

ILLINOIS POLLUTION CONTROL BOARD

July 10, 2025

IN THE MATTER OF:)
)
STANDARDS FOR UNIVERSAL WASTE) R25-22
MANAGEMENT) (Rulemaking - Land)
(35 ILL. ADM. CODE PARTS 703, 720, 721,)
724, 725, 728, and 733))

Proposed Rule. Second Notice.

OPINION AND ORDER OF THE BOARD (by M. Gibson):

The Board today proceeds to second notice with amendments adding paint and paint-related waste to the Board's universal hazardous waste regulations. On March 3, 2025, the Illinois Environmental Protection Agency (IEPA or Agency) filed a proposal amending the Board's universal hazardous waste regulations under 35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, and 733 to comply with the Paint Stewardship Act (Public Act 103-887), which became effective on January 1, 2025.

After conducting two public hearings, receiving comments, and considering the entire record, the Board issues its second notice opinion and order in compliance with the Illinois Administrative Procedure Act (5 ILCS 100/5-40(c) (2024)). This opinion begins with the procedural history of this rulemaking docket (page _). It then summarizes the regulatory background (pages _- _). Next, the Board provides a discussion of the two main issues raised by the American Coatings Association. This is followed by general questions about the proposal and a section-by-section summary, which includes discussion of other issues raised by the participants, and the Board's findings on those issues and related changes to the rule language (pages _- _). The Board then addresses the technical feasibility and economic reasonableness of its second-notice proposal (pages _- _). Finally, the Board reaches its conclusion to submit the proposed rules to the Joint Committee on Administrative Rules (JCAR) for second notice review and issues its order.

PROCEDURAL HISTORY

On March 3, 2025, IEPA filed its rulemaking proposal. Accompanying the proposal were documents including IEPA's Statement of Reason's (SR) and Technical Support Document (TSD) and its proposed rules (Prop.).

On March 20, 2025, the Board accepted the proposal for hearing without commenting on its substantive merits and submitted the proposal for first-notice publication in the *Illinois Register*. See 49 Ill. Reg. 5114, 5124, 5162, 5172, 5192, 5210, 5220 (Apr. 18, 2025).

Also on March 20, 2025, the Board requested that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of IEPA's proposal by April 30, 2025. *See* 415 ILCS 5/27(b) (2024). The Board did not receive a response to its request.

On April 1, 2025, IEPA pre-filed the testimony of Kyle Rominger (IEPA Test.). On April 11, 2025, American Coatings Association (ACA) pre-filed the testimony of Suzanne Chang (ACA Test.).

On April 8, 2025, the Board received pre-filed questions for IEPA's witness from the Illinois Attorney General's Office (AG) (AG Questions). On April 10, 2025, a Board hearing officer order submitted questions to IEPA's witness (Board Questions.1). On April 16, 2025, IEPA pre-filed answers to the AG's pre-filed questions (IEPA Resps.1). Also on April 16, 2025, IEPA pre-filed answers to the Board's pre-filed questions (IEPA Resps.2).

The Board held the first hearing as scheduled on April 16, 2025, and received the transcript (Tr.1) on April 21, 2025. Also on April 21, 2025, IEPA filed a revised response to the Board's question 10 (IEPA Resps.3).

On May 15, 2025, the Board received pre-filed questions for ACA's witness from IEPA (IEPA Questions). Also on May 15, 2025, a Board hearing officer order submitted questions to ACA's witness (Board Questions.2).

The Board held the second hearing as scheduled on May 20, 2025, and received the transcript (Tr.2) on May 23, 2025.

On May 23, 2025, a Board hearing officer order set a May 28, 2025 deadline for ACA's written responses to IEPA and the Board's pre-filed questions, set a June 3, 2025 deadline for follow-up questions to ACA's written responses, and set the public comment deadline as June 11, 2025.

On May 28, 2025, ACA filed answers to IEPA's pre-filed questions (ACA Resps.1). Also on May 28, 2025, ACA filed answers to the Board's pre-filed questions (ACA Resps.2).

On June 3, 2025, a Board hearing officer order submitted follow-up questions to ACA (Board Questions.3). On June 11, ACA filed answers to the Board's follow-up questions (ACA Resps.3).

BACKGROUND FOR REGULATING PAINT AND PAINT-RELATED WASTE AS UNIVERSAL WASTE

Paint Stewardship Act (Public Act 103-372)

Public Act 103-372, effective January 1, 2024, created the Paint Stewardship Act, which "requires manufacturers of architectural paint sold at retail in the State of Illinois to establish and operate a post-consumer paint stewardship program." SR at 1. PaintCare operates stewardship

programs on behalf of the paint industry in several other states and is the anticipated paint manufacturer representative for the proposed program in Illinois. *Id.*

PaintCare wants to include oil-based architectural paint, “which is regulated as hazardous waste due to its ignitability.” SR at 2. PaintCare wants to collect oil-based paint both from households and businesses. *Id.* Section 22.55 of the Environmental Protection Act (Act) and the Household Hazardous Waste Collection Program Act allow collecting oil-based paint from households, but collecting that paint from businesses “would require the collection sites to obtain a hazardous waste permit and local siting approval.” *Id.* To alleviate the regulatory burden of collecting oil-based paint from businesses, the General Assembly passed Senate Bill 839, which allows this paint to be managed as universal waste. *Id.* On August 9, 2024, the Governor signed Senate Bill 839 into law as Public Act 103-887, effective January 1, 2025.

P.A. 103-887 added Section 22.23e to the Act, which requires that, within 60 days of the effective date of the Public Act, IEPA must propose to the Board rules for management of paint and paint-related waste as universal waste. Within 180 days after receiving the proposal from IEPA, the Board must adopt rules. 415 ILCS 5/22.23e(b)(1); P.A. 103-887. The Board’s statutory adoption deadline is Tuesday, September 2, 2025.

IEPA Proposal

IEPA stated that universal waste management is material-specific and only applies to the wastes specified in the universal waste rules. SR at 2. The Board’s universal waste rules currently apply to “batteries, pesticides, mercury-containing equipment, lamps, certain household wastes, and certain very small quantity generator (VSQG) wastes.” *Id.* According to IEPA, “the universal waste rules are structured in a way that allows new wastes to be added with minimal difficulty.” *Id.* IEPA’s proposed amendments add paint and paint-related waste (PPRW) to the list of wastes in the universal waste rules and make PPRW subject to the requirements of the other designated universal wastes. *Id.* at 3.

IEPA notes that in December 2024 it shared a draft of the rulemaking proposal with interested parties including “PaintCare, the Chemical Industry Council of Illinois, the Illinois Product Stewardship Council, the Illinois Recycling Association, the National Waste and Recycling Association, the Illinois Manufacturers Association, the Illinois Retail Merchants Association, the Illinois Environmental Regulatory Group, and the Illinois Environmental Council.” SR at 3. IEPA reports that it received several comments and questions about its draft proposal, in response to which it revised its proposal. *Id.*

DISCUSSION

General Clarifications and Simplifications

The Board’s second-notice proposal revises IEPA’s original proposal in several ways intended to be non-substantive clarifications and simplifications. The discussion below of these revisions is not intended to be exhaustive, and the Board does not specifically discuss each of them in this opinion.

Issues Raised by American Coatings Association

ACA asked the Board to provide exceptions for small quantity handlers at retail sites that serve as drop-off/collection sites for universal waste paint under an approved paint stewardship program from the proposed 50-foot setback requirements under Section 733.113(f)(4), and the notification requirement at Section 733.118(g), which is applicable if those sites receive a shipment containing hazardous waste that is not a universal waste. ACA also requested an exception from the notification requirement at Section 733.161(c) for destination facilities that receive a shipment containing hazardous waste that is not universal waste.

For reasons discussed below, the Board provides narrowly tailored exemptions for small quantity handlers at retail sites that serve as drop-off/collection sites for universal waste paint under approved paint stewardship program from the proposed 50-foot setback requirements under Section 733.113(f)(4) as well as the notification requirement at Section 733.118(g). However, the Board declines to include an exemption from the notification requirement under Section 733.161(c) for destination facilities.

Exemption from the Setback Requirement

In its pre-filed testimony, ACA requested that the Board provide an exemption from the 50-foot setback requirement at Section 733.113(f)(4)(A) “for small quantity handlers of universal waste paint or paint-related waste for retail locations participating as voluntary drop-off/collection sites” under the approved paint stewardship program plan. ACA Test. at 1-2. As proposed, Section 733.13(f)(4)(A) requires a small quantity handler of universal waste to locate containers holding ignitable universal waste paint or paint-related waste at least 50 feet from the facility property line, unless the handler obtains written approval for an allowance from the setback by an authority having jurisdiction over the local fire code. ACA stated that the setback requirement would severely hinder PaintCare’s ability to recruit retail locations to voluntarily serve as convenient drop-off and collection sites for leftover paint. *Id.* at 1. In this section, the Board first summarizes the operation of the drop-off/collection sites before discussing the 50-foot setback exemption.

Drop-Off and Collection Sites

ACA described the paint collection process at retail sites by first clarifying that “‘drop-off’ and ‘collection’ sites mean the same retail location.” ACA Resps.2 at 1. Next, ACA explained how a typical retail PPRW drop off/collection site operates under PaintCare program. ACA stated that “PaintCare will collect post-consumer architectural paints, including latex (also referred to as water-based paint) and universal paint (oil-based paint), ***not universal paint-related wastes.***” *Id.* (Emphasis added). All paint drop-off sites must “have an agreement in place with PaintCare, follow PaintCare’s operational requirements, and operate in accordance with all applicable laws.” *Id.* ACA also stated that “PaintCare offers onsite training and a training binder for all drop-off sites. The binder includes . . . site guidelines . . . , identification of program products, safe handling and storage of program products, and procedures for scheduling a paint pick-up.” *Id.*

According to ACA, retail sites must only accept “architectural paint in sealed, non-leaking containers with original manufacturer labels.” ACA Resps.2 at 1. ACA stated that drop-off/collection sites are “instructed and trained to screen for non-program products. If any non-program products are received, PaintCare requires its transporters and processors to appropriately manage such products in accordance with applicable law.” *Id.* ACA also stated that the “drop-off site must be equipped with appropriate emergency response equipment (e.g., fire extinguisher, spill kit, and PPE), and post emergency procedures and emergency contact numbers including police, fire department, and emergency services by a phone and in close proximity to the collection bins.” *Id.* Bins must be “kept in a secure location, away from ignition sources, storm drains, and floor drains, in a well-ventilated area and where the public do not have access to the collection bins.” *Id.*

ACA stated that the “standard set up at retail drop-off/collection sites is roughly two cubic-yard collection bins, which each holds approximately 100 gallons of architectural paint.” ACA Resps.2 at 2. According to ACA universal paint is “only expected to make up about 20% of all paint collected based on PaintCare programs in other jurisdictions; the remainder is non-hazardous latex paint.” *Id.* Additionally, ACA stated that “PaintCare requires its transporters to provide service to paint drop-off sites on an on-call basis or on a set schedule. Once a site requests service, transporters are typically required to provide service to drop-off sites within five days in urban areas and ten days in rural areas.” *Id.* ACA also confirmed that universal waste paint “cannot be stored longer than a year.” *Id.*

50-Foot Setback Exemption

As an initial matter, ACA stated that it and PaintCare are “only seeking an exemption from the 50-foot setback requirement at Section 733.113(f)(4)(A) as it applies to small quantity handlers at retail locations serving as a drop-off/collection site.” ACA Resps.2 at 2. ACA noted that the drop-off/collection sites include local government municipal organizations and retail sites that are familiar with and already selling paint. Tr.2 at 9, 31. According to ACA, retail sites include paint stores and construction material stores. *Id.* ACA is specifically concerned with the 50-foot setback requirement for small retailers located in densely populated areas like those in Chicago. Tr.2 at 25.

Given the 50-foot setback is intended for fire safety, the Board asked ACA to describe the “provisions of an approved paint stewardship program plan that address fire safety requirements that are not already covered under the proposed rules.” ACA Resps.2 at 2. ACA explained that, under the stewardship plan, the drop-off sites must “be equipped with appropriate emergency response equipment; post emergency procedures and emergency contact numbers by a phone and in close proximity to the collection bins; bins are to be kept in a secure location, away from ignition sources, storm drains, and floor drains, in a well-ventilated area and where the public do not have access to.” *Id.* Additionally, ACA stated that “PaintCare products must be immediately placed in the collection bin and collection bins must remain closed except when adding products.” *Id.* ACA also submitted a full copy of the program plan, which includes the detailed requirements for drop-off sites. *Id.* at 3.

Additionally, ACA clarified that while 80% of paint accepted by PaintCare at all drop-off sites is latex-based (non-ignitable), only about 20% is oil-based (ignitable) ACA Resps.2 at 3. Further, ACA asserted that the Paint Stewardship Act “requires the program to collect all architectural paint, including both latex and oil-based paint, and meet convenience criteria.” *Id.* Therefore, ACA argued that it would be unreasonable to require a retail drop-off/collection site to accept only non-ignitable universal waste paint. *Id.* Finally, ACA stated that requiring collection of only non-ignitable paint would “only add confusion into the program; confusion for consumers, for business consumers, confusion for retailers that are trying to implement this program.” Tr.2 at 29.

Regarding the proposed allowance of obtaining written approval from the authority having jurisdiction over the local fire code to avoid the 50-foot setback requirement, ACA stated that the allowance is “unworkable for retail drop-off/collection sites.” ACA Resps.2 at 3. According to ACA, this “allowance process” places “an unnecessary burden on both the retail store as well as the local municipal services” and there is no guarantee that an allowance will be granted. *Id.* ACA believes that any additional paperwork burden is going to be a “significant disincentive” for the retailers. Tr.2 at 30. Further, ACA stated that “the PaintCare program must have a minimum of 256 sites” to meet convenience and any additional barriers will “decrease the number of sites that voluntarily participate in the program and ultimately result in reduced convenience for residents of Illinois.” *Id.* ACA clarified that PaintCare determined the minimum number of sites based on “geospatial mapping software, U.S. Census Bureau population data, and data on the location of potential program partners (e.g., drop-off/collection sites at paint retailers). ACA Resps.3 at 1.

Finally, ACA asserted that an “alternate setback distance like a 50-foot setback from the nearest building or residence would not be acceptable” because it would deter drop-off/collection sites from participating in the program. *Id.* According to ACA, regardless of “whether the 50-foot setback requirement is from the property line or the nearest building or residence, retail sites with a small footprint may not be able to meet either setback requirement.” *Id.* Moreover, ACA stated that “retail sites already have this type of material on their retail shelves.” *Id.* Most of the collection sites in PaintCare’s program already sell paint and 20% of their sales are solvent paint. Tr.2 at 31. Thus, they are already familiar with this commodity and know how to manage it. *Id.*

ACA proposed the following revision to Section 733.113(f)(4) in the Agency’s proposal to exempt retail drop-off/collection sites from the 50-foot setback requirement:

A small quantity handler of universal waste must locate containers holding ignitable universal waste paint or paint-related waste at least 50 feet from the facility property line, unless the small quantity handler obtains written approval from the authority having jurisdiction over the local fire code to allow ignitable universal waste paint or paint-related waste to be located within 50 feet of the facility property line. The small quantity handler must maintain a record of the written approval as long as universal waste paint or paint-related waste is located within 50 feet of the facility property line. Retail sites participating as a drop-off/collection site under an approved Paint Stewardship program plan are exempt from the 50-foot setback requirement for small quantity handlers.

A small quantity handler of universal waste must take precautions to prevent accidental ignition of universal waste paint or paint-related waste. The small quantity handler must separate and protect universal waste paint and paint-related waste from sources of ignition, including, but not limited to, the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), or radiant heat. While handling universal waste paint or paint-related waste, the small quantity handler must confine smoking and open flames to specifically designated locations. The small quantity handler must conspicuously place “No Smoking” signs wherever there is an ignitability hazard from universal waste paint or paint-related waste. ACA Resps.2 at 5.

Board discussion and finding. The Board notes that the Agency proposed the 50-foot setback from the property line requirement under Section 733.113(f)(4) to address fire safety concerns associated with ignitable paint or paint-related waste. Other than noting that Section 733.113(f)(4) is based on provisions of “the Generator Improvement Rules” and includes some changes suggested by the Solid Waste Agency of Lake County, the Agency has not addressed ACA’s concerns regarding that requirement. TSD at 5 (Prop. at 14). While the Board recognizes the need for fire safety at sites where ignitable wastes are managed, ACA raised valid concerns regarding the applicability of the 50-foot setback requirement for small quantity handlers of universal waste paint at retail drop-off/collection sites.

First, the Board notes that even without the setback requirement, the retail collection sites will have to comply with the Paint Stewardship Program Plan, which addresses fire safety measures like having emergency response equipment on site, provisions of emergency procedures and emergency contact numbers, and requirements for collection bin placement for safe storage of collected paint. Second, the Board notes that ignitable paint accounts for less than 20% of the paint collected at the sites and no paint-related wastes are collected at retail sites. Next, as noted by ACA, retail sites in the collection program already sell paints, including oil-based paints that pose the same risk of fire as the ignitable paint collected under the stewardship program. Finally, the Board agrees with ACA that requiring retail sites to comply with the 50-foot setback or the allowance approval provision would hinder PaintCare’s ability to recruit enough retail locations to voluntarily participate for successful implementation of the program.

For these reasons, the Board finds that a narrowly tailored exemption from the setback or the allowance requirement under Section 733.113(f)(4) is warranted for small quantity handlers of universal waste at retail sites participating as a drop-off or collection site for universal waste paint under an approved Paint Stewardship program plan. The Board adds the following revisions to Section 733.113(f)(4)(A) and (D):

- 4) Ignitable universal waste paint or paint-related waste.
 - A) Except for subsection (f)(4)(D), a small quantity handler of universal waste must locate containers holding ignitable universal waste paint or paint-related waste at least 50 feet from the facility property line, unless the small quantity

handler obtains written approval from the authority having jurisdiction over the local fire code to allow ignitable universal waste paint or paint-related waste to be located within 50 feet of the facility property line. The small quantity handler must maintain a record of the written approval as long as universal waste paint or paint-related waste is located within 50 feet of the facility property line.

D) A small quantity handler of universal waste at a retail site participating as a drop-off or collection site for universal waste paint under an approved Paint Stewardship program plan is exempt from subsection (f)(4)(A).

Exemption from the Notification Requirements

In its pre-filed testimony, ACA requested that the Board reconsider the notification requirements that apply “when hazardous waste that is not universal waste has been either unintentionally or intentionally dropped off at a retail location participating in the program.” ACA Test. at 2. Specifically, ACA clarified that it is seeking an exemption from the notification requirements that apply to the small quantity retail drop-off/collection sites (Section 733.118(g)) and destination facilities (Section 733.161(c)). ACA Resps.2 at 4. Section 733.118(g) requires small quantity handlers of universal waste that receive hazardous waste that is not a universal waste to notify IEPA. Section 733.161(c) requires destination facilities that receive hazardous waste that is not universal waste to notify IEPA. ACA asserts that these “notification requirements will deter retail location[s] from participating in the program as a drop-off/collection site.” *Id.*

ACA explained that while the notification requirements under Sections 733.118(g) and 733.161(c) are part of the existing rules that apply generally to universal waste (batteries, pesticides, mercury-containing equipment, lamps, and aerosol cans), these requirements deter retail participation for collection of paint and paint-related waste at retail sites. This is because retail sites’ “participation in the program is voluntary” and “additional requirements deter retail participation in the program.” *Id.* Further, ACA asserted that retail participation in the program is necessary to “run a successful program in Illinois and meet the convenience criteria requirements.” *Id.*

Additionally, ACA noted paint is different than other easily recognizable universal waste like batteries, pesticides, mercury-containing equipment, lamps, and aerosols because “there are a lot of different products that could be mistaken as paint” and “it’s very possible to misidentify paint.” Tr.2 at 35. ACA argued that their retail network is absolutely important to meet the convenience requirements. *Id.*

Notification requirement for retail sites (Section 733.118(g)). ACA noted that “if retail location sites . . . are going to be required to notify if any non program product comes in, that’s going to add responsibilities for their employees, for their staffs that currently don’t exist.” Tr. at 40. ACA further clarified that it “is not requesting an exemption for all destination

facilities, but only those that are accepting paint from an approved paint stewardship program. *Id.*

ACA explained that small quantity handlers “at retail drop-off/collection sites are trained to identify and reject non-program products.” ACA Resps.2 at 4. ACA noted that “PaintCare’s transporters and downstream processors are required to manage non-program products in accordance with the law. The transportation provider and downstream processor must also notify PaintCare when non-program products are collected.” *Id.* at 5. ACA also stated that, if collection of non-program products becomes prevalent, PaintCare may: “(1) contact the site to let them know about the incident, (2) provide additional/refresher training on identification of program and non-program products, or (3) in extreme cases, remove the site from the program.” *Id.*

ACA further explained that a collection site is supposed to see whether the item is on the list of products PaintCare receives or on the list of products PaintCare doesn’t receive. Tr.2 at 14-15. ACA stated that each retail location is trained and given extensive training material telling how to recognize program products and the collection site is “instructed to tell the consumer that they need to take that [non-program products (NPP)] to a household hazardous waste facility or event.” *Id.*

Regarding quantity of NPP collected, ACA responded that occasionally sites “inadvertently accept some non-program products. However, the total volume of NPP received within a year across all programs and all drop-off site types . . . is less than 1% of the total collected volume.” ACA Resps.1 at 2. ACA noted that “292 retailer drop-off sites participating in PaintCare’s program in New York collected 7.4 million pounds of paint in 2023, while NPP only amounted to 4,216. Of those 4,216 pounds, significantly less is likely to be hazardous waste.” *Id.*

Finally, ACA noted that retail drop-off/collection sites serving as “PaintCare service providers are required to provide a report of the NPP sorted from co-mingled latex and oil-based collection bins.” ACA Resps.1 at 2. ACA stated that “NPP can be recyclables or trash (e.g., empty containers, joint compound, soaps & other surface cleaners, etc.), non-architectural universal waste paints (e.g., aerosol coatings, marine paint, chalkboard paint, etc.), or hazardous waste (e.g., paint strippers, paint thinners, spirits, etc.).” *Id.* ACC noted that the reports PaintCare receives “categorizes the NPP into 16 different item types” but do not “distinguish hazardous from non-hazardous NPP.” *Id.*

ACA provided the following proposed revisions to Section 733.118(g) for exempting small quantity handlers of universal paint and paint-related waste from notification requirements:

If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must either (1) immediately notify the Agency (Bureau of Land, Illinois EPA, 1021 North Grand Avenue East, Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Agency will provide instructions for managing the

hazardous waste; or (2) abide by the procedures set forth in an approved Paint Stewardship program plan. ACA Resps.2 at 6.

Board discussion and finding. The Board agrees with ACA regarding the exemption from the notification requirement at Section 733.118(g) for small quantity handlers of universal waste receiving a shipment containing hazardous waste that is not a universal waste. However, the Board is not persuaded that a similar exemption should be provided to destination facilities receiving a shipment containing hazardous waste that is not a universal waste at Section 733.161(c).

Given that the data from other states indicate that the receipt of hazardous waste that is not a universal waste at paint and paint-related waste collection sites is less than 1% of the total volume of paint collected at those sites, the Board agrees with ACA that the notification requirement would be an onerous burden on a small quantity handler of universal waste paint at retail sites. This requirement, like the setback exception approval process under Section 733.113(f)(4), may hinder retail locations from participating in the program as a drop-off/collection site. Further, the Board notes that small quantity handlers at retail drop-off/collection sites are trained to identify and reject NPP under the Paint Stewardship Program plan. This plan also requires retail sites to log NPP items received by material type and source for reporting to PaintCare. ACA Resps.1 at 2. Thus, the Board finds these protocols to be adequate to handle NPP, including hazardous waste received at retail collection/drop-off without notifying the Agency under Section 733.118(g).

However, because Section 733.118 is not open in this rulemaking, the Board will add the exemption from the notification requirement for a small quantity handler of universal waste paint or paint-related waste at a retail collection/drop-off site at Section 733.113(g) as follows:

- g) If a small quantity handler of universal waste paint or paint-related waste under an approved Paint Stewardship program plan receives a shipment containing hazardous waste that is not a universal waste at a retail collection/drop-off site, the handler must comply with the procedures specified in that plan instead of the procedures specified in Section 733.118(g).

Notification requirement for destination facilities (Section 733.161(c)). For destination facilities, ACA stated that its concern is related to retail drop-off sites perceiving “a liability or enforcement risk if a destination facility notifies IEPA of any non-universal hazardous waste that is incidentally accepted at their drop-off site.” ACA Resps.2 at 4. ACA maintains that “[t]his perception may discourage their participation in a voluntary program.” *Id.* ACA proposed the following revisions to Section 733.161(c) to exempt destination facilities receiving a shipment containing hazardous waste that is not a universal waste paint and paint-related waste from notifying IEPA:

If the owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility must either (1) immediately notify the Agency (Bureau of

Land, Illinois EPA, 1021 North Grand Avenue East, Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal shipment, and provide the name, address, and phone number of the shipper. The Agency will provide instructions for managing the hazardous waste-; or (2) abide by the procedures set forth in an approved Paint Stewardship program plan. ACA Resps.2 at 6.

Board discussion and findings. The Board is not persuaded by ACA's arguments that an exemption from the notification requirements is necessary for destination facilities. The Board notes that a universal waste destination facility is a facility that treats, disposes of, or recycles a particular category of universal waste, including paint and paint-related wastes if the proposed rules are finalized by the Board. *See* 35 Ill. Adm. Code 733.109. Therefore, a destination facility will likely deal with larger volumes of paint or paint-related waste as it would serve multiple retail collection and drop-off sites as well as other collection sites for treatment, disposal, or recycling. Thus, the destination facilities accepting universal waste paint or paint-related waste for treatment, disposal, or recycling are not different from other universal waste facilities, which are subject to notification requirements. Given ACA's assertion that the Paint Stewardship Program plan includes protocols for managing non-universal hazardous waste received at retail collection sites, as well as destination facilities in compliance with applicable laws and regulations, a notification to the Agency from a destination facility should not deter participation of retail sites in the paint collection program. *See* ACA Resps.1 at 2. Therefore, the Board sees no valid reason for exempting these destination facilities receiving universal waste paint and paint-related waste from notifying the Agency when they receive a shipment containing hazardous waste that is not universal waste. The Board declines to include ACA's revision to Section 733.161(c) in the Board's second notice opinion.

GENERAL QUESTIONS ABOUT THE PROPOSAL

Implementation of the Paint Stewardship Act

The AG asked IEPA if it plans to implement the Paint Stewardship Act and the proposed rules in a different way than it implements other stewardship programs, such as the Drug Take-Back Act, the Mercury Thermostat Collection Act, the Electronic Products Recycling and Reuse Act, and the Mercury Switch Removal Act. IEPA Resps.1 at 1. IEPA responded that it plans to "implement the Paint Stewardship Act in the same manner as other Extended Producer Responsibility ('EPR') or stewardship programs." *Id.* IEPA stated that the main difference with the Paint Stewardship Act is that PaintCare wants to collect oil-based paint from non-households. According to IEPA, the "Drug Takeback Act and Electronic Products Recycling and Reuse Act are more comparable to 'modern stewardship programs' but the Mercury Thermostat Collection Act and the Mercury Switch Removal Act are not stewardship programs. There are independent requirements with relation to mercury removal that do not apply to the other Acts mentioned." *Id.*

At the first hearing, the AG asked IEPA to clarify what it meant by "modern stewardship program and how those differ if at all from the Paint Stewardship Act program." Tr.1 at 9. IEPA responded that the Drug Take Back Act, the Electronic Products Act, and the Paint Stewardship Act were all passed more recently. *Id.* IEPA stated that the Mercury Thermostat

Collection Act and the Mercury Switch Removal Act were older and require “manufacturers to take some actions with respect to the mercury products.” *Id.* at 9-10. According to IEPA, since that time, a different type of program known as “extended producer responsibility programs” have been adopted in Illinois and throughout the country. *Id.* at 10. IEPA stated that the Paint Stewardship Act, the Drug Take Back Act, and the Electronics Act are more in line with that newer type of program. *Id.* These programs are all similar in that “the manufacturers are required to set up a collection program to take care of their products at the end of their useful life.” *Id.*

The AG asked IEPA if it is aware of “any major differences between the way it proposes to implement the Paint Stewardship Act and the way other states implement similar paint stewardship programs.” IEPA Resps.1 at 2. IEPA responded that it “is not sufficiently familiar with other states’ implementation of their paint stewardship programs to make a comparison to the implementation of the Paint Stewardship Act.” *Id.*

IEPA asked ACA whether PaintCare is “planning to implement its Illinois Program in the same way as its other state programs” and, if not, what differences it will implement. ACA Resps.1 at 1. ACA responded that “PaintCare is planning to implement its Illinois Program in the same way as its other state programs. PaintCare’s goal is to implement the same program across all jurisdictions in order to standardize the programs and operations.” *Id.* ACA noted that “the Illinois program is unique in that oil-based paint will be managed under universal waste regulations.” *Id.*

The AG asked IEPA whether it has “the authority to implement requirements for the statutorily required ‘paint stewardship program plan’ (P.A. 103-372 at Section 15) or ‘annual report (P.A. 103-372 at Section 40).” IEPA Resps.1 at 1. In particular, the AG inquired whether IEPA has the authority to “implement the statutory requirement that the paint stewardship program ‘shall seek to reduce the generation of postconsumer paint, promote its reuse and recycling, and manage the postconsumer paint waste stream using environmentally sound management practices.’” *Id.* IEPA responded that it does have the authority and interprets “the quoted language in Subsection 15(a) as providing a general description of what a stewardship program should ‘seek’ to accomplish.” *Id.* at 1-2. IEPA stated that Subsection 15(b) provides the specifics of how those goals must be accomplished and Subsection 15(d) provides IEPA’s duties regarding a program plan. *Id.* at 2.

The AG asked IEPA if there are any regulatory responsibilities it performs that PaintCare would perform instead after the rules are adopted. IEPA Resps.1 at 2. If so, the AG asked IEPA if there are any “legal mechanisms by which IEPA could resume these responsibilities.” *Id.* IEPA responded in the negative and stated that “PaintCare and the IEPA have, and will continue to have, entirely different roles with the regard to the implementation of this regulation.” *Id.* According to IEPA, it will “continue to maintain regulatory authority to ensure the Universal Waste regulations are complied with, and if the Hazardous Waste regulations are triggered, the IEPA will still have the authority to enforce them.” *Id.*

Collection Sites

The AG asked IEPA if these rules would “lead to large quantities of waste paint being stored at collection sites” and if some collection sites would become “large quantity handlers if paint accumulates over long periods of time.” IEPA Resps.1 at 2. The AG also asked IEPA if any paint collection sites were expected to be located in environmental justice communities. *Id.* IEPA responded that the rules themselves would not “inherently lead to large quantities of waste paint being stored at collection sites.” *Id.* According to IEPA, whether large quantities of waste paint are being stored at collection sites depends on “the amount of paint and paint-related waste being collected and how often the collection is picked up and transported.” *Id.* IEPA further stated that collection sites could “potentially become large quantity handlers if they accumulated 5,000 kg or more of paint pursuant to Section 733.109.” *Id.* IEPA stated that it anticipates that “some paint collection sites would be located within and outside of environmental justice communities.” *Id.*

At the first hearing, the AG asked IEPA if “there are any requirements proposed as to the frequency of pickup and transportation of the waste.” Tr.1 at 12. IEPA responded that there’s a provision in the universal waste rules that “limits accumulation to one year from receipt” and also a provision that “allows an extension of that time for certain reasons.” *Id.* IEPA also stated that a provision under Section 733.115 for small handlers and a corresponding provision under large handlers limits accumulation to one year. *Id.* However, under those provisions, “you can go longer than a year if the universal waste generator received from another handler, if such activity is solely for [the] purpose of accumulations of universal waste as are necessary to facilitate proper recovery, treatment or disposal.” *Id.*

United States Environmental Protection Agency

The Board asked IEPA whether it consulted and sought comments from the United States Environmental Protection Agency (USEPA) during the enactment of P.A. 103-887 and the proposal of the PPRW rules. IEPA Resps.2 at 1. IEPA stated that it did not consult directly with USEPA, but did research on how to add paint to a state’s universal rules and researched other states’ universal waste rules that include paint. *Id.* IEPA did note that it made USEPA aware of the proposed rules. *Id.*

At the first hearing, the Board asked IEPA whether USEPA has to approve of the rules or if IEPA only has to notify them that the rules were adopted. Tr.1 at 13. IEPA responded that “[i]t’s part of the approval of our whole program. As the Board adopts rules and packages those together and adopts the identical in substance rules, after that we will package those together and submit them to the USEPA.” *Id.* at 13-14. IEPA further stated that “USEPA reviews them to make sure they are at least as stringent as the federal program. So that we can maintain our approval of the federal program. So they will review it in that context.” *Id.* at 14.

IEPA asked ACA whether USEPA commented on “PaintCare’s procedures dealing with the receipt and handling of nonprogram materials that meet the definition of waste” or whether “these procedures would affect federal approval of a state’s RCRA hazardous waste program.” ACA Resps.1 at 3. ACA responded that “USEPA is aware of the PaintCare program and was involved in development of the Program.” *Id.* ACA also noted that “11 states are currently operating the Paint Care Program. None of them have had any issues with their hazardous waste

programs in those states.” Tr.2 at 20. In follow-up, the Board asked if any of those states are in Region 5. *Id.* ACA responded that Minnesota is. *Id.*

Section 733.180 and 733.181

The Board asked IEPA whether it “considers this rulemaking to be subject to 35 Ill. Adm. Code 733.180 and 733.181,” which address petitions to include additional wastes under the universal waste rules. IEPA Resps.2 at 1. IEPA responded that it proposed these rules under P.A. 103-887, not under Section 733.180 and 733.181. *Id.* at 2. However, IEPA believes that the proposed rules do satisfy Section 733.180(c)(1). *Id.* IEPA stated that its proposal addresses the factors in Section 733.181 because: 1) hazardous waste PPRW are “not exclusive to a specific industry or group of industries and are commonly generated by a wide variety of businesses”; 2) hazardous waste PPRW are “generated by a large number of generators and frequently generated in relatively small quantities by each generator”; 3) the proposed PPRW collection system for hazardous waste PPRW would ensure close stewardship of PPRW; 4) there is relatively low risk posed by hazardous waste PPRW during collection and transport in comparison to other hazardous wastes and the “specific management standards proposed would be protective of human health and the environment during accumulation and transport”; 5) regulation of hazardous waste PPRW would “increase the likelihood of that the waste will be diverted from non-hazardous waste management streams to recycling, treatment, or disposal in compliance with Subtitle C of RCRA”; and 6) regulation of hazardous waste PPRW as universal waste would “improve implementation of and compliance with the State’s hazardous waste regulatory program.” *Id.* at 2-3.

SECTION-BY-SECTION SUMMARY OF PROPOSAL

Some provisions of IEPA’s original proposal did not generate substantive comments or questions. For other provisions, the rulemaking process resolved questions and disputes. For these provisions that were not or are no longer disputed, the section-by-section summary below reviews the record.

Part 703 RCRA Permit Program

Section 703.123: Specific Exclusions and Exemptions from Permit Program

The preamble to Section 703.123 states that persons in the categories listed in subsections (a) through (j) are “among those that are not required to obtain a RCRA permit.” 35 Ill. Adm. Code 703.123. The Board asked IEPA if it would be acceptable to delete the phrase “among those that are.” IEPA Resps.2 at 5. IEPA responded that its only concern is that “this phrase could be reasonably interpreted to mean that there may be other types of ‘persons’ who are exempt from obtaining a RCRA permit that are not explicitly mentioned here in Section 703.123.” *Id.* Additionally, IEPA stated that this phrase is “included in the corresponding identical-in-substance federal regulation at 40 CFR 270.1(c)(2).” *Id.*

Subsection (h)(6). Subsection (h) lists universal waste handlers or transporters managing wastes listed in subsection (1) through (5). 35 Ill. Adm. Code 703.123(h). IEPA proposed adding “[p]aint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107”.

Part 720 Hazardous Waste Management System: General

Section 720.110: Definitions

Paint. IEPA proposed that this term:

means a pigmented or unpigmented powder coating, or a pigmented or unpigmented mixture of binder and suitable liquid, that forms an adherent coating when applied to a surface. Powder coating is a surface coating that is applied as a dry powder and is fused into a continuous coating film through the use of heat. "Paint" includes architectural paint as defined in the Paint Stewardship Act but does not include other types of coatings such as industrial original equipment or specialty coatings. [415 ILCS 5/22.23e]

The AG asked IEPA if the exemption for “other types of coatings such as industrial original equipment or specialty coatings” in the definition of “paint” could potentially create confusion for consumers or individual collection sites. IEPA Resps.1 at 3. IEPA responded that the definition of “paint” should not “create confusion from consumers or individual collection sites. The Paint Stewardship Act and its paint stewardship program plan requirements specifically apply to only architectural paint.” *Id.* According to IEPA, other types of coatings, such as “industrial original equipment or specialty coatings, does not qualify as the postconsumer paint that is being collected.” *Id.*

The AG asked IEPA whether the substances excluded from the regulatory definition of “paint” are marketed or generally referred to as a type of paint. IEPA Resps.1 at 3. IEPA responded that the intent of P.A. 103-887 was to “extend the universal waste rules to oil-based paint to be collected by PaintCare from non-household consumers” and that the “exclusion was included to keep the definition of paint consistent [with] the Paint Stewardship Act.” *Id.* IEPA stated that it is “not aware as to whether these other coatings are typically marketed or generally referred to as a type of paint.” *Id.*

The Board asked IEPA to clarify whether architectural paint includes “nonhazardous latex paint, nonhazardous paint-related waste, hazardous oil-based paint, and hazardous paint-related waste.” IEPA Resps.2 at 3. IEPA responded that the Paint Stewardship Act applies to architectural paint, but does not distinguish between hazardous and non-hazardous paint. *Id.* According to IEPA, the Paint Stewardship Act “does not apply to paint-related waste and manufacturers are not required to collect paint-related waste under that Act.” *Id.* IEPA stated that paint-related waste was “included in the trailer bill, later enacted as P.A. 103-887, at the request of PaintCare. PaintCare plans to collect paint-related waste along with paint, and therefore could utilize the universal waste rules for any hazardous paint-related waste that is generated by businesses.” *Id.*

The Board further asked IEPA to “explain how latex paint would be managed given that nonhazardous paint or paint-related waste is not covered under the proposed universal waste rules.” IEPA Resps.2 at 3. IEPA responded that latex paint that is waste is “subject to non-hazardous requirements and will continue to be managed as it currently is.” *Id.* IEPA stated that latex paint collected by PaintCare is “recycled and returned to the economic mainstream as new paint product.” *Id.*

Paint-related waste. IEPA proposed that this term:

is (i) material contaminated with paint that results from the packaging of paint, wholesale and retail operations, paint manufacturing, and paint application or removal activities or (ii) material derived from the reclamation of paint-related wastes that is recycled in a manner other than burning for energy recovery or used in a manner constituting disposal. [415 ILCS 5/22.23e]

The AG asked IEPA if “material derived from the reclamation of paint-related wastes that is . . . used in a manner constituting disposal” includes “paint-related waste that has been previously disposed in a landfill.” IEPA Resps.1 at 3. IEPA responded that it does not “interpret paint-related waste collected under the Paint Stewardship Act to include waste previously disposed of in a landfill as the intent of the Paint Stewardship Act is to provide collection of paint and paint-related waste from consumers.” *Id.* According to IEPA, the program will collect leftover paint or unused customized paint in its original container. *Id.*

At the first hearing, the AG asked IEPA if the paint must be dropped off in the original paint container for the paint to be accepted, or would it be allowed if someone transferred it to another container to actually use. Tr.1 at 11. IEPA responded that “there’s no requirement that it be in the original paint can” under the regulation and statutes. *Id.*

The AG asked IEPA if “paint-related waste” includes “items that are covered in paint but are discarded” such as “a piece of metal or other substance that has been powder coated with a pigmented or unpigmented powder coating.” IEPA Resps.1 at 3. IEPA responded that in the negative that “not everything that is paint is considered paint-related waste.” *Id.* According to IEPA, merely “being coated in paint is not sufficient to be contaminated” under the definition of paint-related waste. *Id.* at 4.

Universal waste. IEPA proposed adding “[p]aint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107” to the list of universal wastes.

Part 721 Identification and Listing of Hazardous Waste

Section 721.109: Requirements for Universal Waste

IEPA proposed a subsection (f) adding “Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107”, to the list of wastes subject to regulation as universal waste under 35 Ill. Adm. Code 733.

Part 724 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

Section 724.101: Purpose, Scope, and Applicability

Subsection (g)(11). IEPA proposed adding that a universal waste handler or universal waste transporter of “[p]aint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107”, is subject to regulation under 35 Ill. Adm. Code 733.

Part 725 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

Section 725.101: Purpose, Scope, and Applicability

Subsection (c)(14). IEPA proposed adding that a universal waste handler or universal waste transporter of “[p]aint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107”, is subject to regulation under 35 Ill. Adm. Code 733.

Part 728 Land Disposal Restrictions

Section 728.101: Purpose, Scope, and Applicability

Subsection (f). IEPA proposed adding that a universal waste handler or universal waste transporter of “[p]aint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107” is subject to regulation under 35 Ill. Adm. Code 733.

Part 733 Standards for Universal Waste Management

Section 733.101: Scope

Subsection (a). IEPA proposed adding “[p]aint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107”, to the list of items Part 733 regulates.

Section 733.107: Applicability: Paint and Paint-related Waste

IEPA proposed adding this new section and changing the section title from “Applicability Mercury Containing Lamps (Repealed)” to “Applicability: Paint and Paint-related Waste”

Subsection (a). IEPA proposed that this part applies “to persons that manage paint and paint-related waste, as described in Section 733.109, except those listed in subsection (b).”

Subsection (b). IEPA proposed that Part 733 does not apply to specific items.

Subsection (b)(1). IEPA proposed that this Part does not apply to “[p]aint or paint-related waste that has been mixed with solvents or other materials that alter the physical properties of the paint or paint-related waste.

The AG asked IEPA if “the solvents or other material that are mixed with the paint or paint-related waste that alter the physical properties of the paint or paint-related waste” would work to “reduce the potential ignitability, corrosivity, reactivity, and/or toxicity characteristics of the paint or paint-related waste.” IEPA Resps.1 at 4. IEPA responded that the solvents “could potentially work to reduce the ignitability, corrosivity, reactivity, and/or toxicity characteristics of the paint or paint-related waste.” *Id.* However, IEPA noted that “it is possible the paint or paint-related waste would cease to qualify as such” if the “solvents or other materials are mixed with paint or paint-related waste.” *Id.* According to IEPA, if the materials “no longer qualify as paint or paint-related waste as defined therein, then they will not be managed as universal waste.” *Id.*

The AG asked IEPA whether “there are any instances where paint or paint-related waste with solvents or other materials mixed in increases the ignitability, corrosivity, reactivity, and/or toxicity characteristic of the paint or paint-related waste.” IEPA Resps.1 at 4. IEPA responded in the affirmative that “there are potentially instances where paint or paint-related waste with solvents or other material mixed in increased the ignitability, corrosivity, reactivity, and/or toxicity characteristic of the paint or paint-related waste.” *Id.* However, IEPA stated that “if the increases in ignitability, corrosivity, reactivity, and/or toxicity are such that the paint or paint-related waste no longer meets the proposed definition of paint or paint-related waste, then it will no longer be managed that way” and it will instead be managed as hazardous waste. *Id.*

Subsection (b)(2). IEPA proposed that this Part does not apply to “[p]aint or paint-related waste that is not hazardous waste. Paint or paint-related waste is a hazardous waste if it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.”

Subsection (b)(3). IEPA proposed that this Part does not apply to “[p]aint and paint-related materials that are not regulated as a waste.”

Subsection (c). IEPA proposed that this section be titled “Generation of Paint and Paint-related Waste.”

Subsection (c)(1). IEPA proposed this subsection providing in its entirety that “[p]aint and paint-related waste becomes a waste on the date it is discarded.”

Subsection (c)(2). IEPA proposed this subsection providing in its entirety that “[u]nused paint becomes a waste on the date the handler decides to discard it.”

The AG asked IEPA whether “there are any instances where paint-related waste also goes unused.” IEPA Resps.1 at 4. The AG also questioned why paint-related waste was not included in (c)(2) but was included in (c)(1). *Id.* IEPA responded that paint-related waste cannot be unused, under its definition in Section 733.109. According to IEPA, the “moment the material becomes ‘contaminated with paint’ or the material is ‘derived from the reclamation of paint-related wastes that is recycled in a manner other than burning for energy recovery or used in a manner constituting disposal,’ it automatically becomes paint-related waste.” *Id.* Therefore,

IEPA stated that paint-related waste cannot be “used” in the same way that paint can be “used”; “unused paint” becomes waste when the handler decides to discard it. *Id.*

Section 733.108: Applicability: Household and Very Small Quantity Generator Waste

IEPA proposed changing the section title from “Household and Conditionally Exempt Small Quantity Generator Waste” to “Household and Very Small Quantity Generator Waste.”

Subsection (b). IEPA proposed adding “the same type of” before “universal waste regulated under this Part.

The Board asked if it is IEPA’s view that “*existing* Section 733.108(b) (and 40 CFR 273.8(b)) applies to the wastes described in Section 733.108(a)(1) and (a)(2) that are commingled with universal waste, but only if that universal waste is of the same type as the subsection (a)(1) or (a)(2) waste?” IEPA Resps.2 at 4-5. IEPA responded in the affirmative. *Id.* at 5 (emphasis in original).

Section 733.109: Definitions

Large quantity handler of universal waste. IEPA proposed adding “paint and paint-related waste” to this definition.

Paint. IEPA proposed that this term:

means a pigmented or unpigmented powder coating, or a pigmented or unpigmented mixture of binder and suitable liquid, that forms an adherent coating when applied to a surface. Powder coating is a surface coating that is applied as a dry powder and is fused into a continuous coating film through the use of heat. "Paint" includes architectural paint as defined in the Paint Stewardship Act but does not include other types of coatings such as industrial original equipment or specialty coatings. [415 ILCS 5/22.23e]

Paint-related waste. IEPA proposed that this term:

is (i) material contaminated with paint that results from the packaging of paint, wholesale and retail operations, paint manufacturing, and paint application or removal activities or (ii) material derived from the reclamation of paint-related wastes that is recycled in a manner other than burning for energy recovery or used in a manner constituting disposal. [415 ILCS 5/22.23e]

Small quantity handler of universal waste. IEPA proposed adding “paint and paint-related waste” to this definition.

Universal waste. IEPA proposed adding “[p]aint and paint-related waste, as described in Section 733.107”, to the list of universal wastes.

Section 733.113: Waste Management

The Board asked IEPA whether “the phrase ‘universal waste’ should be added preceding the subsection headings in Sections 733.113(d), (e), and (f) (‘Lamps’, ‘Aerosol cans’, and ‘Paint and paint-related waste’) to be consistent with subsection headings in Sections 733.113 (a), (b) and (c).” IEPA Resps.2 at 5. IEPA responded in the affirmative. *Id.*

Subsection (f). IEPA proposed this subsection providing in its entirety that “[a] small quantity handler of universal waste must manage universal waste paint and paint-related waste in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:”

Subsection (f)(1). IEPA proposed this subsection providing in its entirety that “[t]he small quantity handler of universal waste must collect and store universal waste paint and paint-related waste in containers that are structurally sound, compatible with the universal waste paint and paint-related waste and lack evidence of leakage or damage that could cause leakage under reasonably foreseeable conditions.”

The AG asked IEPA whether a container that a small quantity handler of universal waste uses to collect and store paint would become paint-related waste. IEPA Resps.1 at 5. IEPA responded in the negative that “these containers would not inherently become paint-related waste.” *Id.* IEPA stated that these containers “will not always be ‘contaminated with paint’ as the paint will be delivered and stored in paint cans with lids.” *Id.*

The Board asked IEPA to provide “examples of reasonably foreseeable conditions”. IEPA Resps.2 at 5. IEPA responded that this language is “consistent with the other provisions of Section 733.113.” *Id.* IEPA stated that a reasonably foreseeable condition for paint is “that cans of used paint in various conditions could leak when they are aggregated in large quantities, such as from a can being knocked over, a can with a loose lid due to dried paint accumulation around the lid or the mouth of the can, or a lid coming off when it is dropped, knocked over, crushed, or otherwise damaged.” *Id.*

Subsection (f)(2). IEPA proposed this subsection providing in its entirety that “[t]he small quantity handler of universal waste must ensure that containers in which the universal waste paint and paint-related waste are contained do not leak and remain closed, except when wastes are being added, consolidated, or removed from the container.”

Subsection (f)(3). IEPA proposed this subsection providing in its entirety that:

[t]he small quantity handler of universal waste, upon detection of a release of universal waste paint or paint-related waste, must do the following:

- A) Stop the release.
- B) Contain the released universal waste paint or paint-related waste.

- C) Clean up and properly manage the released universal waste paint or paint-related waste, and other materials generated from the cleanup.
- D) Remove any leaking container from service by transferring the contents to a container that meets the requirements of 733.113(f)(1).
- E) Repair any leaking container to meet the requirements of 733.113(f)(1) before returning it to service.

The AG asked IEPA whether a leaking container under Section 733.113(f)(3)(D) would be paint-related waste and need to be disposed of. IEPA Resps.1 at 5. IEPA responded in the affirmative but also noted that the leaking container “could be also returned to service if it was repaired to meet the requirements of Section 733.113(f)(1).” *Id.* IEPA further stated that if the container was not returned to service, it would then need to be disposed of. *Id.*

The Board asked IEPA if the term “release” means “the same as the definition of that term under Section 3.395 of the Act” and, if so, whether that definition should be added to Section 733.109. IEPA Resps.2 at 5. IEPA responded that “this use of the term ‘release’ has the same definition of that term under Section 3.395 of the Act.” *Id.* IEPA stated that it does not object to the definition being added. *Id.*

The Board asked IEPA to clarify what “‘properly’ managing the released universal waste entails with examples.” IEPA Resps.2 at 6. The Board further asked IEPA to propose revisions replacing “properly” with a better description, if appropriate. *Id.* IEPA responded that Section 733.137 “describes a large quantity handler’s required response to releases.” *Id.*

At the first hearing, the Board followed-up and asked IEPA if it would be acceptable to IEPA to provide a cross reference in Section 733.133(f)(3). Tr.1 at 13. IEPA responded that the provision could be cross referenced and noted that “the one that’s in the answer pertains to large quantity handlers and it’s also corresponding provisions for the small quantity handlers that could also be referenced”. *Id.* The Board asked IEPA if they could provide revisions for those two provisions and IEPA responded in the affirmative. *Id.*

In its revised responses to the Board’s questions, IEPA stated that it “recommends not providing examples as Section 733.137 already specifies what steps should be taken” and “recommends the following revisions to proposed Section language for Section 733.113(f)(3)(C) for small quantity handlers of universal waste PPRW:”

- 3) The small quantity handler of universal waste, upon detection of a release of universal waste paint or paint-related waste, must do the following:
 - A) Stop the release.
 - B) Contain the released universal waste paint or paint-related waste.

- C) Clean up and properly manage the released universal waste paint or paint-related waste in accordance with this Part, including but not limited to, Section 733.137, and other materials generated from the cleanup in accordance with the Act and applicable Board regulations.
- D) Remove any leaking container from service by transferring the contents to a container that meets the requirements of 733.113(f)(1).
- E) Repair any leaking container to meet the requirements of 733.113(f)(1) before returning it to service. IEPA Resps.3 at 1-3.

The Board accepts IEPA's revisions to subsection (f)(3)(C) with the following clarifying changes for second notice:

- C) Clean up and ~~properly~~ manage the released universal waste paint or paint-related waste in accordance-compliance with this Part, including but not limited to, Section 733.137, and other materials generated from the cleanup in accordance-compliance with the Act and applicable Board regulations.

Subsection (f)(4). IEPA proposed this subsection providing in its entirety that:

A small quantity handler of universal waste must locate containers holding ignitable universal waste paint or paint-related waste at least 50 feet from the facility property line, unless the small quantity handler obtains written approval from the authority having jurisdiction over the local fire code to allow ignitable universal waste paint or paint-related waste to be located within 50 feet of the facility property line. The small quantity handler must maintain a record of the written approval as long as universal waste paint or paint-related waste is located within 50 feet of the facility property line.

A small quantity handler of universal waste must take precautions to prevent accidental ignition of universal waste paint or paint-related waste. The small quantity handler must separate and protect universal waste paint and paint-related waste from sources of ignition, including, but not limited to, the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), or radiant heat. While handling universal waste paint or paint-related waste, the small quantity handler must confine smoking and open flames to specifically designated locations. The small quantity handler must conspicuously place "No Smoking" signs wherever there is an ignitability hazard from universal waste paint or paint-related waste.

The Board asked IEPA whether "the following reorganization of Section 777.113(f)(4) is acceptable":

4) Ignitable universal waste paint or paint-related waste.

- A) A small quantity handler of universal waste must locate containers holding ignitable universal waste paint or paint-related waste at least 50 feet from the facility property line, unless the small quantity handler obtains written approval from the authority having jurisdiction over the local fire code to allow ignitable universal waste paint or paint-related waste to be located within 50 feet of the facility property line. The small quantity handler must maintain a record of the written approval as long as universal waste paint or paint-related waste is located within 50 feet of the facility property line.
- B) A small quantity handler of universal waste must take precautions to prevent accidental ignition of universal waste paint or paint-related waste. The small quantity handler must separate and protect universal waste paint and paint-related waste from sources of ignition, including the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), or radiant heat.
- C) While handling ignitable universal waste paint or paint-related waste, the small quantity handler must confine smoking and open flames to specifically designated locations. The small quantity handler must conspicuously place “No Smoking” signs wherever there is an ignitability hazard from universal waste paint or paint-related waste. IEPA Resps.2 at 6.

IEPA responded that the reorganization is acceptable. *Id.* at 7. The Board includes this reorganization with the following changes in response to ACA’s requested setback exception for second notice:

4) Ignitable universal waste paint or paint-related waste.

- A) Except for subsection (f)(4)(D), aA small quantity handler of universal waste must locate containers holding ignitable universal waste paint or paint-related waste at least 50 feet from the facility property line, unless the small quantity handler obtains written approval from the authority having jurisdiction over the local fire code to allow ignitable universal waste paint or paint-related waste to be located within 50 feet of the facility property line. The small quantity handler must maintain a record of the written approval as long as universal waste paint or paint-related waste is located within 50 feet of the facility property line.

- B) A small quantity handler of universal waste must take precautions to prevent accidental ignition of universal waste paint or paint-related waste. The small quantity handler must separate and protect universal waste paint and paint-related waste from sources of ignition, including the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), or radiant heat.
- C) While handling ignitable universal waste paint or paint-related waste, the small quantity handler must confine smoking and open flames to specifically designated locations. The small quantity handler must conspicuously place “No Smoking” signs wherever there is an ignitability hazard from universal waste paint or paint-related waste.
- D) A small quantity handler of universal waste at a retail site participating as a drop-off or collection site for universal waste paint or paint-related waste under an approved Paint Stewardship program plan is exempt from the 50-foot setback requirement under subsection (f)(4)(A).

Subsection (f)(5). IEPA proposed this subsection providing in its entirety that “[a] small quantity handler of universal waste must manage universal waste paint or paint-related waste that is incompatible in separate containers.”

Subsection (f)(6). IEPA proposed this subsection providing in its entirety that:

A small quantity handler of universal waste must design, maintain, and operate areas of its facility where universal waste paint or paint-related waste is collected or stored in a manner that minimizes the possibility of a fire, explosion, or unplanned sudden or non-sudden release of universal waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.

Section 733.114: Labeling and Marking

Subsection (g). IEPA proposed this subsection providing in its entirety that “[e]ach container in which universal waste paint or paint-related waste is contained must be labeled or clearly marked with one of the following phrases: ‘Universal Waste – Paint’ or ‘Universal Waste – Paint-related Waste’ or ‘Waste Paint’ or ‘Paint-related Waste.’”

Section 733.132: Notification

Subsection (b)(4). IEPA proposed adding “paint or paint-related waste” to the list of universal wastes that the notification must include.

Board Note. IEPA proposed removing IEPA’s Bureau of Land and its phone number as a source where USEPA Form 8700-12 is available.

Section 733.133: Waste Management

Subsection (f). IEPA proposed this subsection providing in its entirety that “[a] large quantity handler of universal waste must manage universal waste paint and paint-related waste in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:”

Subsection (f)(1). IEPA proposed this subsection providing in its entirety that “[t]he large quantity handler of universal waste must collect and store universal waste paint and paint-related waste in containers that are structurally sound, compatible with the universal waste paint and paint-related waste, and lack evidence of leakage or damage that could cause leakage under reasonably foreseeable conditions.”

The AG asked IEPA whether a leaking container would be paint-related waste and need to be disposed of. IEPA Resps.1 at 5. IEPA responded in the affirmative and noted that the container could also be returned to service if it was repaired but would need to be disposed of if not returned to service. *Id.*

Subsection (f)(2). IEPA proposed this subsection providing in its entirety that “[t]he large quantity handler of universal waste must ensure that containers in which the universal waste paint and paint-related waste are contained do not leak and remain closed, except when wastes are being added, consolidated, or removed from the container.”

Subsection (f)(3). IEPA proposed this subsection providing in its entirety that:

[t]he large quantity handler of universal waste, upon detection of a release of universal waste paint or paint-related waste, must do the following:

- A) Stop the release.
- B) Contain the released universal waste paint or paint-related waste.
- C) Clean up and properly manage the released universal waste paint or paint-related waste, and other materials generated from the cleanup.
- D) Remove any leaking container from service by transferring the contents to a container that meets the requirements of 733.133(f)(1).
- E) Repair any leaking container to meet the requirements of 733.133(f)(1) before returning it to service.

In its revised responses to the Board’s questions, IEPA stated that it “recommends not providing examples as Section 733.137 already specifies what steps should be taken and instead

offers the following revisions to proposed Section 733.133(f)(3)(C) in relation to large quantity handlers of universal waste PPRW”:

- 3) The large quantity handler of universal waste, upon detection of a release of universal waste paint or paint-related waste, must do the following:
 - A) Stop the release.
 - B) Contain the released universal waste paint or paint-related waste.
 - C) Clean up and properly manage the released universal waste paint or paint-related waste in accordance with this Part, including but not limited to, Section 733.137, and other materials generated from the cleanup in accordance with the Act and applicable Board regulations.
 - D) Remove any leaking container from service by transferring the contents to a container that meets the requirements of 733.133(f)(1).
 - E) Repair any leaking container to meet the requirements of 733.133(f)(1) before returning it to service. IEPA Resps.3 at 1-2.

Subsection (f)(4). IEPA proposed this subsection providing in its entirety that:

A large quantity handler of universal waste must locate containers holding ignitable universal waste paint or paint-related waste at least 50 feet from the facility property line, unless the large quantity handler obtains written approval from the authority having jurisdiction over the local fire code to allow ignitable universal waste paint or paint-related waste to be located within 50 feet of the facility property line. The large quantity handler must maintain a record of the written approval as long as universal waste paint or paint-related waste is located within 50 feet of the facility property line.

A large quantity handler of universal waste must take precautions to prevent accidental ignition of universal waste paint or paint related waste. The large quantity handler must separate and protect universal waste paint and paint related waste from sources of ignition, including, but not limited to, the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), or radiant heat. While handing universal waste paint or paint related waste, the large quantity handler must confine smoking and open flames to specifically designated locations. The large quantity handler must conspicuously place “No Smoking” signs wherever there is an ignitability hazard from universal waste paint or paint related waste.

The Board asked IEPA whether “the following reorganization of Section 733.133(f)(4) is acceptable”:

- 4) Ignitable universal waste paint or paint related waste.
 - A) A large quantity handler of universal waste must locate containers holding ignitable universal waste paint or paint related waste at least 50 feet from the facility property line, unless the large quantity handler obtains written approval from the authority having jurisdiction over the local fire code to allow ignitable universal waste paint or paint related waste to be located within 50 feet of the facility property line. The large quantity handler must maintain a record of the written approval as long as universal waste paint or paint related waste is located within 50 feet of the facility property line.
 - B) A large quantity handler must take precautions to prevent accidental ignition of universal waste paint or paint related waste. The large quantity handler must separate and protect universal waste paint and paint-related waste from sources of ignition, including, but not limited to, the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), or radiant heat.
 - C) While handling universal waste paint or paint-related waste, the large quantity handler must confine smoking and open flames to specifically designated locations. The large quantity handlers must conspicuously place “No Smoking” signs wherever there is an ignitability hazard from universal waste paint or paint-related waste. IEPA Resps.2 at 7.

IEPA responded that the reorganization is acceptable. *Id.* The Board includes this revision in its second-notice proposal.

Subsection (f)(5). IEPA proposed this subsection providing in its entirety that “[a] large quantity handler of universal waste must manage universal waste paint or paint-related waste that is incompatible in separate containers.”

Subsection (f)(6). IEPA proposed this subsection providing in its entirety that:

A large quantity handler of universal waste must design, maintain, and operate areas of its facility where universal waste paint or paint-related waste is collected or stored to minimize the possibility of a fire, explosion, or unplanned sudden or non-sudden release of universal waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.

Section 733.134: Labeling and Marking

Subsection (g). IEPA proposed this subsection providing in its entirety that “[e]ach container in which universal waste paint or paint-related waste is contained must be labeled or clearly marked with one of the following phrases: ‘Universal Waste – Paint’ or ‘Universal Waste – Paint-related Waste’ or ‘Waste Paint’ or ‘Paint-related Waste.’”

Section 733.139: Tracking Universal Waste Shipments

Subsection (a)(2). IEPA proposed adding the quantity of “paint or paint-related waste” to large quantity handlers’ recordkeeping requirements when receiving universal waste.

Subsection (b)(2). IEPA proposed adding the quantity of “paint or paint-related waste” to large quantity handlers’ recordkeeping requirements when sending universal waste.

Section 733.162: Tracking Universal Waste Shipments

Subsection (a)(2). IEPA proposed adding the quantity of “aerosol cans” and “paint or paint-related waste” to owner and operator of destination facilities’ recordkeeping requirements.

ECONOMIC REASONABLENESS AND TECHNICAL FEASIBILITY

Affected Facilities

IEPA’s proposal “adding PPRW to the universal waste program would allow many sites managing such hazardous waste PPRW as very small quantity generators, small quantity generators, or large quantity generators to now manage PPRW as handlers of universal waste.” SR at 3. IEPA argued that the “reclassification of PPRW would ease the regulatory burden on retail stores and other parties that wish to collect PPRW under the PaintCare program; ease the regulatory burden on transporters of PPRW; promote the collection and recycling of PPRW; and encourage the development of programs to reduce the quantity of PPRW going to municipal solid waste landfills or incinerators.” *Id.*

Technical Feasibility

Implementation

IEPA argued that the proposed regulations are technically feasible and are consistent with the interim PPRW standards and “with applicable requirements for other types of universal waste.” SR at 4. IEPA stated that the proposed rules “provide an optional method for managing PPRW and are not mandatory, so anyone availing themselves of the universal waste rules will be doing so voluntarily.” *Id.* According to IEPA, the “very purpose of the universal waste rules is to provide a less burdensome and more streamlined method for handling the wastes to which they apply, by definition making them more technically feasible and economically reasonable than the regular hazardous waste rules that would otherwise apply.” *Id.*

Board Finding

The record does not include testimony or comments disputing IEPA's position. Based on its review of the record now before it, the Board concludes that its second-notice proposal implements Public Act 103-887 in a manner that is technically feasible.

Economic Reasonableness

Implementation

IEPA argued that the PPRW rules will have a positive economic effect. IEPA Resps.2 at 3. IEPA stated that managing hazardous waste is "expensive and overly burdensome, especially for a low-risk material such as hazardous waste PPRW. Without the universal waste rules, persons wanting to collect hazardous waste PPRW in partnership with PaintCare would have to obtain a hazardous waste permit and likely local siting approval as a pre-requisite." *Id.* at 3-4. Instead, managing hazardous waste PPRW as universal waste would "allow these collectors to avoid hazardous waste permitting costs." *Id.* at 4. According to IEPA, collecting hazardous waste PPRW will "allow businesses to avoid the costs of having to dispose of their hazardous waste PPRW as hazardous waste by manifesting it to a permitted hazardous waste disposal facility. These businesses can instead take their hazardous waste PPRW to a PaintCare collection site." *Id.* Therefore, the positive economic effect "will occur in the form of avoided costs." *Id.*

ACA commented on the proposal's economic impact at the second hearing. *See* Tr.2 at 37-40. ACA stated that the counties that typically manage household hazardous waste asked for PaintCare to be implemented in Illinois because "they deal with so much leftover paint, it's expensive for them." Tr.2 at 38-39. ACA argued that part of the benefit of PaintCare is that counties and existing household hazardous waste infrastructure benefit significantly because PaintCare takes on the cost of post-consumer paint. *Id.* at 39. ACA also stated that Illinois counties asked PaintCare to come to Illinois to "take over management of this particular waste stream so they can use their resources to manage other types of waste, and enhance their program offering to their [residents]." *Id.* Therefore, ACA believes that the economic impact of the program coming to Illinois is very positive and there is a "significant, almost immediate impact on the counties." *Id.*

Economic Impact Study

As required by Section 27(b) of the Act (415 ILCS 5/27(b) (2024)), the Board in a letter dated March 20, 2025, requested that DCEO conduct an economic impact study of IEPA's proposed rules. The Board requested that DCEO determine by April 30, 2025, whether it would conduct such a study. The Board received no response to this request.

Board Finding

The record does not now include testimony or comments disputing IEPA's or ACA's positions. Based on its review of the record now before it, the Board concludes that its second-

notice proposal implements Public Act 103-887 in a manner that is economically reasonable and will not have an adverse economic impact on the people of the State of Illinois. *See* 415 ILCS 5/27(b)(2) (2024).

CONCLUSION

For the reason above, the Board concludes to add PPRW to its universal hazardous waste rules by amending Parts 703, 720, 721, 724, 725, 728, and 733 to comply with Public Act 103-887. The Board finds that its proposed rules are technically feasible and economically reasonable and will not have an adverse economic impact on the people of the State of Illinois. The Board submits its proposed rules to JCAR for second-notice review.

ORDER

The Board directs the Clerk to submit the second-notice proposal to JCAR for its review.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on July 10, 2025, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in dark ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board

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

PART 703
RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: PROHIBITIONS

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

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

| Section | |
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| 703.140 | Purpose and Scope |
| 703.141 | Permits by Rule |
| 703.150 | Application by Existing HWM Facilities and Interim Status Qualifications |
| 703.151 | Application by New HWM Facilities |
| 703.152 | Amended Part A Application |
| 703.153 | Qualifying for Interim Status |
| 703.154 | Prohibitions During Interim Status |
| 703.155 | Changes During Interim Status |
| 703.156 | Interim Status Standards |
| 703.157 | Grounds for Termination of Interim Status |
| 703.158 | Permits for Less Than an Entire Facility |
| 703.159 | Closure by Removal |
| 703.160 | Procedures for Closure Determination |
| 703.161 | Enforceable Document for Post-Closure Care |

SUBPART D: APPLICATIONS

| Section | |
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| 703.184 | Facility Location Information |
| 703.185 | Groundwater Protection Information |
| 703.186 | Exposure Information |
| 703.187 | Solid Waste Management Units |
| 703.188 | Other Information |
| 703.189 | Additional Information Required to Assure Compliance with MACT Standards |
| 703.191 | Public Participation: Pre-Application Public Notice and Meeting |
| 703.192 | Public Participation: Public Notice of Application |
| 703.193 | Public Participation: Information Repository |
| 703.200 | Specific Part B Application Information |
| 703.201 | Containers |
| 703.202 | Tank Systems |
| 703.203 | Surface Impoundments |
| 703.204 | Waste Piles |
| 703.205 | Incinerators that Burn Hazardous Waste |
| 703.206 | Land Treatment |
| 703.207 | Landfills |
| 703.208 | Boilers and Industrial Furnaces Burning Hazardous Waste |
| 703.209 | Miscellaneous Units |
| 703.210 | Process Vents |
| 703.211 | Equipment |
| 703.212 | Drip Pads |
| 703.213 | Air Emission Controls for Tanks, Surface Impoundments, and Containers |
| 703.214 | Post-Closure Care Permits |

SUBPART E: SPECIAL FORMS OF PERMITS

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

SUBPART F: PERMIT CONDITIONS OR DENIAL

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

SUBPART G: CHANGES TO PERMITS

| Section | |
|---------|---|
| 703.260 | Transfer |
| 703.270 | Modification or Reissuance |
| 703.271 | Causes for Modification |
| 703.272 | Causes for Modification or Reissuance |
| 703.273 | Facility Siting |
| 703.280 | Permit Modification at the Request of the Permittee |
| 703.281 | Class 1 Modifications |
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| 703.283 | Class 3 Modifications |

SUBPART H: REMEDIAL ACTION PLANS

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

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

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

SUBPART J: RCRA STANDARDIZED PERMITS

FOR STORAGE AND TREATMENT UNITS

Section

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

703.APPENDIX A Classification of Permit Modifications

AUTHORITY: Implementing Sections 7.2, 22.4, and 22.23e and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, 22.23e, and 27].

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9381, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9765, effective June 20, 2000; amended in R01-21/R01-23 at 25 Ill. Reg. 9313, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6539, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3496, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12683, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5966, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2845, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 487, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11672, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18505, effective November 12, 2010; amended in R13-15 at 37 Ill. Reg. 17659, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. 11271, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 20993, effective November 19, 2018;

amended in R19-11 at 43 Ill. Reg. 5777, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15055, effective September 3, 2020; amended in R25-22 at 49 Ill. Reg. _____, effective _____.

SUBPART B: PROHIBITIONS

Section 703.123 Specific Exclusions and Exemptions from Permit Program

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

- a) A generator that accumulates hazardous waste on site in compliance with all of the conditions for exemption provided in 35 Ill. Adm. Code 722.114 through 722.117;
- b) A farmer that disposes of hazardous waste pesticides from the ~~farmer's~~ farmer's own use, as provided in 35 Ill. Adm. Code 722.170;
- c) A person that owns or operates a facility solely for the treatment, storage, or disposal of hazardous waste excluded from regulations under this Part by 35 Ill. Adm. Code 721.104 or 722.114 (VSQG exemption);
- d) An owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
- e) An owner or operator of an elementary neutralization unit or wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110;
- f) A transporter that stores manifested shipments of hazardous waste in containers that meet the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;
- g) A person that adds absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or a person that adds waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and 35 Ill. Adm. Code 724.117(b), 724.271, and 724.272 are complied with; and
- h) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that manages the wastes listed in subsections (h)(1) through (h)(6). Such a handler or transporter is subject to regulation under 35 Ill. Adm. Code 733.
 - 1) Batteries, as described in 35 Ill. Adm. Code 733.102;
 - 2) Pesticides, as described in 35 Ill. Adm. Code 733.103;

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

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

5) Aerosol cans, as described in 35 Ill. Adm. Code ~~733.106~~ 733.6; ~~and~~

6) Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.

- i) This subsection (i) corresponds with 40 CFR 270.1(c)(2)(ix), which applies only to a facility outside Illinois. This statement maintains structural consistency with the corresponding USEPA rule.
- j) Reverse Distributors Accumulating Potentially Creditable Hazardous Waste Pharmaceuticals and Evaluated Hazardous Waste Pharmaceuticals, as defined in Section 726.600. Reverse distributors are subject to regulation under Subpart P of 35 Ill. Adm. Code 726 for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

BOARD NOTE: Derived from 40 CFR 270.1(c)(2).

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

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

PART 720
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

| Section | |
|---------|--|
| 720.101 | Purpose, Scope, and Applicability |
| 720.102 | Availability of Information; Confidentiality of Information |
| 720.103 | Use of Number and Gender |
| 720.104 | Manifest Copy Submission Requirements for Certain Interstate Waste Shipments |
| 720.105 | Applicability of Electronic Manifest System and User Fee Requirements to Facilities Receiving State-Only Regulated Waste Shipments |
| 720.109 | Electronic Reporting |

SUBPART B: DEFINITIONS AND REFERENCES

| Section | |
|---------|-------------|
| 720.110 | Definitions |
| 720.111 | References |

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

| Section | |
|----------------|---|
| 720.120 | Rulemaking |
| 720.121 | Alternative Equivalent Testing Methods |
| 720.122 | Waste Delisting |
| 720.123 | Petitions for Regulation as Universal Waste |
| 720.130 | Procedures for Solid Waste Determinations and Non-Waste Determinations |
| 720.131 | Solid Waste Determinations |
| 720.132 | Boiler Determinations |
| 720.133 | Procedures for Determinations |
| 720.134 | Non-Waste Determinations |
| 720.140 | Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis |
| 720.141 | Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities |
| 720.142 | Notification Requirement for Hazardous Secondary Materials |
| 720.143 | Legitimate Recycling of Hazardous Secondary Materials |
| 720.APPENDIX A | Overview of Federal RCRA Subtitle C (Hazardous Waste) Regulations (Repealed) |

AUTHORITY: Implementing Sections 7.2, 13, 22.4, and 22.23e and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, 22.23e, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18535, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17672, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8740, effective June 4, 2012; amended in R13-5 at 37 Ill. Reg. 3180, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17726, effective October 24, 2013; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. 7189, effective March 13, 2014; amended in R14-13 at 38 Ill. Reg. 12378, effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1542, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11286, effective August 9, 2016; amended in R17-14/R17-

15/R18-12/R18-31 at 42 Ill. Reg. 21215, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 446, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5817, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15067, effective September 3, 2020; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg. 9723, effective June 20, 2024; amended in R24-12 at 48 Ill. Reg. 16776, effective November 7, 2024; amended in R25-22 at 49 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.110 Definitions

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

"Aboveground tank" means a device meeting the definition of tank that is situated so that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) can be visually inspected.

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

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

"Acute hazardous waste" means hazardous waste that meets the listing criteria in 35 Ill. Adm. Code 721.111(a)(2) and therefore is either listed in 35 Ill. Adm. Code 721.131 with the assigned hazard code of (H) or is listed in 35 Ill. Adm. Code 721.133(e).

BOARD NOTE: These are USEPA hazardous waste numbers F020, F021, F022, F023, F026, and F027, and all USEPA hazardous waste numbers having the prefix "P".

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

"Aerosol can" means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder, and fitted with a self-closing release device allowing the gas to eject the contents.

"Agency" means the Illinois Environmental Protection Agency.

"Airbag waste" means any hazardous waste airbag modules or hazardous waste airbag inflators.

"Airbag waste collection facility" means any facility that receives airbag waste from airbag handlers subject to regulation under 35 Ill. Adm. Code 721.104(j) and that accumulates the waste for more than ten days.

"Airbag waste handler" means any person, by site, that generates airbag waste that is subject to regulation under 35 Ill. Adm. Code 721.104(j).

"Ancillary equipment" means any devices, like piping, fittings, flanges, valves, and pumps, that are used to distribute, meter, or control the flow of hazardous waste from its point of generation to storage or treatment tanks, between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

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

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

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

"Board" means the Illinois Pollution Control Board.

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

Boiler by physical characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and the ~~unit's~~ combustion chamber and primary energy recovery sections must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery sections (like waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery sections are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (like economizers or air preheaters) need not be physically formed

into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream) and fluidized bed combustion units; and

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

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

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

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

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

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

"Central accumulation area" means any on-site area where hazardous waste is accumulating in units subject to either 35 Ill. Adm. Code 722.116 (for an SQG) or 35 Ill. Adm. Code 722.117 (for an LQG). A central accumulation area at an eligible academic entity that chooses to operate under Subpart K of 35 Ill. Adm. Code 722 is also subject to 35 Ill. Adm. Code 722.311 when accumulating unwanted material or hazardous waste.

"Certification"²² means a statement of professional opinion based upon knowledge and belief.

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

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

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

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

Containment situation 1 (non-hazardous waste containment):

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

"Unpermitted releases" are releases that are not covered by a permit (e.g., a permit to discharge to water or air) and may include releases through surface transport by precipitation run-off, releases to soil and groundwater, windblown dust, fugitive air emissions, and catastrophic unit failures;

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

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

Containment situation 2 (hazardous waste containment):

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

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

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

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

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

"CRT collector" means a person that receives used, intact CRTs for recycling, repair, resale, or donation.

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

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

"CRT processing" means conducting the following activities:

- Receiving broken or intact CRTs;

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

- Sorting or otherwise managing glass removed from CRT monitors.

"Designated facility" means either of the following entities:

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

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

The facility has received a RCRA permit from USEPA under 40 CFR 124 and 270;

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

The facility is regulated under 35 Ill. Adm. Code 721.106(c)(2) or Subpart F of 35 Ill. Adm. Code 726; or

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

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

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

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

"Dioxins and furans" means tetra-, penta-, hexa-, hepta-, and octa-chlorinated dibenzodioxins and furans.

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

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

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

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after

closure. The term disposal facility does not include a corrective action management unit (CAMU) into which remediation wastes are placed.

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

"Electronic import-export reporting compliance date" means the date that USEPA will announce in the Federal Register, on or after which exporters, importers, and receiving facilities will be required to submit certain export and import related documents to USEPA using [USEPA's](#)~~USEPA's~~ Waste Import Export Tracking System, or its successor system.

BOARD NOTE: A compliance date in Illinois regulations is limited to a date certain on or after the Board has adopted the date by rulemaking. Adoption by rulemaking of the electronic import-export reporting compliance date can occur only after USEPA has made its announcement in the Federal Register. Until the Board has incorporated a date certain by rulemaking, the Board intends that no "electronic import-export reporting compliance date" will apply in the context of the Illinois rules. The federal electronic import-export reporting compliance date named by USEPA, however, may apply as provided by federal law.

"Electronic manifest" or "e-Manifest" means the electronic format of the hazardous waste manifest that is obtained from [USEPA's](#)~~USEPA's~~ national e-Manifest System and transmitted electronically to the e-Manifest System, and that is the legal equivalent of USEPA Forms 8700-22 (Manifest) and 8700-22A (Continuation Sheet).

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

"Elementary neutralization unit" means a device that meets the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A continuous on-site, physical construction program began; or

The owner or operator entered contractual obligations that could not be canceled or modified without substantial loss for physically constructing the facility to be completed within a reasonable time.

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

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

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

The owner or operator entered contractual obligations that cannot be canceled or modified without substantial loss for physically constructing the site or installing the tank system to be completed within a reasonable time.

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

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

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

"Facility" means the following:

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

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

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

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

"Federal, State, and local approvals or permits necessary to begin physically constructing-" means permits and approvals required under federal, State, or local hazardous waste control statutes, regulations, or ordinances.

"Final closure" means the closure of all hazardous waste management units at the facility in compliance with all applicable closure requirements so that hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.116 and 722.117.

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

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

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

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

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

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

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

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

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

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

"Incinerator" means any enclosed device that:

Uses controlled flame combustion, and the device:

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

Is not listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

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

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

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

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

"Individual generator site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generator site, like a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generator site if the site or property is contiguous.

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

Cement kilns;

Lime kilns;

Aggregate kilns;

Phosphate kilns;

Coke ovens;

Blast furnaces;

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

Titanium dioxide chloride process oxidation reactors;

Methane reforming furnaces;

Pulping liquor recovery furnaces;

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

Halogen acid furnaces (HAFs) for producing acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least three percent, the acid product

is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20 percent, as generated; and

Any other device that the Agency determines to be an industrial furnace based on one or more of the following factors:

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

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

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

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

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

Other relevant factors.

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

"Inground tank" means a device meeting the definition of tank with any portion of the tank wall situated within the ground, so that the ground prevents visually inspecting that external surface area of the tank.

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

"Injection well" means a well into which fluids are being injected. (See also "underground injection²²".)

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

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

"Intermediate facility"²² means any facility that stores hazardous secondary materials for more than ten days and that is neither a hazardous secondary material generator nor a reclaimer of hazardous secondary material.

"International shipment" means transporting hazardous waste into or out of the jurisdiction of the United States.

"Lamp" or "universal waste lamp" means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infrared regions of the electromagnetic spectrum. Examples of common universal waste lamps include fluorescent, high intensity discharge, neon, mercury vapor, high-pressure sodium, and metal halide lamps.

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

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

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

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

"Large quantity generator" or "LQG" means a generator that generates any of the following amounts of material in a calendar month:

Greater than or equal to 1,000 kg (2,200 lbs) of non-acute hazardous waste;

Greater than 1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e); or

Greater than 100 kg (220 lbs) of 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 acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e).

"LDS" means leak detection system.

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

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

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

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

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

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

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

"Military munitions" means all ammunition products and components produced or used by or for the United States Department of Defense or the United States Armed Services for national defense and security, including military munitions under the control of the United States Department of Defense (USDOD), the United States Coast Guard, the United States Department of Energy (USDOE), and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by USDOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster

munitions and dispensers, demolition charges, and devices and components of these items and devices. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components of these items and devices. However, the term does include non-nuclear components of nuclear devices, managed under [USDOE's](#) ~~USDOE's~~ nuclear weapons program after all sanitization operations required under the Atomic Energy Act of 1954 (42 U.S.C. 2014 et seq.), as amended, have been completed.

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

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

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

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

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

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

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

method that the Agency has determined by permit condition is equivalent to Method 9095B.

"Non-acute hazardous waste" means hazardous waste that is not acute hazardous waste, as defined in this Section.

"On-ground tank" means a device meeting the definition of tank whose bottom is situated on the same level as the adjacent surrounding surfaces so that visually inspecting the external tank bottom is not possible.

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

"Open burning" means combusting any material without the following characteristics:

Controlling combustion air to maintain adequate temperature for efficient combustion;

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

Controlling emission of the gaseous combustion products.
(See also "incineration" and "thermal treatment".)

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

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

"Paint" means a pigmented or unpigmented powder coating, or a pigmented or unpigmented mixture of binder and suitable liquid, that forms an adherent coating when applied to a surface. Powder coating is a surface coating that is applied as a dry powder and is fused into a continuous coating film through the use of heat. "Paint" includes architectural paint as defined in the Paint Stewardship Act but does not include other types of coatings such as industrial original equipment or specialty coatings. [415 ILCS 5/22.23e]

"Paint-related waste" is (i) material contaminated with paint that results from the packaging of paint, wholesale and retail operations, paint manufacturing, and paint application or removal activities or (ii) material derived from the reclamation of paint-related wastes that is recycled in a manner other than burning for energy recovery or used in a manner constituting disposal. [415 ILCS 5/22.23e]

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

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

"Personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in not complying with 35 Ill. Adm. Code 724 or 725.

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

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

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

It is an animal feed under FFDCA section 201(w) (21 U.S.C. 321(w)), incorporated by reference in Section 720.111(c), that bears or contains any substances described in either of the two preceding paragraphs of this definition.

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

"Physical construction" or "physically constructing" (RCRA) means excavating, moving earth, erecting forms or structures, or similar activity to prepare an HWM facility for accepting hazardous waste.

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

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

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

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

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certification, or completing accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and contaminant rate and transport. BOARD NOTE: State registration includes registration as a professional engineer with the Department of Professional Regulation under 225 ILCS 325 and 68 Ill. Adm. Code 1380. Professional certification includes certification under the certified groundwater professional program of the National Ground Water Association.

"RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.).

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

"Recognized trader" means a person domiciled in the United States, by site of business, who acts to arrange and facilitate transboundary movements of wastes destined for recovery or disposal operations, either by purchasing from and subsequently selling to United States and foreign facilities, or by acting under arrangements with a United States waste facility to arrange for the export or import of the wastes.

"Regional Administrator" means the Regional Administrator for the USEPA region in which the facility is located or the Regional ~~Administrator's~~[Administrator's](#) designee.

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

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

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

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

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

"Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

"Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that part of the ~~earth's~~[earth's](#) crust in which all voids are filled with water.

"SIC code" means "Standard Industrial Classification code", as assigned to a site by the United States Department of Transportation, Federal Highway

Administration, based on the particular activities that occur on the site, as provided in "Standard Industrial Classification Manual", incorporated by reference in Section 720.111(a).

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

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

"Small quantity generator" or "SQG" means a generator that generates the following amounts of material in a calendar month:

Greater than 100 kg (220 lbs) but less than 1,000 kilograms (2,200 lbs) of non-acute hazardous waste;

Less than or equal to 1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e); and

Less than or equal to 100 kg (220 lbs) of 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 acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e).

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

"Solvent-contaminated wipe" means the following:

A wipe that, after use or after cleaning up a spill, meets one or more of the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Transport vehicle" means a motor vehicle or rail car used for transporting cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway, or water.

"Transporter" means a person engaged in transporting hazardous waste off-site by air, rail, highway, or water.

"Treatability study" means the following:

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

Whether the waste is amenable to the treatment process;

What pretreatment (if any) is required;

The optimal process conditions needed to achieve the desired treatment;

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

The characteristics and volumes of residuals from a particular
treatment process;

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

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

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

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well or through a dug well, if the depth of the dug well is greater than the largest surface dimension. (See also ["injection well"](#).)

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

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

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

"Universal waste" means any of the following hazardous wastes that are managed under the universal waste requirements of 35 Ill. Adm. Code 733:

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

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

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

Lamps, as described in 35 Ill. Adm. Code 733.105; ~~and~~

Aerosol cans, as described in 35 Ill. Adm. Code 733.106; and

Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.

"Universal waste handler" means either of the following:

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

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

"Universal waste handler" does not mean either of the following:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles (except under 35 Ill. Adm. Code 733.113(e) or 733.133(e)) universal waste; or

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

"Universal waste transporter" means a person engaged in transporting universal waste off-site by air, rail, highway, or water.

"Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

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

"USDOT" or "Department of Transportation" means the United States Department of Transportation.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and because of this use is contaminated by physical or chemical impurities.

"USEPA" or "EPA" means the United States Environmental Protection Agency.

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

"USEPA identification number" or "USEPA ID number" is the unique alphanumeric identifier that USEPA assigns a hazardous waste generator; transporter; treatment, storage, or disposal facility; or reclamation facility upon notification complying with section 3010 of RCRA U.S.C..

"User of the Electronic Manifest System" or "user of the e-Manifest System" means a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person or entity that meets both of the following conditions:

The person or entity must use a manifest to comply with any federal or state requirement to track the shipment, transportation, and receipt of either of the following:

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

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

The person or entity elects to use either of the following:

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

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

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

"USPS" means the United States Postal Service.

"Very small quantity generator" or "VSQG" means a generator that generates less than or equal to the following amounts of material in a calendar month:

100 kg (220 lbs) of nonacute hazardous waste;

1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e); and

100 kg (220 lbs) of 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 acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e).

"Vessel" includes every description of watercraft used or capable of being used for transporting on the water.

"Wastewater treatment unit" means a device that:

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

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

Meets the definition of tank or tank system in this Section.

"Water (bulk shipment) " means transporting bulk hazardous waste loaded or carried on board a vessel without containers or labels.

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

"Well injection" means "underground injection".

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

"Zone of engineering control" means an area under the control of the owner or operator that, upon detecting a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

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

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

PART 721
IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

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| 721.105 | Special Requirements for Hazardous Waste Generated by Small Quantity Generators (Repealed) |
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AUTHORITY: Implementing Sections 7.2, 22.4, and 22.23e and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, 22.23e, 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/R18-31 at 42 Ill. Reg. 21673, effective

November 19, 2018; amended in R19-3 at 43 Ill. Reg. 496, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5884, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15142, effective September 3, 2020; amended in R21-13/R22-13/R24-4 at 48 Ill. Reg. 9827, effective June 20, 2024; amended in R24-12 at 48 Ill. Reg. 16813, effective November 7, 2024; amended in R25-22 at 49 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 721.109 Requirements for Universal Waste

The wastes listed in this Section are exempt from regulation under 35 Ill. Adm. Code 702, 703, 722 through 726, and 728, except as specified in 35 Ill. Adm. Code 733, and are therefore not fully regulated as hazardous waste. The following wastes are subject to regulation under 35 Ill. Adm. Code 733:

- a) Batteries, as described in 35 Ill. Adm. Code 733.102;
- b) Pesticides, as described in 35 Ill. Adm. Code 733.103;
- c) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;
- d) Lamps, as described in 35 Ill. Adm. Code 733.105; ~~and~~
- e) Aerosol cans, as described in 35 Ill. Adm. Code 733.106; and
- f) Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.

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

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

PART 724
STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
TREATMENT, STORAGE, AND DISPOSAL FACILITIES

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| 724.672 | Design and Installation of New Drip Pads |
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SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

| Section | |
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SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

| Section | |
|---------|---|
| 724.950 | Applicability |
| 724.951 | Definitions |
| 724.952 | Standards: Pumps in Light Liquid Service |
| 724.953 | Standards: Compressors |
| 724.954 | Standards: Pressure Relief Devices in Gas/Vapor Service |
| 724.955 | Standards: Sampling Connecting Systems |
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| 724.963 | Test Methods and Procedures |
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SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

| Section | |
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| 724.983 | Waste Determination Procedures |
| 724.984 | Standards: Tanks |
| 724.985 | Standards: Surface Impoundments |
| 724.986 | Standards: Containers |
| 724.987 | Standards: Closed-Vent Systems and Control Devices |
| 724.988 | Inspection and Monitoring Requirements |

- 724.989 Recordkeeping Requirements
- 724.990 Reporting Requirements
- 724.991 Alternative Control Requirements for Tanks (Repealed)

SUBPART DD: CONTAINMENT BUILDINGS

Section

- 724.1100 Applicability
- 724.1101 Design and Operating Standards
- 724.1102 Closure and Post-Closure Care

SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

Section

- 724.1200 Applicability
- 724.1201 Design and Operating Standards
- 724.1202 Closure and Post-Closure Care

- 724.APPENDIX A Recordkeeping Instructions
- 724.APPENDIX B EPA Report Form and Instructions (Repealed)
- 724.APPENDIX D Cochran's Approximation to the Behrens-Fisher Student's T-Test
- 724.APPENDIX E Examples of Potentially Incompatible Waste
- 724.APPENDIX I Groundwater Monitoring List

AUTHORITY: Implementing Sections 7.2, 22.4, and 22.23e and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, 22.23e, and 27].

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636,

effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9833, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5115, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6635, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3725, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6009, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6365, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3196, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 893, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12365, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1106, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18873, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17965, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17773, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1724, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11726, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22614, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 601, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5999, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15347, effective September 3, 2020; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg. 9892, effective June 20, 2024; amended in R24-12 at 48 Ill. Reg. 17057, effective November 7, 2024; amended in R25-22 at 49 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 724.101 Purpose, Scope, and Applicability

- a) This Part establishes minimum standards that define the acceptable management of hazardous waste.
- b) The standards in this Part apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- c) This Part applies to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the federal Marine Protection, Research and Sanctuaries Act (33 USC 1401 et seq.) only to the extent they are included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141. A ¹¹²RCRA permit is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.

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

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

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

- e) This Part applies to the owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141.
- f) This subsection (f) corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with USEPA rules.
- g) This Part does not apply to the following:

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

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

- 2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the extent that requirements of this Part are referred to in Subpart C, F, G, or H of 35 Ill. Adm. Code 726 or 35 Ill. Adm. Code 739).
- 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.114, 722.115, 722.116, 722.117, or 722.Subpart K or L.
- 4) A farmer disposing of waste pesticides from the ~~farmer's~~ farmer's own use in compliance with 35 Ill. Adm. Code 722.170.
- 5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.
- 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the

owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in Table T to 35 Ill. Adm. Code 728) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b).

- 7) This subsection (g)(7) corresponds with 40 CFR 264.1(g)(7), reserved by USEPA. This statement maintains structural consistency with USEPA rules.
- 8) Immediate Response
 - A) Except as provided in subsection (g)(8)(B), a person engaged in treatment or containment activities during immediate response to any of the following situations:
 - i) A discharge of a hazardous waste;
 - ii) An imminent and substantial threat of a discharge of hazardous waste;
 - iii) A discharge of a material that becomes a hazardous waste when discharged; or
 - iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.
 - B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D.
 - C) Any person that is covered by subsection (g)(8)(A) and that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.
 - D) In the case of an explosives or munitions emergency response, if a federal, State, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to adequately protect human health

or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response ~~specialist's~~ [specialist's](#) organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

- 9) A transporter storing manifested shipments of hazardous waste in containers meeting 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.
- 10) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.
- 11) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:
 - A) Batteries, as described in 35 Ill. Adm. Code 733.102;
 - B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
 - C) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;
 - D) Lamps, as described in 35 Ill. Adm. Code 733.105; ~~and~~
 - E) Aerosol cans, as described in 35 Ill. Adm. Code 733.106; ~~and~~
 - [F\) Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.](#)
- 12) This subsection (g)(12) corresponds with 40 CFR 264.1(g)(12), which applies only to a facility outside Illinois. This statement maintains structural consistency with the corresponding USEPA rule.
- 13) A reverse distributor accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, as defined in 35 Ill. Adm. Code 726.600. A reverse distributor is subject to regulation under Subpart P of 35 Ill. Adm. Code 726 instead of this Part

for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

- h) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.
- i) 35 Ill. Adm. Code 726.505 identifies when this Part applies to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 728, and 738.
- j) Subparts B, C, and D and Section 724.201 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, Subparts B, C, and D, and Section 724.201 do apply to the facility subject to the traditional RCRA permit.) Instead of Subparts B, C, and D, the owner or operator of a remediation waste management site must comply with the following requirements:
 - 1) The owner or operator must obtain a USEPA identification number by applying to the Agency using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12), as described in Section 724.111;

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage.
 - 2) The owner or operator must obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information that must be known to treat, store, or dispose of the waste according to this Part and 35 Ill. Adm. Code 728, and the owner or operator must keep the analysis accurate and up to date;
 - 3) The owner or operator must prevent people who are unaware of the danger from entering the site, and the owner or operator must minimize the possibility for unauthorized people or livestock entering onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate the following to the Agency:

- A) That physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock that may enter the active portion of the remediation waste management site; and
 - B) That disturbance of the waste or equipment by people or livestock that enter onto the active portion of the remediation waste management site will not cause a violation of the requirements of this Part;
- 4) The owner or operator must inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing or may lead to a release of hazardous waste constituents to the environment or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and the owner or operator must remedy the problem before it leads to a human health or environmental hazard. If a hazard is imminent or has already occurred, the owner or operator must immediately take remedial action;
- 5) The owner or operator must provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with this Part, and on how to respond effectively to emergencies;
- 6) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and the owner or operator must prevent threats to human health and the environment from ignitable, reactive, and incompatible waste;
- 7) For remediation waste management sites subject to regulation under Subparts I through O and Subpart X, the owner or operator must design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can meet the requirements of Section 724.118(b);
- 8) The owner or operator must not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;
- 9) The owner or operator must develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with Sections 724.321(c) and (d), 724.351(c) and (d), and 724.401(c) and (d) at the remediation waste management site, according to Section 724.119;

- 10) The owner or operator must develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents occurs that could threaten human health or the environment;
- 11) The owner or operator must designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the ~~facility's~~facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste 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;
- 12) The owner or operator must develop, maintain, and implement a plan to meet the requirements in subsections (j)(2) through (j)(6) and (j)(9) through (j)(10); and
- 13) The owner or operator must maintain records documenting compliance with subsections (j)(1) through (j)(12).

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

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

PART 725
INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS
WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

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AUTHORITY: Implementing Sections 7.2, 22.4, and 22.23e and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, 22.23e, 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. 14034, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990;

amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9168, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1076, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9575, effective June 20, 2000; amended in R03-7 at 27 Ill. Reg. 4187, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6028, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6389, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3460, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1031, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12566, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1155, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18890, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 18052, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17811, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1746, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11830, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 23725, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 634, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 6049, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15374, effective September 3, 2020; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg. 9911, effective June 20, 2024; amended in R24-12 at 48 Ill. Reg. 17086, effective November 7, 2024; amended in R25-22 at 49 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 725.101 Purpose, Scope, and Applicability

- a) This Part establishes minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure care requirements, until post-closure care responsibilities are met.
- b) Except as provided in Section 725.980(b), the standards in this Part and 35 Ill. Adm. Code 724.652 through 724.654 apply to owners and operators of facilities that treat, store, or dispose of hazardous waste and that have fully complied with the requirements for interim status under Section 3005(e) of RCRA (42 USC 6925(e)) and 35 Ill. Adm. Code 703, until either a permit is issued under Section 3005 of RCRA (42 USC 6905) or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure care responsibilities under this Part

are met, and to those owners and operators of facilities in existence on November 19, 1980 that have failed to provide timely notification as required by section 3010(a) of RCRA (42 USC 6930(a)) or that have failed to file Part A of the Permit Application, as required by federal 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152. These standards apply to all treatment, storage, or disposal of hazardous waste at these facilities, except as specifically provided otherwise in this Part or in 35 Ill. Adm. Code 721.

BOARD NOTE: As stated in Section 3005(a) of RCRA (42 USC 6905(a)), after the effective date of regulations under that Section (i.e., 40 CFR 270 and 124) the treatment, storage, or disposal of hazardous waste is prohibited except in compliance with a permit. Section 3005(e) of RCRA (42 USC 6905(e)) provides for the continued operation of an existing facility that meets certain conditions until final administrative disposition of the ~~owner's~~ owner's and ~~operator's~~ operator's permit application is made.

c) This Part does not apply to any of the following:

- 1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the federal Marine Protection, Research and Sanctuaries Act (33 USC 1401 et seq.);

BOARD NOTE: This Part applies to the treatment or storage of hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in subsection (b).

- 2) This subsection (c)(2) corresponds with 40 CFR 265.1(c)(2), marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules;
- 3) The owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste;

BOARD NOTE: The owner or operator of a facility under subsections (c)(1) and (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person under 35 Ill. Adm. Code 702 and 703 or are required by Subpart F of 35 Ill. Adm. Code 704.

- 4) This subsection (c)(4) corresponds with 40 CFR 265.1(c)(4), which pertains exclusively to the applicability of the federal regulations in authorized states. There is no need for a parallel provision in the Illinois regulations. This statement maintains structural consistency with USEPA rules;

- 5) The owner or operator of a facility permitted, licensed, or registered by Illinois to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 722.114;
- 6) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4), except to the extent that requirements of this Part are referred to in Subpart C, F, G, or H of 35 Ill. Adm. Code 726 or 35 Ill. Adm. Code 739;
- 7) A generator accumulating waste on-site in compliance with applicable conditions for exemption in 35 Ill. Adm. Code 722.114 through 722.117 and Subparts K and L of 35 Ill. Adm. Code 722, except to the extent the requirements of this Part are included in those Sections and Subparts;
- 8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;
- 9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
- 10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in Table T of 35 Ill. Adm. Code 728) or reactive (D003) waste in order to remove the characteristic before land disposal, the owner or operator must comply with the requirements set forth in Section 725.117(b);
- 11) Immediate Response
 - A) Except as provided in subsection (c)(11)(B), a person engaged in treatment or containment activities during immediate response to any of the following situations:
 - i) A discharge of a hazardous waste;
 - ii) An imminent and substantial threat of a discharge of a hazardous waste;
 - iii) A discharge of a material that becomes a hazardous waste when discharged; or
 - iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or

an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.

- B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D.
 - C) Any person that is covered by subsection (c)(11)(A) that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities;
 - D) In the case of an explosives or munitions emergency response, if a federal, state, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to adequately protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition;
- 12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;
 - 13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or the addition of waste to the absorbent material in a container, provided that these actions occur at the time that the waste is first placed in the containers and Sections 725.117(b), 725.271, and 725.272 are complied with;
 - 14) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:
 - A) Batteries, as described in 35 Ill. Adm. Code 733.102;
 - B) Pesticides, as described in 35 Ill. Adm. Code 733.103;

- C) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;
 - D) Lamps, as described in 35 Ill. Adm. Code 733.105; ~~and~~
 - E) Aerosol cans, as described in 35 Ill. Adm. Code 733.106; and
 - F) [Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.](#)
- 15) This subsection (c)(15) corresponds with 40 CFR 265.1(c)(15). This statement maintains structural consistency with the corresponding USEPA rule; or
- 16) A reverse distributor accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, as defined in 35 Ill. Adm. Code 726.600. A reverse distributor is subject to regulation under Subpart P of 35 Ill. Adm. Code 726 instead of this Part for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.
- d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: USEPA hazardous waste numbers F020, F021, F022, F023, F026, or F027, unless the following conditions are met:
- 1) The wastewater treatment sludge is generated in a surface impoundment as part of the ~~plant's~~ plant's wastewater treatment system;
 - 2) The waste is stored in tanks or containers;
 - 3) The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) and all other applicable requirements of Subpart L;
 - 4) The waste is burned in incinerators that are certified under the standards and procedures in Section 725.452; or
 - 5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified under the standards and procedures in Section 725.483.
- e) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.

- f) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 728, and 738.
- g) Other bodies of regulations may apply to a person, facility, or activity, such as 35 Ill. Adm. Code 809 (special waste hauling), 35 Ill. Adm. Code 807 or 810 through 817 (solid waste landfills), 35 Ill. Adm. Code 848 or 849 (used and scrap tires), or 35 Ill. Adm. Code 1420 through 1422 (potentially infectious medical waste), depending on the provisions of those other regulations.

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

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 733

STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

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SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

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SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

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AUTHORITY: Implementing Sections 7.2, 22.4, and 22.23e and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, 22.23e, and 27].

SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 Ill. Reg. 9502, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9874, effective June 20, 2000; amended in R05-8 at 29 Ill. Reg. 6058, effective April 13, 2005; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1352, effective December 20, 2006; amended in R16-7 at 40 Ill. Reg. 12268, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 25200, effective November 19, 2018; amended in R19-11 at 43 Ill. Reg. 6095, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15520, effective September 3, 2020; amended in R25-22 at 49 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 733.101 Scope

- a) This Part establishes requirements for managing the following:
 - 1) Batteries, as described in Section 733.102;
 - 2) Pesticides, as described in Section 733.103;
 - 3) Mercury-containing equipment, as described in Section 733.104;
 - 4) Lamps, as described in Section 733.105; ~~and~~
 - 5) Aerosol cans, as described in 35 Ill. Adm. Code 733.106; ~~and-~~
 - 6) [Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.](#)
- b) This Part provides an alternative set of management standards in lieu of regulation under 35 Ill. Adm. Code 702 through 705 and 720 through 728.
- c) Electronic Reporting. The filing of any document under any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Subsection (c) is derived from 40 CFR 3, 271.10(b), 271.11(b), and 271.12(h).

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

Section 733.107 Applicability: Paint and Paint-related Waste ~~Applicability--Mercury-Containing Lamps (Repealed)~~

- a) Paint and Paint-related Waste Covered under This Part. The requirements of this Part apply to persons that manage paint and paint-related waste, as described in Section 733.109, except those listed in subsection (b).
- b) Paint and Paint-related Waste Not Covered under This Part. The requirements of this Part do not apply to the following:
 - 1) Paint or paint-related waste that has been mixed with solvents or other materials that alter the physical properties of the paint or paint-related waste.
 - 2) Paint or paint-related waste that is not hazardous waste. Paint or paint-related waste is a hazardous waste if it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.
 - 3) Paint and paint-related materials that are not regulated as a waste.
- c) Generation of Paint and Paint-related Waste
 - 1) Paint and paint-related waste becomes a waste on the date it is discarded.
 - 2) Unused paint becomes a waste on the date the handler decides to discard it.

(Source: Former Section 733.107 Repealed at 22 Ill. Reg. 9874, effective June 20, 2000; new Section 733.107 Added at 49 Ill. Reg. _____, effective _____)

Section 733.108 Applicability: Household and Very Conditionally Exempt Small Quantity Generator Waste

- a) A person that manages any of the wastes listed below may, at its option, manage the waste under the requirements of this Part.

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- 1) Household wastes that are exempt under 35 Ill. Adm. Code 721.104(b)(1) and which are also of the same type as the universal wastes defined at Section 733.109; or
 - 2) VSQG wastes that are exempt under 35 Ill. Adm. Code 722.114 and are also of the same type as the universal wastes defined at Section 733.109.
- b) A person that commingles the wastes described in subsections (a)(1) and (a)(2) together with the same type of universal waste regulated under this Part must manage the commingled waste under the requirements of this Part.

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

Section 733.109 Definitions

"Aerosol can" means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder, and fitted with a self-closing release device allowing the gas to eject the contents.

"Ampule" means an airtight vial made of glass, plastic, metal, or any combination of these materials.

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

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

"FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136 through 136y).

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

"Lamp" or "universal waste lamp" is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infra-red regions of the electromagnetic spectrum. Common examples of universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

"Large quantity handler of universal waste" means a universal waste handler (as defined in this Section) that accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, ~~or~~ aerosol cans, or paint and paint-related waste, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the 5,000-kilogram limit is met or exceeded.

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

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

"Paint" means a pigmented or unpigmented powder coating, or a pigmented or unpigmented mixture of binder and suitable liquid, that forms an adherent coating when applied to a surface. Powder coating is a surface coating that is applied as a dry powder and is fused into a continuous coating film through the use of heat. "Paint" includes architectural paint as defined in the Paint Stewardship Act but does not include other types of coatings such as industrial original equipment or specialty coatings. [415 ILCS 5/22.23e]

"Paint-related waste" is (i) material contaminated with paint that results from the packaging of paint, wholesale and retail operations, paint manufacturing, and paint application or removal activities or (ii) material derived from the reclamation of

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paint-related wastes that is recycled in a manner other than burning for energy recovery or used in a manner constituting disposal. [415 ILCS 5/22.23e]

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

It is a new animal drug under section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA) (21 USC 321(v)), incorporated by reference in 35 Ill. Adm. Code 720.111;

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services under FFDCA section 512(j) (21 USC 360b(j)), incorporated by reference in 35 Ill. Adm. Code 720.111(c), to be an exempted new animal drug; or

It is an animal feed under FFDCA section 201(w) (21 USC 321(w)), incorporated by reference in 35 Ill. Adm. Code 720.111(c), that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 273.6 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug." This is very similar to the language of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 USC 136(u)). The three exceptions, taken together, appear intended not to include as "pesticide" any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Small quantity handler of universal waste" means a universal waste handler (as defined in this Section) that does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, ~~or~~ aerosol cans, or paint and paint-related waste, calculated collectively) at any time.

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules

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that have been removed from such a temperature control device in compliance with the requirements of Section 733.113(c)(2) or 733.133(c)(2).

"Universal waste" means any of the following hazardous wastes that are subject to the universal waste requirements of this Part:

Batteries, as described in Section 733.102;

Pesticides, as described in Section 733.103;

Mercury-containing equipment, as described in Section 733.104;

Lamps, as described in Section 733.105; ~~and~~

Aerosol cans, as described in Section 733.106; ~~and-~~

Paint and paint-related waste, as described in Section 733.107.

"Universal waste handler" means either of the following:

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

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

Universal waste handler does not mean:

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

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

"Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other similar areas where

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shipments of universal waste are held during the normal course of transportation for ten days or less.

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

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

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section 733.113 Waste Management

- a) Universal Waste Batteries. A small quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
 - 1) A small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
 - 2) A small quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):
 - A) Sorting batteries by type;
 - B) Mixing battery types in one container;
 - C) Discharging batteries so as to remove the electric charge;
 - D) Regenerating used batteries;
 - E) Disassembling batteries or battery packs into individual batteries or cells;

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- F) Removing batteries from consumer products; or
 - G) Removing electrolyte from batteries; and
- 3) A small quantity handler of universal waste that removes electrolyte from batteries, or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2), must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.
- A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.
 - B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- b) Universal Waste Pesticides. A small quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:
- 1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
 - 2) A container that does not meet the requirements of subsection (b)(1), provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);

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- 3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.297(c), 265.300, and 265.301; or
 - 4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- c) Universal Waste Mercury-Containing Equipment. A small quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A small quantity handler of universal waste must place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed; must be structurally sound; must be compatible with the contents of the device; must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.
 - 2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler follows each of the following procedures:
 - A) It removes and manages the ampules in a manner designed to prevent breakage of the ampules;
 - B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
 - C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from that containment device to a container that is subject to all applicable requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728;

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- D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728;
 - E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
 - F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
 - G) It stores removed ampules in closed, non-leaking containers that are in good condition; and
 - H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.
- 3) A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:
- A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and
 - B) It follows all requirements for removing ampules and managing removed ampules under subsection (c)(2).
- 4) Required Hazardous Waste Determination and Further Waste Management
- A) A small quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a

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characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:

- i) Mercury or clean-up residues resulting from spills or leaks;
or
 - ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).
- B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.
- C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- d) [Universal Waste](#) Lamps. A small quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A small quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

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- 2) A small quantity handler of universal waste lamps must immediately clean up and place in a container any lamp that is broken, and the small quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and
- 3) Small quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:
 - A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m^3 when measured on the basis of time weighted average over an eight-hour period;
 - B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:
 - i) Name and address of the handler;
 - ii) Estimated monthly amount of lamps crushed; and
 - iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(5)(A);
 - C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115, and has available equipment necessary to comply with this requirement;

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- D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
 - E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and
 - F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling, and transportation.
- e) [Universal Waste](#) Aerosol Cans. A small quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A small quantity handler must accumulate universal waste aerosol cans in a container that is structurally sound; compatible with the contents of the aerosol cans; lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and is protected from sources of heat.
 - 2) A small quantity handler must package universal waste aerosol cans that show evidence of leakage in a separate closed container or overpacked with absorbents, or the small quantity handler must immediately puncture and drain the cans in accordance with the requirements of subsection (e)(4).
 - 3) A small quantity handler of universal waste may conduct the following activities as long as each individual aerosol can is not breached and remains intact:
 - A) Sorting aerosol cans by type;
 - B) Mixing intact cans in one container; and
 - C) Removing actuators to reduce the risk of accidental release; and

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- 4) A small quantity handler of universal waste that punctures and drains its aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:
- A) The small quantity handler must conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions of the contents.
 - B) The small quantity handler must establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol cans (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the [manufacturer's](#) specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.
 - C) The small quantity handler must ensure that puncturing the cans is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This manner includes locating the equipment on a solid, flat surface in a well-ventilated area.
 - D) The small quantity handler must immediately transfer the contents from the waste aerosol cans or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.
 - E) The small quantity handler must conduct a hazardous waste determination on the contents of the emptied aerosol can under 35 Ill. Adm. Code 722.111. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728. The handler is considered the generator of the hazardous waste and is subject to 35 Ill. Adm. Code 722.
 - F) If the small quantity handler determines that the contents are nonhazardous, the handler may manage the waste in any way that

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is in compliance with applicable federal, State, or local solid waste regulations.

- G) The small quantity handler must have a written procedure in place in the event of a spill or leak and must provide a spill clean-up kit. The small quantity handler must promptly clean up all spills or leaks of the contents of the aerosol cans.

f) Universal Waste Paint and Paint-related waste. A small quantity handler of universal waste must manage universal waste paint and paint-related waste in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- 1) The small quantity handler of universal waste must collect and store universal waste paint and paint-related waste in containers that are structurally sound, compatible with the universal waste paint and paint-related waste and lack evidence of leakage or damage that could cause leakage under reasonably foreseeable conditions.
- 2) The small quantity handler of universal waste must ensure that containers in which the universal waste paint and paint-related waste are contained do not leak and remain closed, except when wastes are being added, consolidated, or removed from the container.
- 3) The small quantity handler of universal waste, upon detection of a release of universal waste paint or paint-related waste, must do the following:
 - A) Stop the release.
 - B) Contain the released universal waste paint or paint-related waste.
 - C) Clean up and manage the released universal waste paint or paint-related waste in compliance with Section 733.137, and other materials generated from the cleanup in compliance with the Act and Board regulations.
 - D) Remove any leaking container from service by transferring the contents to a container that meets the requirements of 733.113(f)(1).

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- E) Repair any leaking container to meet the requirements of 733.113(f)(1) before returning it to service.
- 4) Ignitable universal waste paint or paint-related waste.
 - A) Except for subsection (f)(4)(D), a small quantity handler of universal waste must locate containers holding ignitable universal waste paint or paint-related waste at least 50 feet from the facility property line, unless the small quantity handler obtains written approval from the authority having jurisdiction over the local fire code to allow ignitable universal waste paint or paint-related waste to be located within 50 feet of the facility property line. The small quantity handler must maintain a record of the written approval as long as universal waste paint or paint-related waste is located within 50 feet of the facility property line.
 - B) A small quantity handler of universal waste must take precautions to prevent accidental ignition of universal waste paint or paint-related waste. The small quantity handler must separate and protect universal waste paint and paint-related waste from sources of ignition, including the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), or radiant heat.
 - C) While handling ignitable universal waste paint or paint-related waste, the small quantity handler must confine smoking and open flames to specifically designated locations. The small quantity handler must conspicuously place "No Smoking" signs wherever there is an ignitability hazard from universal waste paint or paint-related waste.
 - D) A small quantity handler of universal waste at a retail site participating as a drop-off or collection site for universal waste paint under an approved Paint Stewardship program plan is exempt from subsection (f)(4)(A).
- 5) A small quantity handler of universal waste must manage universal waste paint or paint-related waste that is incompatible in separate containers.

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6) A small quantity handler of universal waste must design, maintain, and operate areas of its facility where universal waste paint or paint-related waste is collected or stored in a manner that minimizes the possibility of a fire, explosion, or unplanned sudden or non-sudden release of universal waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.

g) If a small quantity handler of universal waste paint or paint-related waste under an approved Paint Stewardship program plan receives a shipment containing hazardous waste that is not a universal waste at a retail collection/drop-off site, the handler must comply with the procedures specified in that plan instead of the procedures specified in Section 733.118(g).

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

Section 733.114 Labeling and Marking

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

- a) Universal waste batteries (i.e., each battery) or a container in which the batteries are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste — Batteries", "Waste Batteries", or "Used Batteries".
- b) A container (or multiple container package unit), tank, transport vehicle, or vessel in which recalled universal waste pesticides, as described in Section 733.103(a)(1), are contained must be labeled or marked clearly, as follows:
 - 1) The label that was on or accompanied the product as sold or distributed; and
 - 2) The words "Universal Waste — Pesticides" or "Waste — Pesticides".
- c) A container, tank, or transport vehicle, or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:

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1) Pesticide Labeling

- A) The label that was on the product when purchased, if still legible;
- B) If using the labels described in subsection (c)(1)(A) is not feasible, the appropriate label as required under USDOT regulation 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or
- C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state; and

2) The words "Universal Waste — Pesticides" or "Waste — Pesticides".

d) Universal Waste Mercury-Containing Equipment and Universal Waste Thermostat Labeling

- 1) Universal waste mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste — Mercury-Containing Equipment", or "Waste Mercury-Containing Equipment", or "Used Mercury-Containing Equipment".

- 2) Universal waste thermostats (i.e., each thermostat) or a container in which the thermostats are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste — Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats".

e) Each universal waste lamp or a container or package in which such lamps are contained must be labeled or clearly marked with one of the following phrases: "Universal Waste — Lamps", "Waste Lamps", or "Used Lamps".

f) A small quantity handler must clearly label or mark its universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are

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contained, with any of the following phrases: "Universal Waste — Aerosol Cans", "Waste Aerosol Cans", or "Used Aerosol Cans".

- g) Each container in which universal waste paint or paint-related waste is contained must be labeled or clearly marked with one of the following phrases: "Universal Waste – Paint" or "Universal Waste - Paint-related Waste" or "Waste Paint" or "Paint-related Waste".

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

Section 733.132 Notification

- a) Written Notification of Universal Waste Management
- 1) Except as provided in subsections (a)(2) and (a)(3), a large quantity handler of universal waste must have sent written notification of universal waste management to the Agency, and received a USEPA Identification Number, before meeting or exceeding the 5,000-kilogram (11,000-pound) storage limit.
 - 2) A large quantity handler of universal waste that has already notified the Agency of its hazardous waste management activities and that has received a USEPA Identification Number is not required to renotify under this Section.
 - 3) A large quantity handler of universal waste that manages recalled universal waste pesticides, as described in Section 733.103(a)(1), and that has sent notification to the Agency, as required by federal 40 CFR 165, is not required to notify for those recalled universal waste pesticides under this Section.
- b) This notification must include the following:
- 1) The universal waste ~~handler's~~ name and mailing address;
 - 2) The name and business telephone number of the person at the universal waste ~~handler's~~ site who should be contacted regarding universal waste management activities;

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- 3) The address or physical location of the universal waste management activities;
- 4) A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, lamps, ~~or~~ aerosol cans, or paint and paint-related waste); and
- 5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time.

BOARD NOTE: At 60 Fed. Reg. 25520-21 (May 11, 1995), USEPA explained that the generator or consolidation point may use Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) for notification. The generator or consolidation point must notify the Agency, either by submitting USEPA Form 8700-12 or by some other means. USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and. USEPA further explained that it is not necessary for the handler to aggregate the amounts of waste at multiple non-contiguous sites for the purposes of the 5,000 kilogram determination.

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

Section 733.133 Waste Management

- a) Universal Waste Batteries. A large quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
 - 1) A large quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
 - 2) A large quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not

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breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

- A) Sorting batteries by type;
- B) Mixing battery types in one container;
- C) Discharging batteries so as to remove the electric charge;
- D) Regenerating used batteries;
- E) Disassembling batteries or battery packs into individual batteries or cells;
- F) Removing batteries from consumer products; or
- G) Removing electrolyte from batteries.

- 3) A large quantity handler of universal waste that removes electrolyte from batteries or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2) must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

- A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.
- B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste.

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Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- b) Universal Waste Pesticides. A large quantity handler of universal waste must manage universal waste pesticides in a manner that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:
 - 1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
 - 2) A container that does not meet the requirements of subsection (b)(1), provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);
 - 3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.297(c), 725.300, and 725.301; or
 - 4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- c) Universal Waste Mercury-Containing Equipment. A large quantity handler of universal waste must manage universal waste mercury-containing equipment in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
 - 1) A large quantity handler of universal waste must place in a container any universal mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed; must be structurally sound; must be compatible with the contents of the device; must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

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- 2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment, provided the handler follows each of the following procedures:
 - A) It removes the ampules in a manner designed to prevent breakage of the ampules;
 - B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
 - C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from the containment device to a container that is subject to all applicable requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728;
 - D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728;
 - E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
 - F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
 - G) It stores removed ampules in closed, non-leaking containers that are in good condition; and
 - H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.
- 3) A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing

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holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:

- A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and
 - B) It follows all requirements for removing ampules and managing removed ampules under subsection (c)(2).
- 4) Required Hazardous Waste Determination and Further Waste Management
- A) A large quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:
 - i) Mercury or clean-up residues resulting from spills or leaks; or
 - ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).
 - B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.
 - C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

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BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- d) [Universal Waste](#) Lamps. A large quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A large quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
 - 2) A large quantity handler of universal waste lamps must immediately clean up and place in a container any lamp that is broken, and the large quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and
 - 3) Large quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:
 - A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m³ when measured on the basis of time weighted average over an 8-hour period;
 - B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

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- i) Name and address of the handler;
 - ii) Estimated monthly amount of lamps crushed; and
 - iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(5)(A);
- C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115, and has available equipment necessary to comply with this requirement;
- D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
- E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and
- F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.
- e) [Universal Waste](#) Aerosol Cans. A large quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) The large quantity handler must accumulate universal waste aerosol cans in a container that is structurally sound; is compatible with the contents of the aerosol cans; lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and is protected from sources of heat.

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- 2) The large quantity handler must package universal waste aerosol cans that show evidence of leakage in a separate closed container, or overpack the cans with absorbents, or immediately puncture and drain the cans in accordance with the requirements of subsection (e)(4).
- 3) A large quantity handler of universal waste may conduct the following activities, as long as each individual aerosol can is not breached and remains intact:
 - A) The large quantity handler may sort aerosol cans by type;
 - B) The large quantity handler may mix intact cans in one container; and
 - C) The large quantity handler may remove actuators to reduce the risk of accidental release; and
- 4) A large quantity handler of universal waste that punctures and drains its aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:
 - A) The large quantity handler must conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions of the contents.
 - B) The large quantity handler must establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the [manufacturer's](#)~~manufacturer's~~ specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.
 - C) The large quantity handler must ensure that puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment.

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This includes, but is not limited to, locating the equipment on a solid, flat surface in a well-ventilated area.

- D) The large quantity handler must immediately transfer the contents from the waste aerosol can or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.
- E) The large quantity handler must conduct a hazardous waste determination on the contents of the emptied can, as required by 35 Ill. Adm. Code 722.111. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 35 Ill. Adm. Code 703, 705 and 720 through 728. The handler is the generator of the hazardous waste and is subject to 35 Ill. Adm. Code 722.
- F) If the large quantity handler determines that the contents are nonhazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, and local solid waste regulations.
- G) The large quantity handler must have a written procedure in place in the event of a spill or release and a spill clean-up kit must be provided. The large quantity handler must promptly clean up all spills or leaks of the contents of the aerosol cans.

f) Universal Waste Paint and Paint-related waste. A large quantity handler of universal waste must manage universal waste paint and paint-related waste in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- 1) The large quantity handler of universal waste must collect and store universal waste paint and paint-related waste in containers that are structurally sound, compatible with the universal waste paint and paint-related waste, and lack evidence of leakage or damage that could cause leakage under reasonably foreseeable conditions.
- 2) The large quantity handler of universal waste must ensure that containers in which the universal waste paint or paint-related waste are contained do

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not leak and remain closed, except when wastes are being added, consolidated, or removed from the container.

3) The large quantity handler of universal waste, upon detection of a release of universal waste paint or paint-related waste, must do the following:

A) Stop the release.

B) Contain the released universal waste paint or paint-related waste.

C) Clean up and properly manage the released universal waste paint or paint-related waste, and other materials generated from the cleanup.

D) Remove any leaking container from service by transferring the contents to a container that meets the requirements of 733.133(f)(1).

E) Repair any leaking container to meet the requirements of 733.133(f)(1) before returning it to service.

4) Ignitable universal waste paint or paint-related waste.

A) A large quantity handler of universal waste must locate containers holding ignitable universal waste paint or paint related waste at least 50 feet from the facility property line, unless the large quantity handler obtains written approval from the authority having jurisdiction over the local fire code to allow ignitable universal waste paint or paint related waste to be located within 50 feet of the facility property line. The large quantity handler must maintain a record of the written approval as long as universal waste paint or paint related waste is located within 50 feet of the facility property line.

B) A large quantity handler must take precautions to prevent accidental ignition of universal waste paint or paint related waste. The large quantity handler must separate and protect universal waste paint and paint related waste from sources of ignition, including, but not limited to, the following: open flames, smoking,

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cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), or radiant heat.

C) While handling universal waste paint or paint related waste, the large quantity handler must confine smoking and open flames to specifically designated locations. The large quantity handlers must conspicuously place "No Smoking" signs wherever there is an ignitability hazard from universal waste paint or paint related waste.

5) A large quantity handler of universal waste must manage universal waste paint or paint-related waste that is incompatible in separate containers.

6) A large quantity handler of universal waste must design, maintain, and operate areas of its facility where universal waste paint or paint-related waste is collected or stored to minimize the possibility of a fire, explosion, or unplanned sudden or non-sudden release of universal waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.

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

Section 733.134 Labeling and Marking

A large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

- a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Batteries", or "Waste Batteries", or "Used Batteries".
- b) A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in Section 733.103(a)(1) are contained must be labeled or marked clearly as follows:
 - 1) The label that was on or accompanied the product as sold or distributed;
and

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- 2) The words "Universal Waste—Pesticides" or "Waste —Pesticides".
- c) A container, tank, or transport vehicle or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:
 - 1) Pesticide Labeling
 - A) The label that was on the product when purchased, if still legible;
 - B) If using the labels described in subsection (c)(1)(A) is not feasible, the appropriate label as required under 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or
 - C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) is not feasible, another label prescribed or designated by the pesticide collection program; and
 - 2) The words "Universal Waste —Pesticides" or "Waste —Pesticides".
- d) Universal Waste Mercury-Containing Equipment and Universal Waste Thermostat Labeling
 - 1) Mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any of the following phrases: "Universal Waste —Mercury-Containing Equipment", "Waste Mercury-Containing Equipment", or "Used Mercury-Containing Equipment".
 - 2) A universal waste mercury-containing thermostat or a container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any one of the following phrases: "Universal Waste —Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats".

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- e) Universal waste ~~Each~~ lamp or a container or package in which ~~thesuch~~ lamps are contained must be labeled or clearly marked with any one of the following phrases: "Universal Waste — Lamps", "Waste Lamps", or "Used Lamps".
- f) Universal waste aerosol cans (i.e., each aerosol can) or a container in which the aerosol cans are contained must be labeled or marked clearly with any of the following phrases: "Universal Waste — Aerosol Cans", "Waste Aerosol Cans", or "Used Aerosol Cans".
- g) Each container in which universal waste paint or paint-related waste is contained must be labeled or clearly marked with one of the following phrases: "Universal Waste – Paint" or "Universal Waste - Paint-related Waste" or "Waste Paint" or "Paint-related Waste".

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

Section 733.139 Tracking Universal Waste Shipments

- a) Receipt of Shipments. A large quantity handler of universal waste must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste received must include the following information:
 - 1) The name and address of the originating universal waste handler or foreign shipper from which the universal waste was sent;
 - 2) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, mercury-containing equipment, lamps, aerosol cans, or paint or paint-related waste);
 - 3) The date of receipt of the shipment of universal waste.
- b) Shipments Off-Site. A large quantity handler of universal waste must keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste sent must include the following information:

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- 1) The name and address of the universal waste handler, destination facility, or foreign destination to which the universal waste was sent;
 - 2) The quantity of each type of universal waste sent (e.g., batteries, pesticides, thermostats, mercury-containing [equipment](#), lamps, aerosol cans, or [paint or paint-related waste](#)); and
 - 3) The date the shipment of universal waste left the facility.
- c) Record Retention
- 1) A large quantity handler of universal waste must retain the records described in subsection (a) for at least three years from the date of receipt of a shipment of universal waste.
 - 2) A large quantity handler of universal waste must retain the records described in subsection (b) for at least three years from the date a shipment of universal waste left the facility.

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

SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section 733.162 Tracking Universal Waste Shipments

- a) The owner or operator of a destination facility must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste received must include the following information:
- 1) The name and address of the universal waste handler, destination facility, or foreign shipper from which the universal waste was sent;
 - 2) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, mercury-containing [equipment](#), lamps, [aerosol cans](#), or [paint or paint-related waste](#)); and
 - 3) The date of receipt of the shipment of universal waste.

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- b) The owner or operator of a destination facility must retain the records described in subsection (a) for at least three years from the date of receipt of a shipment of universal waste.

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