

First Notice

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 314 AUTHORITY: Implementing Sections 7.2, 22.4, and 22.23e and authorized by Section 27 of the
 315 Environmental Protection Act [415 ILCS 5/7.2, 22.4, 22.23e, and 27].
 316
 317 SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14059, effective October 12, 1983; amended in
 318 R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136,
 319 effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986;
 320 amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill.
 321 Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August
 322 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in
 323 R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458,
 324 effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13,
 325 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at
 326 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654,
 327 effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991;
 328 amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg.
 329 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26,
 330 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-
 331 16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487,
 332 effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994;
 333 amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill.
 334 Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636,
 335 effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998;
 336 amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended
 337 in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at
 338 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective
 339 January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9833, effective June 20, 2000; expedited
 340 correction at 25 Ill. Reg. 5115, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26
 341 Ill. Reg. 6635, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3725, effective
 342 February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6009, effective April 13, 2005; amended in
 343 R05-2 at 29 Ill. Reg. 6365, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill.
 344 Reg. 3196, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 893,

345 effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12365, effective July 14,
346 2008; amended in R09-3 at 33 Ill. Reg. 1106, effective December 30, 2008; amended in R09-
347 16/R10-4 at 34 Ill. Reg. 18873, effective November 12, 2010; amended in R11-2/R11-16 at 35
348 Ill. Reg. 17965, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17773, effective
349 October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1724, effective January 12, 2015; amended
350 in R16-7 at 40 Ill. Reg. 11726, effective August 9, 2016; amended in R17-14/R17-15/R18-
351 12/R18-31 at 42 Ill. Reg. 22614, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg.
352 601, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5999, effective May 2,
353 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15347, effective September 3, 2020; amended in
354 R21-13, R22-13, R24-4 at 48 Ill. Reg. 9892, effective June 20, 2024; amended in R24-12 at 48
355 Ill. Reg. 17057, effective November 7, 2024; amended in R25-22 at 49 Ill. Reg. _____,
356 effective _____.

357
358 **SUBPART A: GENERAL PROVISIONS**

359
360 **Section 724.101 Purpose, Scope, and Applicability**

- 361
362 a) This Part establishes minimum standards that define the acceptable management
363 of hazardous waste.
364
365 b) The standards in this Part apply to owners and operators of all facilities that treat,
366 store, or dispose of hazardous waste, except as specifically provided otherwise in
367 this Part or 35 Ill. Adm. Code 721.
368
369 c) This Part applies to a person disposing of hazardous waste by means of ocean
370 disposal subject to a permit issued under the federal Marine Protection, Research
371 and Sanctuaries Act (33 USC 1401 et seq.) only to the extent they are included in
372 a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code
373 703.141. A "RCRA permit" is a permit required by Section 21(f) of the
374 Environmental Protection Act and 35 Ill. Adm. Code 703.121.

375
376 BOARD NOTE: This Part does apply to the treatment or storage of hazardous
377 waste before it is loaded onto an ocean vessel for incineration or disposal at sea.
378

- 379 d) This Part applies to a person disposing of hazardous waste by means of
380 underground injection subject to a permit issued by the Agency under Section
381 12(g) of the Act only to the extent they are required by Subpart F of 35 Ill. Adm.
382 Code 704.
383

384 BOARD NOTE: This Part does apply to the above-ground treatment or storage
385 of hazardous waste before it is injected underground.
386

- 387 e) This Part applies to the owner or operator of a POTW (publicly owned treatment

388 works) that treats, stores, or disposes of hazardous waste only to the extent
389 included in a RCRA permit by rule granted to such a person under 35 Ill. Adm.
390 Code 703.141.

391
392 f) This subsection (f) corresponds with 40 CFR 264.1(f), which provides that the
393 federal regulations do not apply to T/S/D activities in authorized states, except
394 under limited, enumerated circumstances. This statement maintains structural
395 consistency with USEPA rules.

396
397 g) This Part does not apply to the following:

398
399 1) The owner or operator of a facility permitted by the Agency under Section
400 21 of the Act to manage municipal or industrial solid waste, if the only
401 hazardous waste the facility treats, stores, or disposes of is excluded from
402 regulation under this Part by 35 Ill. Adm. Code 722.114.

403
404 BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm.
405 Code 807 and may have to have a supplemental permit under 35 Ill. Adm.
406 Code 807.210.

407
408 2) The owner or operator of a facility managing recyclable materials
409 described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the
410 extent that requirements of this Part are referred to in Subpart C, F, G, or
411 H of 35 Ill. Adm. Code 726 or 35 Ill. Adm. Code 739).

412
413 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm.
414 Code 722.114, 722.115, 722.116, 722.117, or 722.Subpart K or L.

415
416 4) A farmer disposing of waste pesticides from the farmer's own use in
417 compliance with 35 Ill. Adm. Code 722.170.

418
419 5) The owner or operator of a totally enclosed treatment facility, as defined
420 in 35 Ill. Adm. Code 720.110.

421
422 6) The owner or operator of an elementary neutralization unit or a
423 wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110,
424 provided that if the owner or operator is diluting hazardous ignitable
425 (D001) wastes (other than the D001 High TOC Subcategory defined in
426 Table T to 35 Ill. Adm. Code 728) or reactive (D003) waste to remove the
427 characteristic before land disposal, the owner or operator must comply
428 with the requirements set out in Section 724.117(b).

429
430 7) This subsection (g)(7) corresponds with 40 CFR 264.1(g)(7), reserved by

- 431 USEPA. This statement maintains structural consistency with USEPA
432 rules.
433
- 434 8) Immediate Response
435
- 436 A) Except as provided in subsection (g)(8)(B), a person engaged in
437 treatment or containment activities during immediate response to
438 any of the following situations:
439
- 440 i) A discharge of a hazardous waste;
441
- 442 ii) An imminent and substantial threat of a discharge of
443 hazardous waste;
444
- 445 iii) A discharge of a material that becomes a hazardous waste
446 when discharged; or
447
- 448 iv) An immediate threat to human health, public safety,
449 property, or the environment from the known or suspected
450 presence of military munitions, other explosive material, or
451 an explosive device, as determined by an explosives or
452 munitions emergency response specialist as defined in 35
453 Ill. Adm. Code 720.110.
454
- 455 B) An owner or operator of a facility otherwise regulated by this Part
456 must comply with all applicable requirements of Subparts C and D.
457
- 458 C) Any person that is covered by subsection (g)(8)(A) and that
459 continues or initiates hazardous waste treatment or containment
460 activities after the immediate response is over is subject to all
461 applicable requirements of this Part and 35 Ill. Adm. Code 702,
462 703, and 705 for those activities.
463
- 464 D) In the case of an explosives or munitions emergency response, if a
465 federal, State, or local official acting within the scope of his or her
466 official responsibilities or an explosives or munitions emergency
467 response specialist determines that immediate removal of the
468 material or waste is necessary to adequately protect human health
469 or the environment, that official or specialist may authorize the
470 removal of the material or waste by transporters that do not have
471 USEPA identification numbers and without the preparation of a
472 manifest. In the case of emergencies involving military munitions,
473 the responding military emergency response specialist's

474 organizational unit must retain records for three years identifying
475 the dates of the response, the responsible persons responding, the
476 type and description of material addressed, and its disposition.
477

478 9) A transporter storing manifested shipments of hazardous waste in
479 containers meeting 35 Ill. Adm. Code 722.130 at a transfer facility for a
480 period of ten days or less.
481

482 10) The addition of absorbent materials to waste in a container (as defined in
483 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a
484 container, provided these actions occur at the time waste is first placed in
485 the container, and Sections 724.117(b), 724.271, and 724.272 are
486 complied with.
487

488 11) A universal waste handler or universal waste transporter (as defined in 35
489 Ill. Adm. Code 720.110) that handles any of the wastes listed below is
490 subject to regulation under 35 Ill. Adm. Code 733 when handling the
491 following universal wastes:
492

493 A) Batteries, as described in 35 Ill. Adm. Code 733.102;
494

495 B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
496

497 C) Mercury-containing equipment, as described in 35 Ill. Adm. Code
498 733.104;
499

500 D) Lamps, as described in 35 Ill. Adm. Code 733.105; ~~and~~
501

502 E) Aerosol cans, as described in 35 Ill. Adm. Code 733.106; ~~and~~;
503

504 F) [Paint and paint-related wastes, as described in 35 Ill. Adm. Code](#)
505 [733.107.](#)
506

507 12) This subsection (g)(12) corresponds with 40 CFR 264.1(g)(12), which
508 applies only to a facility outside Illinois. This statement maintains structural
509 consistency with the corresponding USEPA rule.
510

511 13) A reverse distributor accumulating potentially creditable hazardous waste
512 pharmaceuticals and evaluated hazardous waste pharmaceuticals, as
513 defined in 35 Ill. Adm. Code 726.600. A reverse distributor is subject to
514 regulation under Subpart P of 35 Ill. Adm. Code 726 instead of this Part
515 for the accumulation of potentially creditable hazardous waste
516 pharmaceuticals and evaluated hazardous waste pharmaceuticals.

- 517
518 h) This Part applies to owners and operators of facilities that treat, store, or dispose
519 of hazardous wastes referred to in 35 Ill. Adm. Code 728.
520
- 521 i) 35 Ill. Adm. Code 726.505 identifies when this Part applies to the storage of
522 military munitions classified as solid waste under 35 Ill. Adm. Code 726.302.
523 The treatment and disposal of hazardous waste military munitions are subject to
524 the applicable permitting, procedural, and technical standards in 35 Ill. Adm.
525 Code 702, 703, 705, 720 through 728, and 738.
526
- 527 j) Subparts B, C, and D and Section 724.201 do not apply to remediation waste
528 management sites. (However, some remediation waste management sites may be
529 a part of a facility that is subject to a traditional RCRA permit because the facility
530 is also treating, storing, or disposing of hazardous wastes that are not remediation
531 wastes. In these cases, Subparts B, C, and D, and Section 724.201 do apply to the
532 facility subject to the traditional RCRA permit.) Instead of Subparts B, C, and D,
533 the owner or operator of a remediation waste management site must comply with
534 the following requirements:
535
- 536 1) The owner or operator must obtain a USEPA identification number by
537 applying to the Agency using Notification of RCRA Subtitle C Activities
538 (Site Identification Form) (USEPA Form 8700-12), as described in
539 Section 724.111;
540
- 541 BOARD NOTE: USEPA Form 8700-12 is available from the Agency,
542 Bureau of Land (217-782-6762). It is also available on-line for download
543 in PDF file format: [www.epa.gov/hwgenerators/instructions-and-form-](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and)
544 [hazardous-waste-generators-transporters-and-treatment-storage-and](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and).
545
- 546 2) The owner or operator must obtain a detailed chemical and physical
547 analysis of a representative sample of the hazardous remediation wastes to
548 be managed at the site. At a minimum, the analysis must contain all of the
549 information that must be known to treat, store, or dispose of the waste
550 according to this Part and 35 Ill. Adm. Code 728, and the owner or
551 operator must keep the analysis accurate and up to date;
552
- 553 3) The owner or operator must prevent people who are unaware of the danger
554 from entering the site, and the owner or operator must minimize the
555 possibility for unauthorized people or livestock entering onto the active
556 portion of the remediation waste management site, unless the owner or
557 operator can demonstrate the following to the Agency:
558
- 559 A) That physical contact with the waste, structures, or equipment

- 560 within the active portion of the remediation waste management site
561 will not injure people or livestock that may enter the active portion
562 of the remediation waste management site; and
563
- 564 B) That disturbance of the waste or equipment by people or livestock
565 that enter onto the active portion of the remediation waste
566 management site will not cause a violation of the requirements of
567 this Part;
568
- 569 4) The owner or operator must inspect the remediation waste management
570 site for malfunctions, deterioration, operator errors, and discharges that
571 may be causing or may lead to a release of hazardous waste constituents to
572 the environment or a threat to human health. The owner or operator must
573 conduct these inspections often enough to identify problems in time to
574 correct them before they harm human health or the environment, and the
575 owner or operator must remedy the problem before it leads to a human
576 health or environmental hazard. If a hazard is imminent or has already
577 occurred, the owner or operator must immediately take remedial action;
578
- 579 5) The owner or operator must provide personnel with classroom or on-the-
580 job training on how to perform their duties in a way that ensures the
581 remediation waste management site complies with this Part, and on how to
582 respond effectively to emergencies;
583
- 584 6) The owner or operator must take precautions to prevent accidental ignition
585 or reaction of ignitable or reactive waste, and the owner or operator must
586 prevent threats to human health and the environment from ignitable,
587 reactive, and incompatible waste;
588
- 589 7) For remediation waste management sites subject to regulation under
590 Subparts I through O and Subpart X, the owner or operator must design,
591 construct, operate, and maintain a unit within a 100-year floodplain to
592 prevent washout of any hazardous waste by a 100-year flood, unless the
593 owner or operator can meet the requirements of Section 724.118(b);
594
- 595 8) The owner or operator must not place any non-containerized or bulk liquid
596 hazardous waste in any salt dome formation, salt bed formation,
597 underground mine, or cave;
598
- 599 9) The owner or operator must develop and maintain a construction quality
600 assurance program for all surface impoundments, waste piles, and landfill
601 units that are required to comply with Sections 724.321(c) and (d),
602 724.351(c) and (d), and 724.401(c) and (d) at the remediation waste

603 management site, according to Section 724.119;

604

605 10) The owner or operator must develop and maintain procedures to prevent
606 accidents and a contingency and emergency plan to control accidents that
607 occur. These procedures must address proper design, construction,
608 maintenance, and operation of remediation waste management units at the
609 site. The goal of the plan must be to minimize the possibility of, and the
610 hazards from, a fire, explosion, or any unplanned sudden or non-sudden
611 release of hazardous waste or hazardous waste constituents to air, soil, or
612 surface water that could threaten human health or the environment. The
613 plan must explain specifically how to treat, store, and dispose of the
614 hazardous remediation waste in question, and must be implemented
615 immediately whenever a fire, explosion, or release of hazardous waste or
616 hazardous waste constituents occurs that could threaten human health or
617 the environment;

618

619 11) The owner or operator must designate at least one employee, either on the
620 facility premises or on call (that is, available to respond to an emergency
621 by reaching the facility quickly), to coordinate all emergency response
622 measures. This emergency coordinator must be thoroughly familiar with
623 all aspects of the facility's contingency plan, all operations and activities at
624 the facility, the location and characteristics of waste handled, the location
625 of all records within the facility, and the facility layout. In addition, this
626 person must have the authority to commit the resources needed to carry
627 out the contingency plan;

628

629 12) The owner or operator must develop, maintain, and implement a plan to
630 meet the requirements in subsections (j)(2) through (j)(6) and (j)(9)
631 through (j)(10); and

632

633 13) The owner or operator must maintain records documenting compliance
634 with subsections (j)(1) through (j)(12).

635

636 (Source: Amended at 49 Ill. Reg. _____, effective _____)