - B) A remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate the performance of each flare in accordance with the requirements specified in Section 721.933(e).
 - C) For a performance test conducted to meet the requirements of subsection (c)(5)(A), the remanufacturer or other person that stores or treats the hazardous secondary material must use the test methods and procedures specified in Section 721.934(c)(1) through (c)(4).
 - D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A), the design analysis must meet the requirements specified in Section 721.935(b)(4)(C).
 - E) The remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.
- 6) If the remanufacturer or other person that stores or treats the hazardous secondary material and the Agency do not agree on a demonstration of control device performance using a design analysis, then the disagreement must be resolved using the results of a performance test performed by the remanufacturer or other person that stores or treats the hazardous secondary material in accordance with the requirements of subsection (c)(5)(C). The Agency may choose to have an authorized representative observe the performance test. The Agency must state any disagreement on a demonstration of control device performance using a design analysis in writing to the remanufacturer or other person that treats or stores hazardous secondary material.
- 7) The closed-vent system and control device must be inspected and monitored by the remanufacture or other person that stores or treats the hazardous secondary material in accordance with the procedures specified in Section 721.933(f)(2) and (l). The readings from each monitoring device required by Section 721.933(f)(2) must be inspected at least once

9822 each operating day to check control device operation. Any necessary
 9823 corrective measures must be immediately implemented to ensure the
 9824 control device is operated in compliance with the requirements of this
 9825 Section.
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9827 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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9829 **Section 721.989 Recordkeeping Requirements**
 9830

- 9831 a) Each remanufacturer or other person that stores or treats the hazardous secondary
 9832 material subject to requirements of this Subpart CC must record and maintain the
 9833 information specified in subsections (b) through (j), as applicable to the facility.
 9834 Except for air emission control equipment design documentation and information
 9835 required by subsections (i) and (j), records required by this section must be
 9836 maintained at the facility for a minimum of three years. Air emission control
 9837 equipment design documentation must be maintained at the facility until the air
 9838 emission control equipment is replaced or otherwise no longer in service.
 9839 Information required by subsections (i) and (j) must be maintained at the facility
 9840 for as long as the hazardous secondary material management unit is not using air
 9841 emission controls specified in Sections 721.984 through 721.987 in accordance
 9842 with the conditions specified in Section 721.980(b)(7) or (d), respectively.
 9843
- 9844 b) The remanufacturer or other person that stores or treats the hazardous secondary
 9845 material using a tank with air emission controls in accordance with the
 9846 requirements of Section 721.984 must prepare and maintain records for the tank
 9847 that include the following information:
 9848
- 9849 1) For each tank using air emission controls in accordance with the
 9850 requirements of Section 721.984, the remanufacturer or other person that
 9851 stores or treats the hazardous secondary material must record:
 9852
- 9853 A) A tank identification number (or other unique identification
 9854 description as selected by the remanufacturer or other person that
 9855 stores or treats the hazardous secondary material).
 9856
- 9857 B) A record for each inspection required by Section 721.984 that
 9858 includes the following information:
 9859
- 9860 i) The date inspection was conducted.
- 9861
- 9862 ii) For each defect detected during the inspection, the location
 9863 of the defect, a description of the defect, the date of
 9864 detection, and corrective action taken to repair the defect.

In the event that repair of the defect is delayed in accordance with the requirements of Section 721.984, the remanufacturer or other person that stores or treats the hazardous secondary material must also record the reason for the delay and the date that completion of repair of the defect is expected.

2) In addition to the information required by subsection (b)(1), the remanufacturer or other person that stores or treats the hazardous secondary material must record the following information, as applicable to the tank:

A) The remanufacturer or other person that stores or treats the hazardous secondary material using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 721.984(c) must prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous secondary material in the tank performed in accordance with the requirements of Section 721.984(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results.

B) The remanufacturer or other person that stores or treats the hazardous secondary material using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section 721.1084(e) of this Subpart CC must prepare and maintain documentation describing the floating roof design.

C) Remanufacturer or other persons that store or treat the hazardous secondary material using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 721.984(f) must prepare and maintain the following records:

i) Documentation describing the floating roof design and the dimensions of the tank.

ii) Records for each seal gap inspection required by Section 721.984(f)(3) describing the results of the seal gap measurements. The records must include the date that the measurements were performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in Section

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721.984(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary.

D) Each remanufacturer or other person that stores or treats the hazardous secondary material using an enclosure to comply with the Tank Level 2 control requirements specified in Section 721.984(i) must prepare and maintain the following records:

i) Records for the most recent set of calculations and measurements performed by the remanufacturer or other person that stores or treats the hazardous secondary material to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B (VOM Measurement Techniques for Capture Efficiency) to 40 CFR 52.741, incorporated by reference in 35 Ill. Adm. Code 720.111.

ii) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e).

c) This subsection (c) corresponds with 40 CFR 261.1089(c), marked "reserved" by USEPA. This statement maintains structural consistency with the federal regulations

d) The remanufacturer or other person that stores or treats the hazardous secondary material using containers with Container Level 3 air emission controls in accordance with the requirements of Section 721.986 must prepare and maintain records that include the following information:

1) Records for the most recent set of calculations and measurements performed by the remanufacturer or other person that stores or treats the hazardous secondary material to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B (VOM Measurement Techniques for Capture Efficiency) to 40 CFR 52.741, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e).

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- 9951 e) The remanufacturer or other person that stores or treats the hazardous secondary
9952 material using a closed-vent system and control device in accordance with the
9953 requirements of Section 721.987 must prepare and maintain records that include
9954 the following information:
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- 9956 1) Documentation for the closed-vent system and control device that
9957 includes:
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- 9959 A) Certification that is signed and dated by the remanufacturer or
9960 other person that stores or treats the hazardous secondary material
9961 stating that the control device is designed to operate at the
9962 performance level documented by a design analysis, as specified in
9963 subsection (e)(1)(B), or by performance tests as specified in
9964 subsection (e)(1)(C) when the tank or container is or would be
9965 operating at capacity or the highest level reasonably expected to
9966 occur.
9967
- 9968 B) If a design analysis is used, then design documentation as specified
9969 in Section 721.935(b)(4). The documentation must include
9970 information prepared by the remanufacturer or other person that
9971 stores or treats the hazardous secondary material or provided by
9972 the control device manufacturer or vendor that describes the
9973 control device design in accordance with Section 721.935(b)(4)(C)
9974 and certification by the remanufacturer or other person that stores
9975 or treats the hazardous secondary material that the control
9976 equipment meets the applicable specifications.
9977
- 9978 C) If performance tests are used, then a performance test plan, as
9979 specified in Section 721.935(b)(3), and all test results.
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- 9981 D) Information as required by Section 721.935(c)(1) and (c)(2), as
9982 applicable.
9983
- 9984 E) A remanufacturer or other person that stores or treats the hazardous
9985 secondary material must record, on a semiannual basis, the
9986 information specified in subsections (e)(1)(E)(i) and (e)(1)(E)(ii)
9987 for those planned routine maintenance operations that would
9988 require the control device not to meet the requirements of Section
9989 721.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.
9990
- 9991 i) A description of the planned routine maintenance that is
9992 anticipated to be performed for the control device during
9993 the next six-month period. This description must include

the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.

- ii) A description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description must include the type of maintenance performed and the total number of hours during those six months that the control device did not meet the requirements of Section 721.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance.

- F) A remanufacturer or other person that stores or treats the hazardous secondary material must record the information specified in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) for those unexpected control device system malfunctions that would require the control device not to meet the requirements of Section 721.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.

- i) The occurrence and duration of each malfunction of the control device system.

- ii) The duration of each period during a malfunction when gases, vapors, or fumes are vented from the hazardous secondary material management unit through the closed-ventelosed-vent system to the control device while the control device is not properly functioning.

- iii) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation.

- G) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 721.987(c)(3)(B).

- f) The remanufacturer or other person that stores or treats the hazardous secondary material using a tank or container exempted under the hazardous secondary material organic concentration conditions specified in Section 721.982(c)(1) or (c)(2)(A) through (c)(2)(F), must prepare and maintain at the facility records documenting the information used for each material determination (e.g., test results, measurements, calculations, and other documentation). If analysis results for material samples are used for the material determination, then the

10037 remanufacturer or other person that stores or treats the hazardous secondary
10038 material must record the date, time, and location that each material sample is
10039 collected in accordance with applicable requirements of Section 721.983.
10040

10041 BOARD NOTE: Corresponding 40 CFR 261.1089(f) includes a subsection (f)(2)
10042 that USEPA marked "reserved:". Because there is no 40 CFR 1089(f)(1), the
10043 Board included no text to correspond with subsection (f)(2).
10044

- 10045 g) A remanufacturer or other person that stores or treats the hazardous secondary
10046 material designating a cover as "unsafe to inspect and monitor" pursuant to
10047 Section 721.984(l) or Section 721.985(g) must record and keep at facility the
10048 following information: the identification numbers for hazardous secondary
10049 material management units with covers that are designated as "unsafe to inspect
10050 and monitor," the explanation for each cover stating why the cover is unsafe to
10051 inspect and monitor, and the plan and schedule for inspecting and monitoring
10052 each cover.
10053
- 10054 h) The remanufacturer or other person that stores or treats the hazardous secondary
10055 material that is subject to this Subpart CC and to the control device standards in
10056 subpart VV (Standards of Performance for Equipment Leaks of VOC in the
10057 Synthetic Organic Chemicals Manufacturing Industry for which Construction,
10058 Reconstruction, or Modification Commenced After January 5, 1981, on or Before
10059 November 7, 2006) of 40 CFR 60 or subpart V of 40 CFR 61 (National Emission
10060 Standard for Equipment Leaks (Fugitive Emission Sources)), each incorporated
10061 by reference in 35 Ill. Adm. Code 720.111, may elect to demonstrate compliance
10062 with the applicable sections of this Subpart CC by documentation either pursuant
10063 to this Subpart CC, or pursuant to the provisions of subpart VV of 40 CFR 60 or
10064 subpart V of 40 CFR 61, to the extent that the documentation required by 40 CFR
10065 60 or 61 duplicates the documentation required by this Section.
10066

10067 (Source: Amended at 42 Ill. Reg. _____, effective _____)
10068

10069 **Section 721.APPENDIX A Representative Sampling Methods**

10070

10071 The methods and equipment used for sampling waste materials will vary with the form and
10072 consistency of the waste materials to be sampled. Samples collected using the sampling
10073 protocols listed below, for sampling waste with properties similar to the indicated materials, are
10074 considered by USEPA to be representative of the waste.

10075

10076 Extremely viscous liquid: ASTM D 140-70 (Standard Practice for Sampling Bituminous
10077 Materials), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

10078

10079 Crushed or powdered material: ASTM D 346-75 (Standard Practice for Collection and
10080 Preparation of Coke Samples for Laboratory Analysis), incorporated by reference in 35 Ill. Adm.
10081 Code 720.111(a).

10082

10083 Soil or rock-like material: ASTM D 420-69 (Guide to Site Characterization for Engineering,
10084 Design, and Construction Purposes), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

10085

10086 Soil-like material: ASTM D 1452-65 (Standard Practice for Soil Investigation and Sampling by
10087 Auger Borings), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

10088

10089 Fly ash-like material: ASTM D 2234-76 (Standard Practice for Collection of a Gross Sample of
10090 Coal), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

10091

10092 Containerized liquid wastes: "Composite Liquid Waste Sampler (COLIWASA)".

10093

10094 Liquid waste in pits, ponds, lagoons, and similar reservoirs: "Pond Sampler".

10095

10096 (Source: Amended at 42 Ill. Reg. _____, effective _____)

10097

10098 **Section 721.APPENDIX H Hazardous Constituents**
 10099

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
A2213	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester	30558-43-1	U394
Acetonitrile	Same	75-05-8	U003
Acetophenone	Ethanone, 1-phenyl-	98-86-2	U004
2-Acetylaminofluorene	Acetamide, N-9H-fluoren-2-yl-	53-96-3	U005
Acetyl chloride	Same	75-36-5	U006
1-Acetyl-2-thiourea	Acetamide, N-(aminothioxomethyl)-	591-08-2	P002
Acrolein	2-Propenal	107-02-8	P003
Acrylamide	2-Propenamide	79-06-1	U007
Acrylonitrile	2-Propenenitrile	107-13-1	U009
Aflatoxins	Same	1402-68-2	
Aldicarb	Propanal, 2-methyl-2-(methylthio)-, O-((methylamino)carbonyl)oxime	116-06-3	P070
Aldicarb sulfone	Propanal, 2-methyl-2-(methylsulfonyl)-, O-((methylamino)carbonyl)oxime	1646-88-4	P203
Aldrin	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1- α ,4- α ,4a- β ,5- α ,8- α ,8a- β)-	309-00-2	P004
Allyl alcohol	2-Propen-1-ol	107-18-6	P005
Allyl chloride	1-Propene, 3-chloro-	107-05-1	
Aluminum phosphide	Same	20859-73-8	P006
4-Aminobiphenyl	(1,1'-Biphenyl)-4-amine	92-67-1	
5-(Aminomethyl)-3-isoxazolol	3(2H)-Isoxazolone, 5-(amino-methyl)-	2763-96-4	P007
4-Aminopyridine	4-Pyridinamine	504-24-5	P008
Amitrole	1H-1,2,4-Triazol-3-amine	61-82-5	U011
Ammonium vanadate	Vanadic acid, ammonium salt	7803-55-6	P119
Aniline	Benzenamine	62-53-3	U012
o-Anisidine (2-methoxyaniline)	Benzenamine, 2-Methoxy-	90-04-0	
Antimony	Same	7440-36-0	

Antimony compounds, N.O.S. (not otherwise specified)			
Aramite	Sulfurous acid, 2-chloroethyl-, 2-(4-(1,1-dimethylethyl)phenoxy)-1-methylethyl ester	140-57-8	
Arsenic	Arsenic	7440-38-2	
Arsenic compounds, N.O.S.			
Arsenic acid	Arsenic acid H_3AsO_4	7778-39-4	P010
Arsenic pentoxide	Arsenic oxide As_2O_5	1303-28-2	P011
Arsenic trioxide	Arsenic oxide As_2O_3	1327-53-3	P012
Auramine	Benzenamine, 4,4'-carbon-imidoylbis (N, N-dimethyl-	492-80-8	U014
Azaserine	L-Serine, diazoacetate (ester)	115-02-6	U015
Barban	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester	101-27-9	U280
Barium	Same	7440-39-3	
Barium compounds, N.O.S.			
Barium cyanide	Same	542-62-1	P013
Bendiocarb	1,3-Benzodioxol-4-ol-2,2-dimethyl-, methyl carbamate	22781-23-3	U278
Bendiocarb phenol	1,3-Benzodioxol-4-ol-2,2-dimethyl-, Carbamic acid, (1-	22961-82-6	U364
Benomyl	((butylamino)carbonyl)-1H-benzimidazol-2-yl)-, methyl ester	17804-35-2	U271
Benz(c)acridine	Same	225-51-4	U016
Benz(a)anthracene	Same	56-55-3	U018
Benzal chloride	Benzene, (dichloromethyl)-	98-87-3	U017
Benzene	Same	71-43-2	U019
Benzeneearsonic acid	Arsonic acid, phenyl-	98-05-5	
Benzidine	(1,1'-Biphenyl)-4,4'-diamine	92-87-5	U021
Benzo(b)fluoranthene	Benzo(e)acephenanthrylene	205-99-2	
Benzo(j)fluoranthene	Same	205-82-3	
Benzo(k)fluoranthene	Same	207-08-9	
Benzo(a)pyrene	Same	50-32-8	U022
p-Benzoquinone	2,5-Cyclohexadiene-1,4-dione	106-51-4	U197
Benzotrichloride	Benzene, (trichloromethyl)-	98-07-7	U023
Benzyl chloride	Benzene, (chloromethyl)-	100-44-7	P028
Beryllium powder	Same	7440-41-7	P015
Beryllium compounds, N.O.S.			
Bis(pentamethylene)thiuram tetrasulfide	Piperidine, 1,1'-(tetrathiodicarbonothioyl)-bis-	120-54-7	
Bromoacetone	2-Propanone, 1-bromo-	598-31-2	P017

Bromoform	Methane, tribromo-	75-25-2	U225
4-Bromophenyl phenyl ether	Benzene, 1-bromo-4-phenoxy-	101-55-3	U030
Brucine	Strychnidin-10-one, 2,3-dimethoxy-	357-57-3	P018
Butylate	Carbamothioic acid, bis(2-methylpropyl)-, S-ethyl ester	2008-41-5	
Butyl benzyl phthalate	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester	85-68-7	
Cacodylic acid	Arsenic acid, dimethyl-	75-60-5	U136
Cadmium	Same	7440-43-9	
Cadmium compounds, N.O.S.			
Calcium chromate	Chromic acid H ₂ CrO ₄ , calcium salt	13765-19-0	U032
Calcium cyanide	Calcium cyanide Ca(CN) ₂	592-01-8	P021
Carbaryl	1-Naphthalenol, methylcarbamate	63-25-2	U279
Carbendazim	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester	10605-21-7	U372
Carbofuran	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	1563-66-2	P127
Carbofuran phenol	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-	1563-38-8	U367
Carbosulfan	Carbamic acid, ((dibutylamino)thio)methyl-2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester	55285-14-8	P189
Carbon disulfide	Same	75-15-0	P022
Carbon oxyfluoride	Carbonic difluoride	353-50-4	U033
Carbon tetrachloride	Methane, tetrachloro-	56-23-5	U211
Chloral	Acetaldehyde, trichloro-	75-87-6	U034
Chlorambucil	Benzenebutanoic acid, 4(bis-(2-chloroethyl)amino)-	305-03-3	U035
Chlordane	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	57-74-9	U036
Chlordane, α and γ isomers			U036
Chlorinated benzenes, N.O.S.			
Chlorinated ethane, N.O.S.			
Chlorinated fluorocarbons, N.O.S.			
Chlorinated naphthalene, N.O.S.			
Chlorinated phenol, N.O.S.			
Chlornaphazine	Naphthalenamine, N,N'-bis(2-chloroethyl)-	494-03-1	U026
Chloroacetaldehyde	Acetaldehyde, chloro-	107-20-0	P023
Chloroalkyl ethers, N.O.S.			
p-Chloroaniline	Benzenamine, 4-chloro-	106-47-8	P024
Chlorobenzene	Benzene, chloro-	108-90-7	U037

Chlorobenzilate	Benzeneacetic acid, 4-chloro- α -(4-chlorophenyl)- α -hydroxy-, ethyl ester	510-15-6	U038
p-Chloro-m-cresol	Phenol, 4-chloro-3-methyl-	59-50-7	U039
2-Chloroethyl vinyl ether	Ethene, (2-chloroethoxy)-	110-75-8	U042
Chloroform	Methane, trichloro-	67-66-3	U044
Chloromethyl methyl ether	Methane, chloromethoxy-	107-30-2	U046
β -Chloronaphthalene	Naphthalene, 2-chloro-	91-58-7	U047
o-Chlorophenol	Phenol, 2-chloro-	95-57-8	U048
1-(o-Chlorophenyl)thiourea	Thiourea, (2-chlorophenyl)-	5344-82-1	P026
Chloroprene	1,3-Butadiene, 2-chloro-	126-99-8	
3-Chloropropionitrile	Propanenitrile, 3-chloro-	542-76-7	P027
Chromium	Same	7440-47-3	
Chromium compounds, N.O.S.			
Chrysene	Same	218-01-9	U050
Citrus red No. 2	2-Naphthalenol, 1-((2,5-dimethoxyphenyl)azo)-	6358-53-8	
Coal tar creosote	Same	8007-45-2	
Copper cyanide	Copper cyanide CuCN	544-92-3	P029
Copper dimethyldithiocarbamate	Copper, bis(dimethylcarbamo-dithioato-S,S')-,	137-29-1	
Creosote	Same		U051
p-Cresidine	2-Methoxy-5-methylbenzenamine	120-71-8	
Cresols (Cresylic acid)	Phenol, methyl-	1319-77-3	U052
Crotonaldehyde	2-Butenal	4170-30-3	U053
m-Cumenyl methylcarbamate	Phenol, 3-(methylethyl)-, methyl carbamate	64-00-6	P202
Cyanides (soluble salts and complexes), N.O.S.			P030
Cyanogen	Ethanedinitrile	460-19-5	P031
Cyanogen bromide	Cyanogen bromide (CN)Br	506-68-3	U246
Cyanogen chloride	Cyanogen chloride (CN)Cl	506-77-4	P033
Cycasin	β -D-glucopyranoside, (methyl-ONN-azoxy)methyl-	14901-08-7	
Cycloate	Carbamothioic acid, cyclohexylethyl-, S-ethyl ester	1134-23-2	
2-Cyclohexyl-4,6-dinitrophenol	Phenol, 2-cyclohexyl-4,6-dinitro-	131-89-5	P034
Cyclophosphamide	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-2-oxide	50-18-0	U058
2,4-D	Acetic acid, (2,4-dichlorophenoxy)-	94-75-7	U240
2,4-D, salts and esters	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters		U240

Daunomycin	5,12-Naphthacenedione, 8-acetyl-10- ((3-amino-2,3,6-trideoxy- α -L-lyxo- hexopyranosyl)oxy)-7,8,9,10- tetrahydro-6,8,11-trihydroxy-1- methoxy-, (8S-cis)-	20830-81-3	U059
Dazomet	2H-1,3,5-thiadiazine-2-thione, tetrahydro-3,5-dimethyl	533-74-4	
DDD	Benzene, 1,1'-(2,2- dichloroethylidene)bis(4-chloro-	72-54-8	U060
DDE	Benzene, 1,1'- (dichloroethenylidene)bis(4-chloro-	72-55-9	
DDT	Benzene, 1,1'-(2,2,2- trichloroethylidene)bis(4-chloro-	50-29-3	U061
Diallate	Carbamothioic acid, bis(1- methylethyl)-, S-(2,3-dichloro-2- propenyl) ester	2303-16-4	U062
Dibenz(a,h)acridine	Same	226-36-8	
Dibenz(a,j)acridine	Same	224-42-0	
Dibenz(a,h)anthracene	Same	53-70-3	U063
7H-Dibenzo(c,g)carbazole	Same	194-59-2	
Dibenzo(a,e)pyrene	Naphtho(1,2,3,4-def)chrysene	192-65-4	
Dibenzo(a,h)pyrene	Dibenzo(b,def)chrysene	189-64-0	
Dibenzo(a,i)pyrene	Benzo(rst)pentaphene	189-55-9	U064
1,2-Dibromo-3-chloropropane	Propane, 1,2-dibromo-3-chloro-	96-12-8	U066
Dibutyl phthalate	1,2-Benzenedicarboxylic acid, dibutyl ester	84-74-2	U069
o-Dichlorobenzene	Benzene, 1,2-dichloro-	95-50-1	U070
m-Dichlorobenzene	Benzene, 1,3-dichloro-	541-73-1	U071
p-Dichlorobenzene	Benzene, 1,4-dichloro-	106-46-7	U072
Dichlorobenzene, N.O.S.	Benzene, dichloro-	25321-22-6	
3,3'-Dichlorobenzidine	(1,1'-Biphenyl)-4,4'-diamine, 3,3'- dichloro-	91-94-1	U073
1,4-Dichloro-2-butene	2-Butene, 1,4-dichloro-	764-41-0	U074
Dichlorodifluoromethane	Methane, dichlorodifluoro-	75-71-8	U075
Dichloroethylene, N.O.S.	Dichloroethylene	25323-30-2	
1,1-Dichloroethylene	Ethene, 1,1-dichloro-	75-35-4	U078
1,2-Dichloroethylene	Ethene, 1,2-dichloro-, (E)-	156-60-5	U079
Dichloroethyl ether	Ethane, 1,1'-oxybis(2-chloro-	111-44-4	U025
Dichloroisopropyl ether	Propane, 2,2'-oxybis(2-chloro-	108-60-1	U027
Dichloromethoxyethane	Ethane, 1,1'-(methylenebis(oxy)- bis(2-chloro-	111-91-1	U024
Dichloromethyl ether	Methane, oxybis(chloro-	542-88-1	P016
2,4-Dichlorophenol	Phenol, 2,4-dichloro-	120-83-2	U081

2,6-Dichlorophenol	Phenol, 2,6-dichloro-	87-65-0	U082
Dichlorophenylarsine	Arsonous dichloride, phenyl-	696-28-6	P036
Dichloropropane, N.O.S.	Propane, dichloro-	26638-19-7	
Dichloropropanol, N.O.S.	Propanol, dichloro-	26545-73-3	
Dichloropropene, N.O.S.	1-Propene, dichloro-	26952-23-8	
1,3-Dichloropropene	1-Propene, 1,3-dichloro-	542-75-6	U084
Dieldrin	2,7:3,6-Dimethanonaphth(2, 3-b)oxirene,3,4,5,6,9,9-hexachloro-1a,2,2a,3,6, 6a,7,7a-octahydro-, (1 α ,2 β ,2 α ,3 β ,6 β ,6 α ,7 β ,7 α)-	60-57-1	P037
1,2:3,4-Diepoxybutane	2,2'-Bioxirane	1464-53-5	U085
Diethylarsine	Arsine, diethyl-	692-42-2	P038
Diethylene glycol, dicarbamate	Ethanol, 2,2'-oxybis-, dicarbamate	5952-26-1	U395
1,4-Diethyleneoxide	1,4-Dioxane	123-91-1	U108
Diethylhexyl phthalate	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	117-81-7	U028
N,N'-Diethylhydrazine	Hydrazine, 1,2-diethyl-	1615-80-1	U086
O,O-Diethyl-S-methyl dithiophosphate	Phosphorodithioic acid, O,O-diethyl S-methyl ester	3288-58-2	U087
Diethyl-p-nitrophenyl phosphate	Phosphoric acid, diethyl 4-nitrophenyl ester	311-45-5	P041
Diethyl phthalate	1,2-Benzenedicarboxylic acid, diethyl ester	84-66-2	U088
O,O-Diethyl O-pyrazinyl phosphorothioate	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	297-97-2	P040
Diethylstilbestrol	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	56-53-1	U089
Dihydrosafrole	1,3-Benzodioxole, 5-propyl-	94-58-6	U090
Diisopropylfluorophosphate (DFP)	Phosphorofluoridic acid, bis(1-methylethyl) ester	55-91-4	P043
Dimethoate	Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) ester	60-51-5	P044
3,3'-Dimethoxybenzidine	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-	119-90-4	U091
p-Dimethylaminoazobenzene	Benzenamine, N,N-dimethyl-4-(phenylazo)-	60-11-7	U093
2,4-Dimethylaniline (2,4-xylydine)	Benzenamine, 2,4-dimethyl-	95-68-1	
7,12-Dimethylbenz(a)anthracene	Benz(a)anthracene, 7,12-dimethyl-	57-97-6	U094
3,3'-Dimethylbenzidine	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	119-93-7	U095
Dimethylcarbamoyl chloride	Carbamic chloride, dimethyl-	79-44-7	U097
1,1-Dimethylhydrazine	Hydrazine, 1,1-dimethyl-	57-14-7	U098

1,2-Dimethylhydrazine	Hydrazine, 1,2-dimethyl-	540-73-8	U099
α,α -Dimethylphenethylamine	Benzeneethanamine, α, α -dimethyl-	122-09-8	P046
2,4-Dimethylphenol	Phenol, 2,4-dimethyl-	105-67-9	U101
Dimethylphthalate	1,2-Benzenedicarboxylic acid, dimethyl ester	131-11-3	U102
Dimethyl sulfate	Sulfuric acid, dimethyl ester	77-78-1	U103
Dimetilan	Carbamic acid, dimethyl-, 1-((dimethylamino) carbonyl)-5-methyl-1H-pyrazol-3-yl ester	644-64-4	P191
Dinitrobenzene, N.O.S.	Benzene, dinitro-	25154-54-5	
4,6-Dinitro-o-cresol	Phenol, 2-methyl-4,6-dinitro-	534-52-1	P047
4,6-Dinitro-o-cresol salts			P047
2,4-Dinitrophenol	Phenol, 2,4-dinitro-	51-28-5	P048
2,4-Dinitrotoluene	Benzene, 1-methyl-2,4-dinitro-	121-14-2	U105
2,6-Dinitrotoluene	Benzene, 2-methyl-1,3-dinitro-	606-20-2	U106
Dinoseb	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	88-85-7	P020
Di-n-octyl phthalate	1,2-Benzenedicarboxylic acid, dioctyl ester	117-84-0	U107
Diphenylamine	Benzenamine, N-phenyl-	122-39-4	
1,2-Diphenylhydrazine	Hydrazine, 1,2-diphenyl-	122-66-7	U109
Di-n-propylnitrosamine	1-Propanamine, N-nitroso-N-propyl-	621-64-7	U111
Disulfiram	Thioperoxydicarbonic diamide, tetraethyl	97-77-8	
Disulfoton	Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) ester	298-04-4	P039
Dithiobiuret	Thioimidodicarbonic diamide ((H ₂ N)C(S)) ₂ NH	541-53-7	P049
Endosulfan	6, 9-Methano-2,4,3-benzodioxathiepen,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide,	115-29-7	P050
Endothal	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid	145-73-3	P088
Endrin	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1a α ,2 β ,2a β ,3 α ,6 α ,6a β ,7 β ,7a α)-,	72-20-8	P051
Endrin metabolites			P051
Epichlorohydrin	Oxirane, (chloromethyl)-	106-89-8	U041
Epinephrine	1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)-, (R)-	51-43-4	P042

EPTC	Carbamothioic acid, dipropyl-, S-ethyl ester	759-94-4	
Ethyl carbamate (urethane)	Carbamic acid, ethyl ester	51-79-6	U238
Ethyl cyanide	Propanenitrile	107-12-0	P101
Ethylenebisdithiocarbamic acid	Carbamodithioic acid, 1,2-ethanediylbis-	111-54-6	U114
Ethylenebisdithiocarbamic acid, salts and esters			U114
Ethylene dibromide	Ethane, 1,2-dibromo-	106-93-4	U067
Ethylene dichloride	Ethane, 1,2-dichloro-	107-06-2	U077
Ethylene glycol monoethyl ether	Ethanol, 2-ethoxy-	110-80-5	U359
Ethyleneimine	Aziridine	151-56-4	P054
Ethylene oxide	Oxirane	75-21-8	U115
Ethylenethiourea	2-Imidazolidinethione	96-45-7	U116
Ethylidene dichloride	Ethane, 1,1-dichloro-	75-34-3	U076
Ethyl methacrylate	2-Propenoic acid, 2-methyl-, ethyl ester	97-63-2	U118
Ethyl methanesulfonate	Methanesulfonic acid, ethyl ester	62-50-0	U119
Ethyl Ziram	Zinc, bis(diethylcarbamodithioato-S,S')-	14324-55-1	U407
Famphur	Phosphorothioic acid, O-(4-((dimethylamino)sulfonyl)phenyl) O,O-dimethyl ester	52-85-7	P097
Ferbam	Iron, tris(dimethylcarbamodithioato-S,S')-,	14484-64-1	
Fluoranthene	Same	206-44-0	U120
Fluorine	Same	7782-41-4	P056
Fluoroacetamide	Acetamide, 2-fluoro-	640-19-7	P057
Fluoroacetic acid, sodium salt	Acetic acid, fluoro-, sodium salt	62-74-8	P058
Formaldehyde	Same	50-00-0	U122
Formetanate hydrochloride	Methanimidamide, N,N-dimethyl-N'-(3-(((methylamino)-carbonyl)oxy)phenyl)-, monohydrochloride	23422-53-9	P198
Formic acid	Same	64-18-16	U123
Formparanate	Methanimidamide, N,N-dimethyl-N'-(2-methyl-4-(((methylamino)carbonyl)oxy)phenyl)-	17702-57-7	P197
Glycidylaldehyde	Oxiranecarboxaldehyde	765-34-4	U126
Halomethanes, N.O.S.			
Heptachlor	4,7-Methano-1H-indene,1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	76-44-8	P059

Heptachlor epoxide	2,5-Methano-2H-indeno(1, 2b)oxirene, 1024-57-3 2,3,4,5,6,7,7-heptachloro- 1a,1b,5,5a,6,6a-hexahydro-, (1 α ,1b β ,2 α ,5 α ,5a β ,6 β ,6a α)-		
Heptachlor epoxide (α , β , and γ isomers)			
Heptachlorodibenzofurans			
Heptachlorodibenzo-p-dioxins			
Hexachlorobenzene	Benzene, hexachloro-	118-74-1	U127
Hexachlorobutadiene	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	87-68-3	U128
Hexachlorocyclo-pentadiene	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	77-47-4	U130
Hexachlorodibenzo-p-dioxins			
Hexachlorodibenzofurans			
Hexachloroethane	Ethane, hexachloro-	67-72-1	U131
Hexachlorophene	Phenol, 2,2'-methylenebis(3,4,6-trichloro-	70-30-4	U132
Hexachloropropene	1-Propene, 1,1,2,3,3,3-hexachloro-	1888-71-7	U243
Hexaethyltetraphosphate	Tetraphosphoric acid, hexaethyl ester	757-58-4	P062
Hydrazine	Same	302-01-2	U133
Hydrogen cyanide	Hydrocyanic acid	74-90-8	P063
Hydrogen fluoride	Hydrofluoric acid	7664-39-3	U134
Hydrogen sulfide	Hydrogen sulfide H ₂ S	7783-06-4	U135
Indeno(1,2,3-cd)pyrene	Same	193-39-5	U137
3-Iodo-2-propynyl-n-butylcarbamate	Carbamic acid, butyl-, 3-iodo-2-propynyl ester	55406-53-6	
Isobutyl alcohol	1-Propanol, 2-methyl-	78-83-1	U140
Isodrin	1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1 α ,4 α ,4a β ,5 β ,8 β ,8a β)-,	465-73-6	P060
Isolan	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester	119-38-0	P192
Isosafrole	1,3-Benzodioxole, 5-(1-propenyl)-	120-58-1	U141
Kepone	1,3,4-Metheno-2H-cyclobuta(cd)pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-,	143-50-0	U142

Lasiocarpine	2-Butenoic acid, 2-methyl-, 7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1- α (Z),7(2S*,3R*),7 α))-	303-34-4	U143
Lead	Same	7439-92-1	
Lead and compounds, N.O.S.			
Lead acetate	Acetic acid, lead (2+) salt	301-04-2	U144
Lead phosphate	Phosphoric acid, lead (2+) salt (2:3)	7446-27-7	U145
Lead subacetate	Lead, bis(acetato-O)tetrahydroxytri-	1335-32-6	U146
Lindane	Cyclohexane, 1,2,3,4,5,6-hexachloro-, 1 α ,2 α ,3 β ,4 α ,5 α ,6 β)-	58-89-9	U129
Maleic anhydride	2,5-Furandione	108-31-6	U147
Maleic hydrazide	3,6-Pyridazinedione, 1,2-dihydro-	123-33-1	U148
Malononitrile	Propanedinitrile	109-77-3	U149
Manganese	Manganese,	15339-36-3	P196
dimethyldithiocarbamate	bis(dimethylcarbamo-dithioato-S,S')-,		
Melphalan	L-Phenylalanine, 4-(bis(2-chloroethyl)amino)-	148-82-3	U150
Mercury	Same	7439-97-6	U151
Mercury compounds, N.O.S.			
Mercury fulminate	Fulminic acid, mercury (2+) salt	628-86-4	P065
Metam Sodium	Carbamodithioic acid, methyl-, monosodium salt	137-42-8	
Methacrylonitrile	2-Propenenitrile, 2-methyl-	126-98-7	U152
Methapyrilene	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	91-80-5	U155
Methiocarb	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate	2032-65-7	P199
Metholmyl	Ethanimidothioic acid, N-(((methylamino)carbonyl)oxy)-, methyl ester	16752-77-5	P066
Methoxychlor	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy-	72-43-5	U247
Methyl bromide	Methane, bromo-	74-83-9	U029
Methyl chloride	Methane, chloro-	74-87-3	U045
Methylchlorocarbonate	Carbonochloridic acid, methyl ester	79-22-1	U156
Methyl chloroform	Ethane, 1,1,1-trichloro-	71-55-6	U226
3-Methylcholanthrene	Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-	56-49-5	U157
4,4'-Methylenebis(2-chloroaniline)	Benzenamine, 4,4'-methylenebis(2-chloro-	101-14-4	U158
Methylene bromide	Methane, dibromo-	74-95-3	U068

Methylene chloride	Methane, dichloro-	75-09-2	U080
Methyl ethyl ketone (MEK)	2-Butanone	78-93-3	U159
Methyl ethyl ketone peroxide	2-Butanone, peroxide	1338-23-4	U160
Methyl hydrazine	Hydrazine, methyl-	60-34-4	P068
Methyl iodide	Methane, iodo-	74-88-4	U138
Methyl isocyanate	Methane, isocyanato-	624-83-9	P064
2-Methylactonitrile	Propanenitrile, 2-hydroxy-2-methyl-	75-86-5	P069
Methyl methacrylate	2-Propenoic acid, 2-methyl-, methyl ester	80-62-6	U162
Methyl methanesulfonate	Methanesulfonic acid, methyl ester	66-27-3	
Methyl parathion	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	298-00-0	P071
Methylthiouracil	4-(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thio-	56-04-2	U164
Metolcarb	Carbamic acid, methyl-, 3-methylphenyl ester	1129-41-5	P190
Mexacarbate	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	315-18-4	P128
Mitomycin C	Azirino(2', 3':3, 4)pyrrolo(1, 2-a)indole-4, 7-dione, 6-amino-8-(((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-S-(1α,8β,8α,8bα))-,	50-07-7	U010
Molinate	1H-Azepine-1-carbothioic acid, hexahydro-, S-ethyl ester	2212-67-1	
MNNG	Guanidine, N-methyl-N'-nitro-N-nitroso-	70-25-7	U163
Mustard gas	Ethane, 1,1'-thiobis(2-chloro-	505-60-2	U165
Naphthalene	Same	91-20-3	U165
1,4-Naphthoquinone	1,4-Naphthalenedione	130-15-4	U166
α-Naphthylamine	1-Naphthalenamine	134-32-7	U167
β-Naphthylamine	2-Naphthalenamine	91-59-8	U168
α-Naphthylthiourea	Thiourea, 1-naphthalenyl-	86-88-4	P072
Nickel	Same	7440-02-0	
Nickel compounds, N.O.S.			
Nickel carbonyl	Nickel carbonyl Ni(CO) ₄ , (T-4)-	13463-39-3	P073
Nickel cyanide	Nickel cyanide Ni(CN) ₂	557-19-7	P074
Nicotine	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-	54-11-5	P075
Nicotine salts			P075
Nitric oxide	Nitrogen oxide NO	10102-43-9	P076
p-Nitroaniline	Benzenamine, 4-nitro-	100-01-6	P077

Nitrobenzene	Benzene, nitro-	98-95-3	U169
Nitrogen dioxide	Nitrogen oxide NO ₂	10102-44-0	P078
Nitrogen mustard	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-	51-75-2	
Nitrogen mustard, hydrochloride salt			
Nitrogen mustard N-oxide	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-, N-oxide	126-85-2	
Nitrogen mustard, N-oxide, hydrochloride salt			
Nitroglycerin	1,2,3-Propanetriol, trinitrate	55-63-0	P081
p-Nitrophenol	Phenol, 4-nitro-	100-02-7	U170
2-Nitropropane	Propane, 2-nitro-	79-46-9	U171
Nitrosamines, N.O.S.		35576-91-1	
N-Nitrosodi-n-butylamine	1-Butanamine, N-butyl-N-nitroso-	924-16-3	U172
N-Nitrosodiethanolamine	Ethanol, 2,2'-(nitrosoimino)bis-	1116-54-7	U173
N-Nitrosodiethylamine	Ethanamine, N-ethyl-N-nitroso-	55-18-5	U174
N-Nitrosodimethylamine	Methanamine, N-methyl-N-nitroso-	62-75-9	P082
N-Nitroso-N-ethylurea	Urea, N-ethyl-N-nitroso-	759-73-9	U176
N-Nitrosomethylethylamine	Ethanamine, N-methyl-N-nitroso-	10595-95-6	
N-Nitroso-N-methylurea	Urea, N-methyl-N-nitroso-	684-93-5	U177
N-Nitroso-N-methylurethane	Carbamic acid, methylnitroso-, ethyl ester	615-53-2	U178
N-Nitrosomethylvinylamine	Vinylamine, N-methyl-N-nitroso-	4549-40-0	P084
N-Nitrosomorpholine	Morpholine, 4-nitroso-	59-89-2	
N-Nitrosornicotine	Pyridine, 3-(1-nitroso-2-pyrrolidinyl)-, (S)-	16543-55-8	
N-Nitrosopiperidine	Piperidine, 1-nitroso-	100-75-4	U179
N-Nitrosopyrrolidine	Pyrrolidine, 1-nitroso-	930-55-2	U180
N-Nitrososarcosine	Glycine, N-methyl-N-nitroso-	13256-22-9	
5-Nitro-o-toluidine	Benzenamine, 2-methyl-5-nitro-	99-55-8	U181
Octachlorodibenzo-p-dioxin (OCDD)	1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin.	3268-87-9	
Octachlorodibenzofuran (OCDF)	1,2,3,4,6,7,8,9-Octachlorodibenzofuran.	39001-02-0	
Octamethylpyrophosphoramidate	Diphosphoramidate, octamethyl-	152-16-9	P085
Osmium tetroxide	Osmium oxide OsO ₄ , (T-4)	20816-12-0	P087
Oxamyl	Ethanimidothioc acid, 2-(dimethylamino)-N-(((methylamino)carbonyl)oxy)-2-oxo-, methyl ester	23135-22-0	P194
Paraldehyde	1,3,5-Trioxane, 2,4,6-trimethyl-	123-63-7	U182

Parathion	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	56-38-2	P089
Pebulate	Carbamothioic acid, butylethyl-, S-propyl ester	1114-71-2	
Pentachlorobenzene	Benzene, pentachloro-	608-93-5	U183
Pentachlorodibenzo-p-dioxins			
Pentachlorodibenzofurans			
Pentachloroethane	Ethane, pentachloro-	76-01-7	U184
Pentachloronitrobenzene (PCNB)	Benzene, pentachloronitro-	82-68-8	U185
Pentachlorophenol	Phenol, pentachloro-	87-86-5	See F027
Phenacetin	Acetamide, N-(4-ethoxyphenyl)-	62-44-2	U187
Phenol	Same	108-95-2	U188
Phenylenediamine	Benzenediamine	25265-76-3	
1,2-Phenylenediamine	1,2-Benzenediamine	95-54-5	
1,3-Phenylenediamine	1,3-Benzenediamine	108-45-2	
Phenylmercury acetate	Mercury, (acetato-O)phenyl-	62-38-4	P092
Phenylthiourea	Thiourea, phenyl-	103-85-5	P093
Phosgene	Carbonic dichloride	75-44-5	P095
Phosphine	Same	7803-51-2	P096
Phorate	Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester	298-02-2	P094
Phthalic acid esters, N.O.S.			
Phthalic anhydride	1,3-Isobenzofurandione	85-44-9	U190
Physostigmine	Pyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-	57-47-6	P204
Physostigmine salicylate	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3-b)indol-5-yl methylcarbamate ester (1:1)	57-64-7	P188
2-Picoline	Pyridine, 2-methyl-	109-06-8	U191
Polychlorinated biphenyls, N.O.S.			
Potassium cyanide	Same	151-50-8	P098
Potassium dimethyldithiocarbamate	Carbamodithioc acid, dimethyl, potassium salt	128-03-0	
Potassium n-hydroxymethyl-n-methyl-dithiocarbamate	Carbamodithioc acid, (hydroxymethyl)methyl-, monopotassium salt	51026-28-9	
Potassium n-methyldithiocarbamate	Carbamodithioc acid, methyl-, monopotassium salt	137-41-7	

Potassium silver cyanide	Argentate(1-), bis(cyano-C)-, potassium)	506-61-6	P099
Potassium pentachlorophenate	Pentachlorophenol, potassium salt	7778736	None
Promecarb	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate	2631-37-0	P201
Pronamide	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	23950-58-5	U192
1,3-Propane sultone	1,2-Oxathiolane, 2,2-dioxide	1120-71-4	U193
Propham	Carbamic acid, phenyl-, 1-methylethyl ester	122-42-9	U373
Propoxur	Phenol, 2-(1-methylethoxy)-, methylcarbamate	114-26-1	U411
n-Propylamine	1-Propanamine	107-10-8	U194
Propargyl alcohol	2-Propyn-1-ol	107-19-7	P102
Propylene dichloride	Propane, 1,2-dichloro-	78-87-5	U083
1,2-Propylenimine	Aziridine, 2-methyl-	75-55-8	P067
Propylthiouracil	4(1H)-Pyrimidinone, 2,3-dihydro-6-propyl-2-thioxo-	51-52-5	
Prosulfocarb	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester	52888-80-9	U387
Pyridine	Same	110-86-1	U196
Reserpine	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester, (3 β ,16 β ,17 α ,18 β ,20 α)-,	50-55-5	U200
Resorcinol	1,3-Benzenediol	108-46-3	U201
Safrole	1,3-Benzodioxole, 5-(2-propenyl)-	94-59-7	U203
Selenium	Same	7782-49-2	
Selenium compounds, N.O.S.			
Selenium dioxide	Selenious acid	7783-00-8	U204
Selenium sulfide	Selenium sulfide SeS ₂	7488-56-4	U205
Selenium, tetrakis(dimethyl-dithiocarbamate	Carbamodithioic acid, dimethyl-, tetraanhydrosulfide with orthothioselenious acid	144-34-3	
Selenourea	Same	630-10-4	P103
Silver	Same	7440-22-4	
Silver compounds, N.O.S.			
Silver cyanide	Silver cyanide AgCN	506-64-9	P104
Silvex (2,4,5-TP)	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	93-72-1	See F027
Sodium cyanide	Sodium cyanide NaCN	143-33-9	P106
Sodium dibutylldithiocarbamate	Carbamodithioic acid, dibutyl-, sodium salt	136-30-1	

Sodium diethyldithiocarbamate	Carbamodithioic acid, diethyl-, sodium salt	148-18-5	
Sodium dimethyldithiocarbamate	Carbamodithioic acid, dimethyl-, sodium salt	128-04-1	
Sodium pentachlorophenate	Pentachlorophenol, sodium salt	131522	None
Streptozotocin	D-Glucose, 2-deoxy-2-(((methylnitrosoamino)carbonyl)amino)-	18883-66-4	U206
Strychnine	Strychnidin-10-one	57-24-9	P108
Strychnine salts			P108
Sulfallate	Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester	95-06-7	
TCDD	Dibenzo(b,e)(1,4)dioxin, 2,3,7,8-tetrachloro-	1746-01-6	
Tetrabutylthiuram disulfide	Thioperoxydicarbonic diamide, tetrabutyl	1634-02-2	
Tetramethylthiuram monosulfide	Bis(dimethylthiocarbamoyl) sulfide	97-74-5	
1,2,4,5-Tetrachlorobenzene	Benzene, 1,2,4,5-tetrachloro-	95-94-3	U207
Tetrachlorodibenzo-p-dioxins			
Tetrachlorodibenzofurans			
Tetrachloroethane, N.O.S.	Ethane, tetrachloro-, N.O.S.	25322-20-7	
1,1,1,2-Tetrachloroethane	Ethane, 1,1,1,2-tetrachloro-	630-20-6	U208
1,1,2,2-Tetrachloroethane	Ethane, 1,1,2,2-tetrachloro-	79-34-5	U209
Tetrachloroethylene	Ethene, tetrachloro-	127-18-4	U210
2,3,4,6-Tetrachlorophenol	Phenol, 2,3,4,6-tetrachloro-	58-90-2	See F027
2,3,4,6-Tetrachlorophenol, potassium salt	Same	53535276	None
2,3,4,6-Tetrachlorophenol, sodium salt	Same	25567559	None
Tetraethyldithiopyrophosphate	Thiodiphosphoric acid, tetraethyl ester	3689-24-5	P109
Tetraethyl lead	Plumbane, tetraethyl-	78-00-2	P110
Tetraethylpyrophosphate	Diphosphoric acid, tetraethyl ester	107-49-3	P111
Tetranitromethane	Methane, tetranitro-	509-14-8	P112
Thallium	Same	7440-28-0	
Thallium compounds			
Thallic oxide	Thallium oxide Tl ₂ O ₃	1314-32-5	P113
Thallium (I) acetate	Acetic acid, thallium (1+) salt	563-68-8	U214
Thallium (I) carbonate	Carbonic acid, dithallium (1+) salt	6533-73-9	U215
Thallium (I) chloride	Thallium chloride TlCl	7791-12-0	U216
Thallium (I) nitrate	Nitric acid, thallium (1+) salt	10102-45-1	U217
Thallium selenite	Selenious acid, dithallium (1+) salt	12039-52-0	P114
Thallium (I) sulfate	Sulfuric acid, dithallium (1+) salt	7446-18-6	P115

Thioacetamide	Ethanethioamide	62-55-5	U218
Thiodicarb	Ethanimidothioic acid, N,N'-(thiobis((methylimino)carbonyloxy))-bis-, dimethyl ester	59669-26-0	U410
Thiofanox	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-((methylamino)carbonyl)oxime	39196-18-4	P045
Thiophanate-methyl	Carbamic acid, (1,2-phenylenebis(iminocarbonothioyl))-bis-, dimethyl ester	23564-05-8	U409
Thiomethanol	Methanethiol	74-93-1	U153
Thiophenol	Benzenethiol	108-98-5	P014
Thiosemicarbazide	Hydrazinecarbothioamide	79-19-6	P116
Thiourea	Same	62-56-6	P219
Thiram	Thioperoxydicarbonic diamide ((H ₂ N)C(S)) ₂ S ₂ , tetramethyl-	137-26-8	U244
Tirpate	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)carbonyl) oxime	26419-73-8	P185
Toluene	Benzene, methyl-	108-88-3	U220
Toluenediamine	Benzenediamine, ar-methyl-	25376-45-8	U221
Toluene-2,4-diamine	1,3-Benzenediamine, 4-methyl-	95-80-7	
Toluene-2,6-diamine	1,3-Benzenediamine, 2-methyl-	823-40-5	
Toluene-3,4-diamine	1,2-Benzenediamine, 4-methyl-	496-72-0	
Toluene diisocyanate	Benzene, 1,3-diisocyanatomethyl-	26471-62-5	U223
o-Toluidine	Benzenamine, 2-methyl-	95-53-4	U328
o-Toluidine hydrochloride	Benzenamine, 2-methyl-, hydrochloride	636-21-5	U222
p-Toluidine	Benzenamine, 4-methyl-	106-49-0	U353
Toxaphene	Same	8001-35-2	P123
Triallate	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	2303-17-5	U389
1,2,4-Trichlorobenzene	Benzene, 1,2,4-trichloro-	120-82-1	
1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-	79-00-5	U227
Trichloroethylene	Ethene, trichloro-	79-01-6	U228
Trichloromethanethiol	Methanethiol, trichloro-	75-70-7	P118
Trichloromonofluoromethane	Methane, trichlorofluoro-	75-69-4	U121
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-	95-95-4	See F027
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-	88-06-2	See F027
2,4,5-T	Acetic acid, (2,4,5-trichlorophenoxy)-	93-76-5	See F027
Trichloropropane, N.O.S.		25735-29-9	
1,2,3-Trichloropropane	Propane, 1,2,3-trichloro-	96-18-4	

Triethylamine	Ethanamine, N,N-diethyl-	121-44-8	U404
O,O,O-Triethylphosphorothioate	Phosphorothioic acid, O,O,O-triethyl ester	126-68-1	
1,3,5-Trinitrobenzene	Benzene, 1,3,5-trinitro-	99-35-4	U234
Tris(1-aziridinyl)phosphine sulfide	Aziridine, 1,1',1''-phosphinothioylidynetris-	52-24-4	
Tris(2,3-dibromopropyl) phosphate	1-Propanol, 2,3-dibromo-, phosphate (3:1)	126-72-7	U235
Trypan blue	2,7-Naphthalenedisulfonic acid, 3,3'-((3,3'-dimethyl(1,1'-biphenyl)-4,4'-diyl)bis(azo))bis(5-amino-4-hydroxy)-, tetrasodium salt	72-57-1	U236
Uracil mustard	2,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl)amino)-	66-75-1	U237
Vanadium pentoxide	Vanadium oxide V ₂ O ₅	1314-62-1	P120
Vernolate	Carbamothioc acid, dipropyl-, S-propyl ester	1929-77-7	
Vinyl chloride	Ethene, chloro-	75-01-4	U043
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3 percent	81-81-2	U248
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations greater than 0.3 percent	81-81-2	P001
Warfarin salts, when present at concentrations less than 0.3 percent			U248
Warfarin salts, when present at concentrations greater than 0.3 percent			P001
Zinc cyanide	Zinc cyanide Zn(CN) ₂	557-21-1	P121
Zinc phosphide	Zinc phosphide P ₂ Zn ₃ , when present at concentrations greater than 10 percent	1314-84-7	P122
Zinc phosphide	Zinc phosphide P ₂ Zn ₃ , when present at concentrations of 10 percent or less	1314-84-7	U249
Ziram	Zinc, bis(dimethylcarbamodithioato-S,S')- (T-4)-	137-30-4	P205

10100
 10101 Note: The abbreviation N.O.S. (not otherwise specified) signifies those members of the general
 10102 class that are not specifically listed by name in this Section.
 10103

JCAR350721-1809980r01

10104
10105

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

10106 **Section 721.APPENDIX I Wastes Excluded by Administrative Action**

10107

10108 **Section 721.TABLE B Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22**
 10109 **from Specific Sources**

10110

Facility Address	Waste Description
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Amoco Oil Company
 Wood River, Illinois

150 million gallons of DAF float from petroleum refining contained in four surge ponds after treatment with the Chemfix stabilization process. This waste contains USEPA hazardous waste number K048. This exclusion applies to the 150 million gallons of waste after chemical stabilization as long as the mixing ratios of the reagent with the waste are monitored continuously and do not vary outside of the limits presented in the demonstration samples and one grab sample is taken each hour from each treatment unit, composited, and TCLP tests performed on each sample. If the levels of lead or total chromium exceed 0.5 ppm in the EP extract, then the waste that was processed during the compositing period is considered hazardous; the treatment residue must be pumped into bermed cells to ensure that the waste is identifiable in the event that removal is necessary.

Conversion Systems, Inc.
 Horsham, Pennsylvania
 (Sterling, Illinois
 operations)

Chemically stabilized electric arc furnace dust (CSEAFD) that is generated by Conversion Systems, Inc. (CSI) (using the Super Detox[®] treatment process, as modified by CSI to treat electric arc furnace dust (EAFD) (USEPA hazardous waste no. K061)), at the following site and which is disposed of in a RCRA Subtitle D municipal solid waste landfill (MSWLF): Northwestern Steel, Sterling, Illinois.

CSI must implement a testing program for each site that meets the following conditions:

1. Verification testing requirements: Sample collection and analyses, including quality control procedures, must be performed using appropriate methods. As applicable to the method-defined parameters of concern, analyses requiring the use of methods in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), must be used without substitution. As applicable, the EPA-530/SW-846 methods

might include Methods 0010, 0011, 0020, 0023A, 0030, 0031, 0040, 0050, 0051, 0060, 0061, 1010A, 1020B, 1110A, 1310B, 1311, 1312, 1320, 1330A, 9010C, 9012B, 9040C, 9045D, 9060A, 9070A (uses USEPA Method 1664, Rev. A), 9071B, and 9095B.

A. Initial verification testing: During the first 20 days of full-scale operation of a newly-constructed Super Detox[®] treatment facility, CSI must analyze a minimum of four composite samples of CSEAFD representative of the full 20-day period. Composite samples must be composed of representative samples collected from every batch generated. The CSEAFD samples must be analyzed for the constituents listed in condition 3 below. CSI must report the operational and analytical test data, including quality control information, obtained during this initial period no later than 60 days after the generation of the first batch of CSEAFD.

B. Addition of new Super Detox[®] treatment facilities to the exclusion:

Option 1: If USEPA approves additional facilities, CSI may petition the Board for identical-in substance amendment of this exclusion pursuant to Section 22.4 for the Act and 35 Ill. Adm. Code 102 and 720.120(a), or

Option 2: If USEPA has not approved such amendment, CSI may petition the Board for amendment pursuant to the general rulemaking procedures of Section 27 of the Act and 35 Ill. Adm. Code 102 and 720.120(b); or

Option 3: Alternatively to options 1 or 2 above, CSI may petition the Board for a hazardous waste delisting pursuant to Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104 and 35 Ill. Adm. Code 720.122.

If CSI pursues general rulemaking (option 2 above) or hazardous waste delisting (option 3 above), it must demonstrate that the CSEAFD generated by a specific

Super Detox[®] treatment facility consistently meets the delisting levels specified in condition 3 below.

- C. Subsequent verification testing: For the approved facility, CSI must collect and analyze at least one composite sample of CSEAFD each month. The composite samples must be composed of representative samples collected from all batches treated in each month. These monthly representative samples must be analyzed, prior to the disposal of the CSEAFD, for the constituents listed in condition 3 below. CSI may, at its discretion, analyze composite samples gathered more frequently to demonstrate that smaller batches of waste are non-hazardous.
2. Waste holding and handling: CSI must store as hazardous all CSEAFD generated until verification testing, as specified in condition 1A or 1C above, as appropriate, is completed and valid analyses demonstrate that condition 3 below is satisfied. If the levels of constituents measured in the samples of CSEAFD do not exceed the levels set forth in condition 3, then the CSEAFD is non-hazardous and may be disposed of in a RCRA Subtitle D municipal solid waste landfill. If constituent levels in a sample exceed any of the delisting levels set forth in condition 3 below, the CSEAFD generated during the time period corresponding to this sample must be retreated until it meets these levels or managed and disposed of as hazardous waste, in accordance with 35 Ill. Adm. Code 702 through 705, 720 through 728, 733, 738, and 739. CSEAFD generated by a new CSI treatment facility must be managed as a hazardous waste prior to the addition of the name and location of the facility to this exclusion pursuant to condition 1C above. After addition of the new facility to the exclusion pursuant to condition 1B above, CSEAFD generated during the verification testing in condition 1A is also non-hazardous if the delisting levels in condition 3 are satisfied.
 3. Delisting levels: All leachable concentrations for metals must not exceed the following levels (in parts per million (ppm)): antimony – 0.06; arsenic – 0.50; barium – 7.6; beryllium – 0.010; cadmium – 0.050; chromium – 0.33; lead – 0.15; mercury – 0.009; nickel – 1; selenium – 0.16;

silver – 0.30; thallium – 0.020; vanadium – 2; and zinc – 70. Metal concentrations must be measured in the waste leachate by the method specified in Section 721.124.

4. Changes in operating conditions: After initiating subsequent testing, as described in condition 1C, if CSI significantly changes the stabilization process established pursuant to condition 1 (e.g., use of new stabilization reagents), CSI must seek amendment of this exclusion using one of the options set forth in condition 1B above. After written amendment of this exclusion, CSI may manage CSEAFD wastes generated from the new process as non-hazardous if the wastes meet the delisting levels set forth in condition 3 above.
5. Data submittals: At least one month prior to operation of a new Super Detox[®] treatment facility, CSI must notify the Agency in writing when the Super Detox[®] treatment facility is scheduled to be on-line. The data obtained through condition 1A must be submitted to the Agency within the time period specified. Records of operating conditions and analytical data from condition 1 must be compiled, summarized, and maintained on site for a minimum of five years. These records and data must be furnished to the Agency upon request and made available for inspection. Failure to submit the required data within the specified time period or to maintain the required records on site for the specified time will be considered a violation of the Act and Board regulations. All data submitted must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the data submitted:

"Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations, I certify that the information contained in or accompanying this document is true, accurate, and complete.

"As to (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under

my direct instructions, made the verification that this information is true, accurate, and complete.

"In the event that any of this information is determined by the Board or a court of law to be false, inaccurate, or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by the Board or court and that the company will be liable for any actions taken in contravention of the company's obligations under the federal RCRA and Comprehensive Environmental Response, Compensation and Liability Act (42 USC 9601 et seq.) and corresponding provisions of the Act premised upon the company's reliance on the void exclusion."

BOARD NOTE: The obligations of this exclusion are derived from but also distinct from the obligations under the corresponding federally-granted exclusion of table 2 of appendix IX to 40 CFR 261.

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10112
10113

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

10114 **Section 721.APPENDIX I Wastes Excluded by Administrative Action**

10115

10116 **Section 721.TABLE D Wastes Excluded by the Board by Adjusted Standard**

10117

10118 The Board has entered the following orders on petitions for adjusted standards for delisting,
 10119 pursuant to 35 Ill. Adm. Code 720.122.

10120

AS 91-1 Petition of Keystone Steel & Wire Co. for Hazardous Waste Delisting;
~~AS 91-1~~ (Feb. 6, 1992 and Apr. 23, 1992). (Chemically stabilized
 electric arc furnace dust (K061 waste).)

AS 91-3 Petition of Peoria Disposal Company for an Adjusted Standard from 35
 Ill. Adm. Code 721.Subpart D, ~~AS 91-3~~ (Feb. 4, 1993 and Mar. 11,
 1993). (Chemically stabilized wastewater treatment sludges from
 electroplating, anodizing, chemical milling and etching, and circuit
 board manufacturing (F006 waste).)

AS 93-7 Petition of Keystone Steel & Wire Company for an Adjusted Standard
 from 35 Ill. Adm. Code 721.132, ~~AS 93-7~~ (Feb. 17, 1994, Mar. 17,
 1994, and Dec. 14, 1994). (Chemically stabilized waste pickling liquor
 (K062 waste).)

AS 94-10 Petition of Envirite Corporation for an Adjusted Standard from 35 Ill.
 Adm. Code 721.Subpart D, AS 94-10 (Dec. 14, 1994 and Feb. 16, 1995).
 (Sludge from the treatment of multiple hazardous wastes (F006, F007,
 F008, F009, F011, F012, F019, K002, K003, K004, K005, K006, K007,
 K008, and K062 wastes).)

AS 08-5 Petition of BFI Waste Systems of North America, Inc. for Waste
 Delisting (Dec. 4, 2008). (F039 waste)

AS 08-10 RCRA Delisting Adjusted Standard Petition of Peoria Disposal Co. (Jan.
 8, 2009). (Treated K061 waste)

10121

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10123

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

10124 **Section 721.APPENDIX Y Table to Section 721.138: Maximum Contaminant**
 10125 **Concentration and Minimum Detection Limit Values for Comparable Fuel Specification**
 10126 **(Repealed)**

10127
 10128 The following table lists the maximum concentration limit and minimum analytical detection
 10129 limit required for each contaminant for which USEPA has established a comparable fuel
 10130 specification. This table supports the requirements of the excluded fuels rule of Section 721.138.
 10131

Chemical name	CAS No			Concentration limit (mg/kg at 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
Total Nitrogen as N	NA			4,900	
Total Halogens as Cl	NA			540	
Total Organic Halogens as Cl	NA			(Note 1)	
Polychlorinated biphenyls, total (Aroclors, total)	1336-36-3			ND	1.4
Cyanide, total	57-12-5			ND	1.0

10132 **Metals:**

Antimony, total	7440-36-0			12	
Arsenic, total	7440-38-2			0.23	
Barium, total	7440-39-3			23	
Beryllium, total	7440-41-7			1.2	
Cadmium, total	7440-43-9			1.2	
Chromium, total	7440-47-3			2.3	
Cobalt	7440-48-4			4.6	
Lead, total	7439-92-1			31	
Manganese	7439-96-5			1.2	
Mercury, total	7439-97-6			0.25	
Nickel, total	7440-02-0			58	
Selenium, total	7782-49-2			0.23	
Silver, total	7440-22-4			2.3	
Thallium, total	7440-28-0			23	

10133 **Hydrocarbons:**

Benzo(a)anthracene	56-55-3			2,400	
Benzene	71-43-2			4,100	

Benzo(b)fluoranthene	205-99-2		2,400	
Benzo(k)fluoranthene	207-08-9		2,4002	
Benzo(a)pyrene	50-32-8		2,400	
Chrysene	218-01-9		2,400	
Dibenz(a,h)anthracene	53-70-3		2,400	
7,12-Dimethylbenz(a)-anthracene	57-97-6		2,400	
Fluoranthene	206-44-0		2,400	
Indeno(1,2,3-cd)pyrene	193-39-5		2,400	
3-Methylcholanthrene	56-49-5		2,400	
Naphthalene	91-20-3		3,200	
Toluene	108-88-3		36,000	

10134 Oxygenates:

Acetophenone	98-86-2		2,400	
Acrolein	107-02-8		39	
Allyl alcohol	107-18-6		30	
Bis(2-ethylhexyl)-phthalate (Di-2-ethylhexyl phthalate)	117-81-7		2,400	
Butyl benzyl phthalate	85-68-7		2,400	
o-Cresol (2-Methyl phenol)	95-48-7		2,4002	
m-Cresol (3-Methyl phenol)	108-39-4		2,400	
p-Cresol (4-Methyl phenol)	106-44-5		2,400	
Di-n-butyl phthalate	84-74-2		2,400	
Diethyl phthalate	84-66-2		2,400	
2,4-Dimethylphenol	105-67-9		2,400	
Dimethyl phthalate	131-11-3		2,400	
Di-n-octyl phthalate	117-84-0		2,400	
Endothall	145-73-3		100	
Ethyl methacrylate	97-63-2		39	
2-Ethoxyethanol (Ethylene glycol monoethyl ether)	110-80-5		100	
Isobutyl alcohol	78-83-1		39	
Isosafrole	120-58-1		2,400	

Methyl ethyl ketone —(2-Butanone)	78-93-3			39	
Methyl methacrylate	80-62-6			39	
1,4-Naphthoquinone	130-15-4			2,400	
Phenol	108-95-2			2,400	
Propargyl alcohol —(2-Propyn-1-ol)	107-19-7			30	
Safrole	94-59-7			2,400	

10135 Sulfonated Organics:

Carbon disulfide	75-15-0			ND	39
Disulfoton	298-04-4			ND	2,400
Ethyl methanesulfonate	62-50-0			ND	2,400
Methyl methanesulfonate	66-27-3			ND	2,400
Phorate	298-02-2			ND	2,400
1,3-Propane sultone	1120-71-4			ND	100
Tetraethyldithiopyro- phosphate —(Sulfotepp)	3689-24-5			ND	2,400
Thiophenol —(Benzenethiol)	108-98-5			ND	30
O,O,O-Triethyl phosphorothioate	126-68-1			ND	2,400

10136 Nitrogenated Organics:

Acetonitrile (Methyl cyanide)	75-05-8			ND	39
2-Acetylaminofluorene (2- AAF)	53-96-3			ND	2,400
Acrylonitrile	107-13-1			ND	39
4-Aminobiphenyl	92-67-1			ND	2,400
4-Aminopyridine	504-24-5			ND	100
Aniline	62-53-3			ND	2,400
Benzidine	92-87-5			ND	2,400
Dibenz(a,j)acridine	224-42-0			ND	2,400
O,O-Diethyl O-pyrazinyl phosphorothioate —(Thionazin)	297-97-2			ND	2,400
Dimethoate	60-51-5			ND	2,400
p-(Dimethylamino)azo- benzene —(4-Dimethyl- aminoazobenzene)	60-11-7			ND	2,400
3,3'-Dimethylbenzidine	119-93-7			ND	2,400

αα-Dimethyl-phenethylamine	122-09-8			ND	2,400
3,3'-Dimethoxybenzidine	119-90-4			ND	100
1,3-Dinitrobenzene __ (m-Dinitrobenzene)	99-65-0			ND	2,400
4,6-Dinitro- <i>o</i> -cresol	534-52-1			ND	2,400
2,4-Dinitrophenol	51-28-5			ND	2,400
2,4-Dinitrotoluene	121-14-2			ND	2,400
2,6-Dinitrotoluene	606-20-2			ND	2,400
Dinoseb __(2- <i>sec</i> -Butyl 4,6-dinitrophenol)	88-85-7			ND	2,400
Diphenylamine	122-39-4			ND	2,400
Ethyl carbamate __(Urethane)	51-79-6			ND	100
Ethylenethiourea __ (2-Imidazolidinethione)	96-45-7			ND	110
Famphur	52-85-7			ND	2,400
Methacrylonitrile	126-98-7			ND	39
Methapyrilene	91-80-5			ND	2,400
Methomyl	16752-77-5			ND	57
2-Methylactonitrile __(Acetone cyanohydrin)	75-86-5			ND	100
Methyl parathion	298-00-0			ND	2,400
MNNG __ (N-Methyl-N-nitroso-N'-nitro-guanidine)	70-25-7			ND	110
1-Naphthylamine, __ (α-Naphthylamine)	134-32-7			ND	2,400
2-Naphthylamine, __ (β-Naphthylamine)	91-59-8			ND	2,400
Nicotine	54-11-5			ND	100
4-Nitroaniline, __ (p-Nitroaniline)	100-01-6			ND	2,400
Nitrobenzene	98-95-3			ND	2,400
p-Nitrophenol, __ 4-Nitrophenol	100-02-7			ND	2,400
5-Nitro- <i>o</i> -toluidine	99-55-8			ND	2,400
N-Nitrosodi- <i>n</i> -butylamine	924-16-3			ND	2,400
N-Nitrosodiethylamine	55-18-5			ND	2,400

N-Nitrosodiphenylamine, —(Diphenylnitrosamine)	86-30-6			ND	2,400
N-Nitroso-N-methyl- ethylamine	10595-95-6			ND	2,400
N-Nitrosomorpholine	59-89-2			ND	2,400
N-Nitrosopiperidine	100-75-4			ND	2,400
N-Nitrosopyrrolidine	930-55-2			ND	2,400
2-Nitropropane	79-46-9			ND	30
Parathion	56-38-2			ND	2,400
Phenacetin	62-44-2			ND	2,400
1,4-Phenylene diamine —(p-Phenylenediamine)	106-50-3			ND	2,400
N-Phenylthiourea	103-85-5			ND	57
2-Picoline __(α -Picoline)	109-06-8			ND	2,400
Propylthiouracil __ (6- Propyl-2-thiouracil)	51-52-5			ND	100
Pyridine	110-86-1			ND	2,400
Strychnine	57-24-9			ND	100
Thioacetamide	62-55-5			ND	57
Thiofanox	39196-18-4			ND	100
Thiourea	62-56-6			ND	57
Toluene 2,4-diamine —(2,4-Diaminotoluene)	95-80-7			ND	57
Toluene 2,6-diamine —(2,6-Diaminotoluene)	823-40-5			ND	57
o-Toluidine	95-53-4			ND	2,400
p-Toluidine	106-49-0			ND	100
1,3,5-Trinitrobenzene, —(sym-Trinitrobenzene)	99-35-4			ND	2,400

10137 Halogenated Organics:

Allyl chloride	107-5-1			ND	39
Aramite	140-57-8			ND	2,400
Benzal chloride —(Dichloromethyl benzene)	98-87-3			ND	100
Benzyl chloride	100-44-77			ND	100
bis(2-Chloroethyl)ether —(Dichloroethyl ether)	111-44-4			ND	2,400
Bromoform —(Tribromomethane)	75-25-2			ND	39

Bromomethane —(Methyl bromide)	74-83-9			ND	39
4-Bromophenyl phenyl ether —(p- Bromodiphenyl ether)	101-55-3			ND	2,400
Carbon tetrachloride	56-23-5			ND	39
Chlordane	57-74-9			ND	14
p-Chloroaniline	106-47-8			ND	2,400
Chlorobenzene	108-90-7			ND	39
Chlorobenzilate	510-15-6			ND	2,400
p-Chloro-m-cresol	59-50-7			ND	2,400
2-Chloroethyl vinyl ether	110-75-8			ND	39
Chloroform	67-66-3			ND	39
Chloromethane —(Methyl chloride)	74-87-3			ND	39
2-Chloronaphthalene —(β-Chlorophthalene)	91-58-7			ND	2,400
2-Chlorophenol —(o-Chlorophenol)	95-57-8			ND	2,400
Chloroprene —(2-Chloro-1,3- butadiene)	1126-99-8			ND	39
2,4-D —[2,4-Dichloro- phenoxyacetic acid	94-75-7			ND	7.0
Diallate	2303-16-4			ND	2,400
1,2-Dibromo-3-chloro- propane	96-12-8			ND	39
1,2-Dichlorobenzene —(o-Dichlorobenzene)	95-50-1			ND	2,400
1,3-Dichlorobenzene —(m-Dichlorobenzene)	541-73-1			ND	2,400
1,4-Dichlorobenzene —(p-Dichlorobenzene)	106-46-7			ND	2,400
3,3'-Dichlorobenzidine	91-94-1			ND	2,400
Dichlorodifluoromethane —(CFC-12)	75-71-8			ND	39
1,2-Dichloroethane —(Ethylene dichloride)	107-06-2			ND	39
1,1-Dichloroethylene —(Vinylidene chloride)	75-35-4			ND	39

Dichloromethoxy ethane —(bis(2-Chloroethoxy) methane)	111-91-1			ND	2,400
2,4-Dichlorophenol	120-83-2			ND	2,400
2,6-Dichlorophenol	87-65-0			ND	2,400
1,2-Dichloropropane —(Propylene dichloride)	78-87-5			ND	39
cis-1,3-Dichloropropylene	10061-01-5			ND	39
trans-1,3- Dichloropropylene	10061-02-6			ND	39
1,3-Dichloro-2-propanol	96-23-1			ND	30
Endosulfan I	959-98-8			ND	1.4
Endosulfan II	33213-65-9			ND	1.4
Endrin	72-20-8			ND	1.4
Endrin aldehyde	7421-93-4			ND	1.4
Endrin Ketone	53494-70-5			ND	1.4
Epichlorohydrin (1- —Chloro-2,3-epoxy propane)	106-89-8			ND	30
Ethylidene dichloride —(1,1-Dichloroethane)	75-34-3			ND	39
2-Fluoroacetamide	640-19-7			ND	100
Heptachlor	76-44-8			ND	1.4
Heptachlor epoxide	1024-57-3			ND	2.8
Hexachlorobenzene	118-74-1			ND	2,400
Hexachloro-1,3-butadiene —(Hexachlorobutadiene)	87-68-3			ND	2,400
Hexachlorocyclo- pentadiene	77-47-4			ND	2,400
Hexachloroethane	67-72-1			ND	2,400
Hexachlorophene	70-30-4			ND	59,000
Hexachloropropene —(Hexachloropropylene)	1888-71-7			ND	2,400
Isodrin	465-73-6			ND	2,400
Kepone —(Chlordecone)	143-50-0			ND	4,700
Lindane —(γ-Hexa- chlorocyclohexane) —(γ- BHC)	58-89-9			ND	1.4
Methylene chloride —(Dichloromethane)	75-09-2			ND	39

4,4'-methylene-bis(2-chloroaniline)	101-14-4			ND	100
Methyl iodide —(Iodomethane)	74-88-4			ND	39
Pentachlorobenzene	608-93-5			ND	2,400
Pentachloroethane	76-01-7			ND	39
Pentachloronitrobenzene —(PCNB) —(Quintobenzene) —(Quintozene)	82-68-8			ND	2,400
Pentachlorophenol	87-86-5			ND	2,400
Pronamide	23950-58-5			ND	2,400
Silvex —(2,4,5-Trichloro- phenoxypropionic acid)	93-72-1			ND	7.0
2,3,7,8-Tetrachloro- dibenzo-p-dioxin —(2,3,7,8-TCDD)	1746-01-6			ND	30
1,2,4,5-Tetrachlorobenzene	95-94-3			ND	2,400
1,1,2,2-Tetrachloroethane	79-34-5			ND	39
Tetrachloroethylene —(Perchloroethylene)	127-18-4			ND	39
2,3,4,6-Tetrachlorophenol	58-90-2			ND	2,400
1,2,4-Trichlorobenzene	120-82-1			ND	2,400
1,1,1-Trichloroethane —(Methyl chloroform)	71-55-6			ND	39
1,1,2-Trichloroethane (Vinyl trichloride)	79-00-5			ND	39
Trichloroethylene	79-01-6			ND	39
Trichlorofluoromethane —(Trichloromonofluoro- methane)	75-69-4			ND	39
2,4,5-Trichlorophenol	95-95-4			ND	2,400
2,4,6-Trichlorophenol	88-06-2			ND	2,400
1,2,3-Trichloropropane	96-18-4			ND	39
Vinyl Chloride	75-01-4			ND	39

10138

10139 Notes to Table:

10140

10141 "NA" means not applicable.

10142

10143 "ND" means nondetect.

10144

10145 Note 1 (to Total Organic Halogens as Cl): 25 (mg/kg at 10,000 Btu/lb) as organic halogen or as
10146 the individual halogenated organics listed in the table at the levels indicated.

10147

10148 (Source: Repealed at 42 Ill. Reg. _____, effective _____)

10149

10150 **Section 721.APPENDIX Z Table to Section 721.102: Recycled Materials That Are Solid**
 10151 **Waste**
 10152

10153 The following table lists the instances when a recycled secondary material is solid waste, based
 10154 on the type of secondary material and the mode of material management during recycling. This
 10155 table supports the requirements of the recycling provision of the definition of solid waste rule, at
 10156 Section 721.102(c).
 10157

10158

Table

	1	2	3	4
	Use constituting disposal	Burning for energy recovery or use to produce a fuel	Reclamation (except as provided in Section 721.104(a)(17), (a)(23), (a)(24), or (a)(27))	Speculative accumulation
Applicable Subsection of Section 721.102:	(c)(1)	(c)(2)	(c)(3)	(c)(4)
Spent materials	Yes	Yes	Yes	Yes
Sludges (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
Sludges exhibiting a characteristic of hazardous waste	Yes	Yes	No	Yes
By-products (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
By-products exhibiting a characteristic of hazardous waste	Yes	Yes	No	Yes
Commercial chemical products listed in Section 721.133	Yes	Yes	No	No

Scrap metal that is not excluded pursuant to Section 721.104(a)(13)	Yes	Yes	Yes	Yes
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10160

10161 Yes – Defined as a solid waste

10162 No – Not defined as a solid waste

10163

10164 BOARD NOTE: Derived from Table 1 to 40 CFR 261.2 (2017)(2010). The terms "spent materials," "sludges," "by-products," "scrap metal," and "processed scrap metal" are defined in Section 721.101.

10165

10166 (Source: Amended at 42 Ill. Reg. _____, effective _____)

10167

10168