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May 14, 2026

Kim Schultz, Executive Director
Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706

Re: 35 Ill. Adm. Code 722
Request for Expedited Correction
48 Ill. Reg. 16994, November 7, 2024
Board Docket No: R24-12

In the Matter of: RCRA Subtitle C (Hazardous Waste) Update,
USEPA Amendments (July 1, 2023 through December 31,
2023)

Dear Ms. Schultz:

Under 5 ILCS 100/5-85(b), the Board files the enclosed Request for Expedited Correction in the above matter with the Joint Committee on Administrative Rules. The information required by 1 Ill. Adm. Code 245.110(c) is presented in the format required for Illinois Register publication, as provided by 1 Ill. Adm. Code 100.250(a) and 100.Appendix B, Illustration G. The amendments necessary to effectuate the corrections are indicated in the rule text with "Track Changes" underscoring and strike-outs.

If there are any questions regarding this matter, please contact Richard McGill at richard.mcgill@illinois.gov or (312) 814-6983.

Don A. Brown
Clerk of the Board

DAB
Enclosures

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REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste
- 2) Code Citation: 35 Ill. Adm. Code 722
- 3) Section Numbers:
722.116
722.117
- 4) Date Proposal published in the Illinois Register: 48 Ill. Reg. 11776 (Aug. 9, 2024)
- 5) Date Adoption published in the Illinois Register: 48 Ill. Reg. 16994 (Nov. 22, 2024)
- 6) Summary and Purpose of Expedited Correction:
By an opinion and order of November 7, 2024, in RCRA Subtitle C Update, USEPA Amendments (July 1, 2023 through December 31, 2023), docket R24-12, the Board adopted amendments to the Illinois hazardous waste rules intended to be “identical in substance” (IIS) to amendments made by the United States Environmental Protection Agency (USEPA) to its corresponding hazardous waste regulations under federal RCRA Subtitle C during the period July 1, 2023 through December 31, 2023. The Board filed its final amendments with the Office of the Secretary of State, and they became effective on November 7, 2024. Among them were amendments to 35 Ill. Adm. Code 722.116 and 722.117, which, as discussed below, contained errors.

By an opinion and order of April 16, 2026, in RCRA Subtitle C Update, USEPA Amendments (July 1, 2024 through December 31, 2024), docket R25-12, the Board proposed more IIS amendments to the Illinois hazardous waste rules, this time corresponding to USEPA’s amendments to its hazardous waste regulations made during the period July 1, 2024 through December 31, 2024. While reviewing the Board’s proposal for public comment prior to Illinois Register publication, staff of the Joint Committee on Administrative Rules (JCAR) discovered that background text in Sections 722.116 and 722.117 did not include some of the final amendments from the Board’s earlier proceeding, docket R24-12, described above.

On April 29, 2026, JCAR staff advised Board staff of the omissions and described the expedited correction process. Upon investigating the errors, it was determined that although the Illinois Register published the Board’s final amendments to Part 722 (48 Ill. Reg. 16994 (Nov. 22, 2024)), the Illinois Administrative Code pages filed by the Board with the Office of the Secretary of State for Sections 722.116 and 722.117 failed to include some of their respective amendments due to clerical oversight.

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By a correction order of May 7, 2026, in docket R24-12, the Board determined that its inadvertent omissions from Sections 722.116 and 722.117 created unintentional discrepancies between the adopted rule text and the rule text published in the Illinois Register (48 Ill. Reg. 16994 (Nov. 22, 2024)). The Board also determined that these circumstances fit within Section 5-85(b)(2) of the Illinois Administrative Procedure Act [5 ILCS 100/5-85(b)(2)] and therefore qualify for expedited correction. As a result, the Board decided to request this expedited correction from JCAR. Those corrections are outlined as follows:

722.116(b)(3)(F) change “such” to “the”, change “accordance” to “compliance”

722.116(b)(5) delete “, but are not limited to,” and “both of”

722.116(b)(8)(D)(i) change “i.e.” to “e.g.”, delete “such”, change “(a)(8)(B)” to “(b)(8)(B)”

722.116(b)(8)(D)(ii) change “i.e.” to “e.g.”, delete “such”, change “(a)(8)(B)” to “(b)(8)(B)”

722.116(b)(9)(D) change “his or her” to “its”

722.116(e)(1) change “accordance” to “compliance”

722.116(e)(1)(B) change “accordance” to “compliance”

722.116(f) change “accordance” to “compliance”, change “in lieu” to “instead”

722.117 after “727” change “and” to “or”, after “(42 USC 6930)” add “for treatment, storage, and disposal facilities”, change “provided that” to “if”

722.117(a)(1)(F)(ii) delete “, but not limited to,”

722.117(a)(4) delete “, but not limited to,”

722.117(a)(5)(B)(ii) delete “, but not limited to,”

722.117(a)(7)(A)(i) after “(a)(7)(D)” add “(iii)”

722.117(a)(7)(A)(iv) change “provided that” to “if”

722.117(a)(7)(B) change “he or she has” to “they have”

722.117(a)(8)(A) after “unit” add “but not undergoing final closure”

722.117(a)(8)(C)(iii) change “accordance” to “compliance”

722.117(a)(8)(C)(iv) change “(a)(8)(B)(ii)” to “(a)(8)(C)(ii)”, after the first “is” add “considered”, change “accordance” to “compliance”, after “meet all” delete “of the”, delete “the purposes of”

722.117(b) after “(42 USC 6930)” add “for treatment, storage, and disposal facilities”, after the first “Agency” delete “has”

722.117(c) after the second “F006” add a comma, after “(42 USC 6930)” add “for treatment, storage, and disposal facilities”

722.117(c)(4) change “accordance” to “compliance”

722.117(c)(4)(D)(ii) delete “, but are not limited to,”

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722.117(d) after the second “F006” add a comma, after “(42 USC 6930)” add “for treatment, storage, and disposal facilities”

722.117(e) change “accordance” to “compliance”, after “(42 USC 6930)” add “for treatment, storage, and disposal facilities”

Making these corrections to 35 Ill. Adm. Code 722.116 and 722.117 on an expedited basis will serve the public interest, result in no hardship, and not circumvent the public notice considerations of the Illinois Administrative Procedure Act. In addition to being provided in this publication, the intended versions of Sections 722.116 and 722.117 appear in the Board’s November 7, 2024 opinion and order and May 7, 2026 correction order for docket R24-12, both of which are publicly available on the Board’s website and were served upon interested participants. The correct versions of Sections 722.116 and 722.117 were also published on November 22, 2024, in the Illinois Register. It is the errors in Sections 722.116 and 722.117 of the Illinois Administrative Code that created discrepancies and now require expedited correction to avoid confusion. Using the expedited correction process will also allow the Board’s proposed amendments to Part 722 in docket R25-12 to be timely published in the Illinois Register for public comment and be adopted as final amendments in compliance with the Board’s statutory deadline for rulemaking completion [415 ILCS 5/7.2(b)]. In addition, the Board will post on its website in docket R24-12 this Request for Expedited Correction, as well as any Certification of Correction issued by JCAR and resulting Notice of Expedited Correction.

- 7) Information and Questions Regarding this Request should be Directed to:
Questions or comments on this request for expedited correction should reference docket R24-12 and be addressed to:

Don A. Brown, Clerk
Pollution Control Board
60 East Van Buren Street, Suite 630
Chicago, Illinois 60605

312-814-3461
don.brown@illinois.gov

The full text of the Expedited Correction begins on the following page:

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REQUEST FOR EXPEDITED CORRECTION

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 722

STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section

722.101	Definitions
722.105	Electronic Reporting
722.110	Purpose, Scope, and Applicability
722.111	Hazardous Waste Determination
722.112	USEPA Identification Numbers (Repealed)
722.113	Generator Category Determination
722.114	Conditions for Exemption for a Very Small Quantity Generator
722.115	Satellite Accumulation Area Regulations for a Small Quantity Generator or Large Quantity Generator
722.116	Conditions for Exemption for a Small Quantity Generator That Accumulates Hazardous Waste
722.117	Conditions for Exemption for a Large Quantity Generator That Accumulates Hazardous Waste
722.118	USEPA Identification Numbers and Re-Notification for a Small Quantity Generator or Large Quantity Generator

SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

Section

722.120	General Requirements
722.121	Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests
722.122	Number of Copies
722.123	Use of the Manifest
722.124	Use of the Electronic Manifest
722.125	Electronic Manifest Signatures
722.127	Waste Minimization Certification

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SUBPART C: PRE-TRANSPORT REQUIREMENTS APPLICABLE TO SMALL AND
LARGE QUANTITY GENERATORS

Section	
722.130	Packaging
722.131	Labeling
722.132	Marking
722.133	Placarding
722.134	Accumulation Time (Repealed)
722.135	Liquids in Landfills Prohibition

SUBPART D: RECORDKEEPING AND REPORTING REQUIREMENTS APPLICABLE TO
SMALL AND LARGE QUANTITY GENERATORS

Section	
722.140	Recordkeeping
722.141	Annual Reporting for Large Quantity Generators
722.142	Exception Reporting
722.143	Additional Reporting
722.144	Recordkeeping for Small Quantity Generators
722.150	Applicability (Repealed)
722.151	Definitions (Repealed)
722.152	General Requirements (Repealed)
722.153	Notification of Intent to Export (Repealed)
722.154	Special Manifest Requirements (Repealed)
722.155	Exception Report (Repealed)
722.156	Annual Reports (Repealed)
722.157	Recordkeeping (Repealed)
722.158	International Agreements (Repealed)
722.160	Imports of Hazardous Waste (Repealed)

SUBPART G: FARMERS

Section	
722.170	Farmers

SUBPART H: TRANSBOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR
RECOVERY OR DISPOSAL

Section	
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722.180	Applicability
722.181	Definitions
722.182	General Conditions
722.183	Exports of Hazardous Waste
722.184	Imports of Hazardous Waste
722.185	Contracts (Repealed)
722.186	Provisions Relating to Recognized Traders (Repealed)
722.187	Reporting and Recordkeeping (Repealed)
722.189	OECD Waste Lists (Repealed)

SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS WASTE DETERMINATION AND ACCUMULATION OF UNWANTED MATERIAL FOR LABORATORIES OWNED BY ELIGIBLE ACADEMIC ENTITIES

Section	
722.300	Definitions
722.301	Applicability
722.302	Opting into the Subpart K Requirements
722.303	Notice of Election into the Subpart K Requirements
722.304	Notice of Withdrawal from the Subpart K Requirements
722.305	Summary of the Requirements of this Subpart K
722.306	Container Standards in the Laboratory
722.307	Personnel Training
722.308	Removing Unwanted Material from the Laboratory
722.309	Hazardous Waste Determination and Removal of Unwanted Material from the Laboratory
722.310	Hazardous Waste Determination in the Laboratory
722.311	Hazardous Waste Determination at an On-Site Central Accumulation Area
722.312	Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal Facility
722.313	Laboratory Clean-Outs
722.314	Laboratory Management Plan
722.315	Unwanted Material That Is Not Solid Waste or Hazardous Waste
722.316	Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity

SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION

Section	
722.330	Applicability
722.331	Definitions for this Subpart L

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- 722.332 Conditions for a Generator Managing Hazardous Waste from an Episodic Event
722.333 Request to Manage One Additional Episodic Event Per Calendar Year

SUBPART M: PREPAREDNESS, PREVENTION, AND EMERGENCY PROCEDURES FOR
LARGE QUANTITY GENERATORS

Section

- 722.350 Applicability
722.351 Maintenance and Operation of Facility
722.352 Required Equipment
722.353 Testing and Maintenance of Equipment
722.354 Access to Communications or Alarm System
722.355 Required Aisle Space
722.356 Arrangements with Local Authorities
722.360 Purpose and Implementation of Contingency Plan
722.361 Content of Contingency Plan
722.362 Copies of Contingency Plan
722.363 Amendment of Contingency Plan
722.364 Emergency Coordinator
722.365 Emergency Procedures

722.APPENDIX A Hazardous Waste Manifest (Repealed)

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, 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. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27,

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1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg. 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18817, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17888, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8773, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17763, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1700, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11717, effective August 9, 2016; recodified at 42 Ill. Reg. 11553; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22047, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 563, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5955, May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15263, effective September 3, 2020; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg. 9846, effective June 20, 2024; amended in R24-12 at 48 Ill. Reg. 16994, effective November 7, 2024; expedited correction in R24-12 at 50 Ill. Reg. _____, effective November 7, 2024.

Section 722.116 Conditions for Exemption for a Small Quantity Generator That Accumulates Hazardous Waste

An SQG may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of 35 Ill. Adm. Code 702, 703, 705, and 724 through 727, or the notification requirements of section 3010 of RCRA (42 USC 6930) for treatment, storage, and disposal facilities, if all of the conditions for exemption listed in this Section are met:

- a) **Generation.** The generator must generate in a calendar month no more than the amounts specified in the definition of “SQG” in 35 Ill. Adm. Code 720.110.
- b) **Accumulation.** The generator accumulates hazardous waste on site for no more than 180 days, unless in compliance with the conditions for exemption for longer accumulation in subsections (c), (d), and (e). The following accumulation conditions also apply:
 - 1) **Accumulation Limit.** The quantity of hazardous waste accumulated on site must never exceed 6,000 kg (13,200 lbs);
 - 2) **Accumulation of Hazardous Waste in Containers**

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- A) Condition of Containers. If a container holding hazardous waste is not in good condition or the container begins to leak, the SQG must immediately transfer the hazardous waste from this container to a container that is in good condition or immediately manage the waste in some other way that complies with the conditions for exemption of this Section.
- B) Compatibility of Waste with Container. The SQG must use a container made of or lined with materials that will not react with and that are otherwise compatible with the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.
- C) Management of Containers
 - i) A container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.
 - ii) A container holding hazardous waste must not be opened, handled, or accumulated in a manner that may rupture the container or cause it to leak.
- D) Inspections. At least weekly, the SQG must inspect central accumulation areas. The SQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subsection (b)(2)(A) for remedial action required if deterioration or leaks are detected.
- E) Special Conditions for Accumulation of Incompatible Wastes
 - i) The SQG must not place incompatible wastes or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) must not be placed in the same container, unless the generator complies with 35 Ill. Adm. Code 725.117(b).

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- ii) The SQG must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111), unless the generator complies with 35 Ill. Adm. Code 725.117(b).
 - iii) The SQG must separate or protect a container accumulating hazardous waste, by means of a dike, berm, wall, or other device, from any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments.
- 3) Accumulation of Hazardous Waste in Tanks
- A) This subsection (b)(3)(A) corresponds with 40 CFR 262.16(b)(3)(i), which USEPA has marked “reserved”. This statement maintains structural consistency with the corresponding federal regulation.
 - B) An SQG of hazardous waste must comply with the following general operating conditions:
 - i) Treatment or accumulation of hazardous waste in tanks must comply with 35 Ill. Adm. Code 725.117(b).
 - ii) The SQG must not place hazardous wastes or treatment reagents in a tank if the hazardous wastes or treatment reagents could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.
 - iii) The SQG must operate uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.

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- iv) If hazardous waste is continuously fed into a tank, the SQG must equip the tank with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a stand-by tank).
- C) Except as noted in subsection (b)(3)(D), an SQG that accumulates hazardous waste in tanks must inspect each of the following, if present:
- i) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;
 - ii) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day, to ensure that the tank is being operated according to its design;
 - iii) The level of waste in the tank at least once each operating day, to ensure compliance with subsection (b)(3)(ii)(C);
 - iv) The construction materials of the tank at least weekly, to detect corrosion or leaking of fixtures or seams; and
 - v) The construction materials of discharge confinement structures and the immediately surrounding area (e.g., dikes) at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The SQG must remedy any deterioration or malfunction of equipment or structures that the inspection reveals on a schedule that ensures that the problem does not lead to an environmental or human health hazard. If a hazard is imminent or has already occurred, the SQG must immediately take remedial action.
- D) A SQG accumulating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly

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identified, must inspect at least weekly, if applicable, the areas identified in subsections (b)(3)(C)(i) through (b)(3)(C)(v). Use of the alternate inspection schedule must be documented in the generator's operating record. This documentation must include a description of the established workplace practices at the SQG.

- E) This subsection (b)(3)(E) corresponds with 40 CFR 262.116(b)(3)(v), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.
- F) An SQG accumulating hazardous waste in tanks must remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures upon closure of the facility. At closure, as throughout the operating period, unless the SQG can demonstrate, in compliance with 35 Ill. Adm. Code 721.103(c) or (d), that any solid waste removed from its tank is not a hazardous waste, then it must manage the waste in compliance with all applicable provisions of this Part and 35 Ill. Adm. Code 722, 723, 725 and 728.
- G) An SQG must comply with the following special conditions for accumulation of ignitable or reactive waste:
 - i) Ignitable or reactive waste must not be placed in a tank, unless the waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and the SQG complies with 35 Ill. Adm. Code 725.117(b); the generator accumulates or treats the waste in such a way that the waste is protected from any material or conditions that may cause it to ignite or react; or the SQG uses the tank solely for emergencies.
 - ii) An SQG that treats or accumulates ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in NFPA 30 (1977 or

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1981), incorporated by reference in 35 Ill. Adm. Code 720.111.

- iii) An SQG must not place incompatible wastes, or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same tank or place hazardous waste in an unwashed tank that previously held an incompatible waste or material, unless the generator complies with 35 Ill. Adm. Code 725.117(b).
- 4) Accumulation of Hazardous Waste on Drip Pads. If the waste is placed on drip pads, the SQG must comply with the following:
- A) Subpart W of 35 Ill. Adm. Code 725 (except 35 Ill. Adm. Code 725.545(c));
 - B) The SQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the generator removes from the drip pad are then subject to the 180-day accumulation limit in subsection (b) and Section 722.115 if hazardous wastes are being managed in satellite accumulation areas prior to being moved to the central accumulation area; and
 - C) The SQG must maintain on site at the facility the following records readily available for inspection:
 - i) A written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and
 - ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.
- 5) Accumulation of Hazardous Waste in Containment Buildings. If the SQG places waste in containment buildings, the SQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The SQG must label its containment buildings with the words "Hazardous Waste" in a

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conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The SQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The SQG must also maintain the following:

- A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This certification must be in the generator's files prior to operation of the unit; and
- B) The following records, by use of inventory logs, monitoring equipment, or any other effective means:
 - i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with maintaining the 90 day limit, and documentation that the SQG complies with the procedures; or
 - ii) Documentation that the SQG empties the unit at least once every 90 days.
 - iii) The SQG must maintain inventory logs or records with the above information on site and readily available for inspection.
- 6) Labeling and Marking of Containers and Tanks
 - A) Containers. An SQG must mark or label its containers with the following:

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- i) The words “Hazardous Waste”;
 - ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and
 - iii) The date upon which each period of accumulation begins clearly visible for inspection on each container.
- B) Tanks. An SQG accumulating hazardous waste in tanks must do the following:
- i) Mark or label its tanks with the words “Hazardous Waste”;
 - ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;
 - iii) Use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within 180 days of first entering the tank if using a batch process or, in the case of a tank with a continuous flow

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process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 180 days of first entering; and

- iv) Keep inventory logs or records with the above information on site and readily available for inspection.
- 7) Land Disposal Restrictions. An SQG must comply with all the applicable requirements under 35 Ill. Adm. Code 728.
- 8) Preparedness and Prevention
- A) Maintenance and Operation of Facility. An SQG must maintain and operate its facility to minimize the possibility of 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.
 - B) Required Equipment. An SQG must equip all areas where hazardous waste is either generated or accumulated with the items in subsections (b)(8)(B)(i) through (b)(8)(B)(iv) (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below). An SQG may determine the most appropriate places to locate equipment necessary to prepare for and respond to emergencies.
 - i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
 - ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
 - iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that

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using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

- iv) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.
- C) Testing and Maintenance of Equipment. The SQG must test and maintain all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, if required, as necessary to assure its proper operation in time of emergency.
- D) Access to Communications or Alarm System
- i) Whenever the SQG pours, mixes, spreads, or otherwise handles hazardous waste, all personnel involved in the operation must have immediate access (e.g., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless a device is not required under subsection (b)(8)(B).
 - ii) When there is just one employee on the premises while the facility is operating, the employee must have immediate access (e.g., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, that is capable of summoning external emergency assistance, unless a device is not required under subsection (b)(8)(B).
- E) Required Aisle Space. The SQG must maintain aisle space that allows the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.
- F) Arrangements with Local Authorities

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- i) The SQG must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if this is the appropriate organization with which to make arrangements. An SQG attempting to make arrangements with its local fire department must determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals. As part of this coordination, the SQG must attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes, as well as the types of injuries or illnesses that could result from fires, explosions, or releases at the facility. If more than one police or fire department might respond to an emergency, the SQG must attempt to make arrangements designating primary emergency authority to a specific fire or police department and with any others to provide support to the primary emergency authority.

BOARD NOTE: The State Emergency Response Commission (SERC) maintains an on-line listing of Local Emergency Planning Committees in Illinois by jurisdiction: www.illinois.gov/iema/Preparedness/SERC/Documents/LEPC_ReleaseReportingContactList.pdf.

- ii) An SQG must maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms these arrangements actively exist or, in cases where no arrangements exist, confirming that the SQG attempted to make these arrangements.

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- iii) A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within Illinois or the facility's locality, as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the SQG documents the waiver in the operating record.
- 9) Emergency Procedures. The SQG must comply with the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated:
- A) At all times, at least one employee must be either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (b)(9)(D). This employee is the emergency coordinator.
 - B) The SQG must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:
 - i) The name and emergency telephone number of the emergency coordinator;
 - ii) The location of fire extinguishers and spill control material, and, if present, fire alarm; and
 - iii) The telephone number of the fire department, unless the facility has a direct alarm.
 - C) The SQG must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures that are relevant to their responsibilities during normal facility operations and emergencies;
 - D) The emergency coordinator or its designee must respond to any emergencies that arise. The required responses are the following:

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- i) In the event of a fire, the emergency coordinator must call the fire department or attempt to extinguish the fire using a fire extinguisher;
 - ii) When a spill occurs, the SQG must contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil. The SQG can either itself conduct this containment and cleanup or have a contractor perform the work on its behalf;
 - iii) When a fire, explosion, or other release occurs that could threaten human health outside the facility, or when the SQG has knowledge that a spill has reached surface water, the SQG must immediately notify the National Response Center (using the 24-hour toll free number, 800-424-8802). The report must include the name, address, and USEPA identification number of the SQG; the date, time, and type of incident (e.g., spill or fire); the quantity and type of hazardous waste involved in the incident; the extent of any injuries; and the estimated quantity and disposition of any recovered materials.
- c) **Transporting Waste More Than 200 Miles.** An SQG that must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on site for 270 days or less without having a permit or interim status, provided that the SQG complies with the conditions of subsection (b).
- d) **Accumulation Time Limit Extension.** An SQG that accumulates hazardous waste for more than 180 days (or for more than 270 days if the SQG must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal) is subject to the requirements of 35 Ill. Adm. Code 702, 703, 724, 725, 727, and 728, unless the Agency has granted the SQG an extension to the 180-day (or 270-day if applicable) period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

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BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period under sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

- e) Rejected Loads
 - 1) An SQG may accumulate returned waste on site in compliance with subsections (a) through (d) under the following conditions:
 - A) The SQG sent the shipment of hazardous waste to a designated facility believing that the designated facility could accept and manage the waste; and
 - B) The generator later received that shipment back as a rejected load or residue in compliance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172.
 - 2) Upon receipt of the returned shipment, the SQG must do either of the following:
 - A) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or
 - B) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.
- f) An SQG experiencing an episodic event may accumulate hazardous waste in compliance with Subpart L instead of Section 722.117.

(Source: Amended at 48 Ill. Reg. 16994, effective November 7, 2024; expedited correction at 50 Ill. Reg. _____, effective November 7, 2024)

Section 722.117 Conditions for Exemption for a Large Quantity Generator That Accumulates Hazardous Waste

An LQG may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of 35 Ill. Adm. Code 702, 703 and 724 through 727 or the notification requirements of section 3010 of RCRA (42 USC 6930) for treatment, storage, and disposal facilities, if the LQG meets all of the following conditions for exemption:

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- a) Accumulation. The LQG may accumulate hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in subsections (b) through (e). The following accumulation conditions also apply:
- 1) Accumulation of Hazardous Waste in Containers. If the hazardous waste is placed in containers, the LQG must comply with the following requirements:
 - A) Air Emission Standards. The LQG must comply with the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725;
 - B) Condition of Containers. If a container holding hazardous waste is not in good condition, or if the container begins to leak, the LQG must immediately transfer the hazardous waste from the leaking container to a container that is in good condition or otherwise immediately manage the waste in some other way that complies with the conditions for exemption of this Section;
 - C) Compatibility of Waste with Container. The LQG must use a container made of or lined with materials that will not react with and are otherwise compatible with the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired;
 - D) Management of Containers
 - i) The LQG must always keep a container holding hazardous waste closed during accumulation, except when it is necessary to add or remove waste.
 - ii) The LQG must not open, handle, or store a container holding hazardous waste in a manner that may rupture the container or cause the container to leak.
 - E) Inspections. At least weekly, the LQG must inspect central accumulation areas. The LQG must look for leaking containers and for deterioration of containers caused by corrosion or other

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factors. See subsection (a)(1)(B) for remedial action required if the LQG detects deterioration or leaks.

- F) Special Conditions for Accumulation of Ignitable and Reactive Wastes
- i) The LQG must locate containers holding ignitable or reactive waste at least 15 meters (50 feet) from the facility's property line, unless the LQG obtains a written approval from the authority having jurisdiction over the local fire code that allows hazardous waste accumulation to occur within this restricted area. The LQG must maintain a record of the written approval as long as the LQG accumulates ignitable or reactive hazardous waste in this area.
 - ii) The LQG must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. The LQG must separate and protect this waste from sources of ignition or reaction, including the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), or radiant heat. While handling ignitable or reactive waste, the LQG must confine smoking and open flame to specially designated locations. The LQG must conspicuously place "No Smoking" signs wherever there is a hazard from ignitable or reactive waste.
- G) Special Conditions for Accumulation of Incompatible Wastes
- i) The LQG must not place incompatible wastes or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same container, unless the LQG complies with 35 Ill. Adm. Code 725.117(b).
 - ii) The LQG must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (for examples, see appendix V to 40 CFR 265,

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incorporated by reference in 35 Ill. Adm. Code 720.111), unless the LQG complies with 35 Ill. Adm. Code 725.117(b).

- iii) The LQG must separate a container holding hazardous waste or otherwise protect it by means of a dike, berm, wall, or other device from any other incompatible waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments.
- 2) Accumulation of Hazardous Waste in Tanks. If the LQG places the waste in tanks, the LQG must comply with the applicable requirements of Subpart J, except 35 Ill. Adm. Code 725.297(c) (Closure and Post-Closure Care) and 35 Ill. Adm. Code 725.300 (Waste Analysis and Trial Tests) and the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725.
- 3) Accumulation of Hazardous Waste on Drip Pads. If the LQG places hazardous waste on drip pads, the LQG must comply with the following:
- A) Subpart W of 35 Ill. Adm. Code 725;
 - B) The LQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the LQG removes from the drip pad are subject to the 90-day accumulation limit in subsection (a) and Section 722.115, if the LQG manages the hazardous wastes in satellite accumulation areas prior to moving them to a central accumulation area; and
 - C) The LQG must maintain on site at the facility the following records readily available for inspection:
 - i) A written description of procedures that the LQG follows to ensure that it removes all wastes from the drip pad and associated collection system at least once every 90 days; and
 - ii) Documentation of each waste removal, including the quantity of waste that the LQG removed from the drip pad

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and the sump or collection system and the date and time of removal.

- 4) Accumulation of Hazardous Waste in Containment Buildings. If the LQG places the waste in containment buildings, the LQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The LQG must label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The LQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The LQG must also maintain both of the following:
- A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This certification must be in the LQG's files prior to operation of the unit; and
 - B) The following records, by use of inventory logs, monitoring equipment, or any other effective means:
 - i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with respecting the 90-day limit, and documentation that the LQG complies with the procedures
 - ii) Documentation that the LQG empties the unit at least once every 90 days.

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- iii) The LQG must maintain inventory logs or records with the above information on site and readily available for inspection.
- 5) Labeling and Marking of Containers and Tanks
- A) Containers. An LQG must mark or label its containers with the following:
 - i) The words “Hazardous Waste”;
 - ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and
 - iii) The date upon which each period of accumulation begins clearly visible for inspection on each container.
 - B) Tanks. An LQG accumulating hazardous waste in tanks must do the following:
 - i) Mark or label its tanks with the words “Hazardous Waste”;
 - ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical

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hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

- iii) Use inventory logs, monitoring equipment or other records to demonstrate that hazardous waste has been emptied within 90 days of first entering the tank if using a batch process or, in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering; and
 - iv) Keep inventory logs or records with the above information on site and readily available for inspection.
- 6) Emergency Procedures. The LQG must comply with the standards in Subpart M (Preparedness, Prevention and Emergency Procedures for Large Quantity Generators).
- 7) Personnel Training
- A) Personnel Training Program
 - i) Facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic) or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this Part. The LQG must ensure that this program includes all the elements described in the document required under subsection (a)(7)(D)(iii).
 - ii) A person trained in hazardous waste management procedures must direct the program, and the program must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which the LQG employs them.
 - iii) At a minimum, the design of the training program must ensure that facility personnel can respond effectively to emergencies by familiarizing them with emergency

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procedures, emergency equipment, and emergency systems, including, if applicable, procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; key parameters for automatic waste feed cut-off systems; communications or alarm systems; response to fires or explosions; response to ground-water contamination incidents; and shutdown of operations.

- iv) For facility employees that receive emergency response training under 29 CFR 1910.120(p)(8) (Emergency response program) and 1910.120(q) (Emergency response to hazardous substance releases), incorporated by reference in 35 Ill. Adm. Code 720.111, the LQG is not required to provide separate emergency response training under this Section, if the overall facility training meets all the conditions of exemption in this Section.
- B) Facility personnel must successfully complete the program required in subsection (a)(7)(A) within six months after the date of their employment, assignment to the facility, or assignment to a new position at the facility, whichever is later. An employee must not work in unsupervised positions until they have completed the training standards of subsection (a)(7)(A).
- C) Facility personnel must take part in an annual review of the initial training required in subsection (a)(7)(A).
- D) The LQG must maintain the following documents and records at the facility:
 - i) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;
 - ii) A written job description for each position listed under subsection (a)(7)(D)(i). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but the description must include the

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- requisite skill, education, other qualifications, and duties of facility personnel assigned to each position;
- iii) A written description of the type and amount of both introductory and continuing training that the LQG will give to each person filling a position listed under subsection (a)(7)(D)(i);
 - iv) Records documenting that the LQG has given and facility personnel has completed the training or job experience required by subsections (a)(7)(A), (B), and (C).
- E) The LQG must keep training records on current personnel until closure of the facility. The LQG must keep training records on former employees for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.
- 8) Closure. An LQG accumulating hazardous wastes in containers, tanks, drip pads, and containment buildings, prior to closing the facility or a unit at the facility, must meet the following conditions:
- A) Notification for Closure of a Waste Accumulation Unit. An LQG must perform one of the following when closing a waste accumulation unit but not undergoing final closure:
 - i) Place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility; or
 - ii) Meet the closure performance standards of subsection (a)(8)(C) for container, tank, and containment building waste accumulation units or subsection (a)(8)(D) for drip pads and notify USEPA and the Agency following the procedures in subsection (a)(8)(B)(ii) for the waste accumulation unit. If the waste accumulation unit is subsequently reopened, the LQG may remove the notice from the operating record.
 - B) Notification for Closure of the Facility

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- i) Notify the Agency using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) no later than 30 days prior to closing the facility.
- ii) Notify the Agency using USEPA Form 8700-12 within 90 days after closing the facility that it has complied with the closure performance standards of subsection (a)(8)(C) or (a)(8)(D). If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (a)(8)(D), notify the Agency using USEPA Form 8700-12 that it will close as a landfill under 35 Ill. Adm. Code 725.410 in the case of a container, tank, or containment building units. If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (a)(8)(D), notify using USEPA Form 8700-12 that it will close under the standards of 35 Ill. Adm. Code 725.545(b) for a facility with drip pads.
- iii) An LQG may request additional time to clean close, but it must notify the Agency using USEPA Form 8700-12 within 75 days after the date provided in subsection (a)(8)(B)(i) to request an extension and provide an explanation as to why the additional time is required.

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-and.

- C) Closure Performance Standards for Container, Tank Systems, and Containment Building Waste Accumulation Units
 - i) At closure, the LQG must close the waste accumulation unit or facility in a manner that minimizes the need for further maintenance by controlling, minimizing, or eliminating the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or

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surface waters or to the atmosphere to the extent necessary to protect human health and the environment.

- ii) The LQG must remove or decontaminate all contaminated equipment, structures, soil, and any remaining hazardous waste residues from waste accumulation units, including containment system components (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless 35 Ill. Adm. Code 721.103(d) applies.
 - iii) The LQG must manage any hazardous waste generated in the process of closing the LQG's facility or units accumulating hazardous waste in compliance with all applicable standards of 35 Ill. Adm. Code 722, 723, 725, and 728, including removing any hazardous waste contained in these units within 90 days of generating the waste and managing these wastes in a permitted or interim status hazardous waste treatment, storage, and disposal facility.
 - iv) If the LQG demonstrates that it cannot practicably remove or decontaminate any contaminated soils and wastes, as required in subsection (a)(8)(C)(ii), then the waste accumulation unit is considered a landfill, and the LQG must close the waste accumulation unit and perform post-closure care in compliance with the closure and post-closure care requirements that apply to landfills (35 Ill. Adm. Code 725.410). In addition, the LQG must meet all requirements for landfills specified in Subparts G and H of 35 Ill. Adm. Code 725 for closure, post-closure, and financial responsibility, for a waste accumulation unit that is a landfill.
- D) Closure Performance Standards for Drip Pad Waste Accumulation Units. At closure, the LQG must comply with the closure requirements of subsections (a)(8)(B) and (a)(8)(C)(i), and (a)(8)(C)(iii) and 35 Ill. Adm. Code 725.545(a) and (b).

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- E) The closure requirements of this subsection (a)(8) do not apply to satellite accumulation areas.
- 9) Land Disposal Restrictions. The LQG must comply with all applicable requirements of 35 Ill. Adm. Code 728.
- b) Accumulation Time Limit Extension. An LQG that accumulates hazardous waste for more than 90 days is subject to the requirements of 35 Ill. Adm. Code 702, 703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930) for treatment, storage, and disposal facilities, unless the Agency granted the LQG an extension to the 90-day period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period under sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

- c) Accumulation of F006 Waste. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description for USEPA hazardous waste number F006, may accumulate F006 waste on site for more than 90 days but not more than 180 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930) for treatment, storage, and disposal facilities, provided that the LQG complies with all of the following additional conditions for exemption:
 - 1) The LQG has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 waste or otherwise being released to the environment prior to recycling of the waste;
 - 2) The F006 waste is legitimately recycled through metals recovery;
 - 3) The LQG accumulates no more than 20,000 kg of F006 waste on site at any one time; and
 - 4) The LQG manages the F006 waste in compliance with the following requirements:

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- A) Requirements for Managing F006 Waste
- i) If the LQG places the F006 waste in containers, the LQG must comply with the applicable conditions for exemption in subsection (a)(1).
 - ii) If the LQG places the F006 waste in tanks, the LQG must comply with the applicable conditions for exemption in subsection (a)(2).
 - iii) If the LQG places the F006 waste in containment buildings, the LQG must comply with Subpart DD of 35 Ill. Adm. Code 725. Prior to operation of the unit, the LQG must place in the operating record of the facility the certification of a professional engineer that the containment building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. The LQG must also place in the operating record either documentation that the LQG empties the unit is at least once every 180 days or all three of the following items: a written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the facility waste generation and management practices showing that the practices are consistent with the 180-day limit, and documentation that the LQG is complying with the procedures.
- B) The LQG is exempt from all requirements of Subparts G and H of 35 Ill. Adm. Code 725, except for those referenced in subsection (a)(8).
- C) The LQG must clearly mark the date upon which each period of accumulation begins, and the date must be clearly visible for inspection on each container.
- D) While accumulating waste on site, the LQG must clearly labeled or mark each container and tank is with the following:
- i) The words “Hazardous Waste”; and

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- ii) An indication of the hazards of the contents. Examples include the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172; a hazard statement or pictogram consistent with 29 CFR 1910.1200; or a chemical hazard label consistent with NFPA 704, each incorporated by reference in 35 Ill. Adm. Code 720.111.
- E) The LQG must comply with the requirements in subsections (a)(6) and (a)(7).
- d) F006 Waste Transported over 200 Miles. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description for the USEPA hazardous waste number F006, may accumulate F006 waste on site for more than 90 days but not more than 270 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930) for treatment, storage, and disposal facilities, if the LQG must transport this waste or offer this waste for transportation over a distance of 200 miles or more for off-site metals recovery and the LQG complies with all of the conditions for exemption of subsections (c)(1) through (c)(4).
- e) F006 Waste Accumulation Time Extension. An LQG accumulating F006 waste in compliance with subsections (c) and (d) that either accumulates F006 waste on site for more than 180 days (or for more than 270 days if the LQG must transport this waste or offer this waste for transportation over a distance of 200 miles or more) or accumulates more than 20,000 kg (44,000 lbs) of F006 waste on site is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 702, 703, 724, 725, 727 and the notification requirements of section 3010 of RCRA (42 USC 6930) for treatment, storage, and disposal facilities, unless the Agency has granted the LQG an extension to the 180-day period (or 270-day period, if applicable) or an exception to the 20,000- kg (44,000 lb) accumulation limit. The Agency may grant an extension of the accumulation period or an exception to the accumulation limit if F006 waste must remain on site for longer than 180 days (or 270 days, if applicable) or if more than 20,000 kg (44,000 lbs) of F006 waste must remain on site due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days or an exception to the accumulation limit on a case-by-case basis.

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BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period or accumulation amount limit under sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

- f) Consolidation of Hazardous Waste Received from VSQGs. An LQG may accumulate on site hazardous waste received from a VSQG under control of the same person (as defined in 35 Ill. Adm. Code 720.110), without a storage facility permit or interim status and without complying with the requirements of 35 Ill. Adm. Code 702, 703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930) for treatment, storage, and disposal facilities, provided that the LQG complies with the following conditions. “Control”, for this Section, means the power to direct the policies of the LQG and VSQG, whether by the ownership of stock, voting rights, or otherwise, except that a contractor that operates a LQG or VSQG facility on behalf of a different person is not be considered to “control” the LQG or VSQG.
- 1) The LQG must notify the Agency at least 30 days prior to receiving the first shipment from a VSQG using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12); and
 - A) The LQG must identify on the form the names and site addresses for the VSQG as well as the name and business telephone number for a contact person for the VSQG; and
 - B) The LQG must submit an updated USEPA Form 8700-12 within 30 days after a change in the name or site address for the VSQG.

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-and.

- 2) The LQG maintains records of shipments for three years from the date the LQG receives the hazardous waste from the VSQG. These records must identify the name, site address, and contact information for the VSQG and include a description of the hazardous waste received, including the quantity and the date the LQG received the waste.

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- 3) The LQG must comply with the independent requirements identified in Section 722.110(a)(1)(C) and the conditions for exemption in this Section for all hazardous waste received from a VSQG. For the labeling and marking regulations in subsection (a)(5), the LQG must label the container or unit with the date accumulation started (i.e., the date the LQG received the hazardous waste from the VSQG). If the LQG is consolidating incoming hazardous waste from a VSQG with either its own hazardous waste or with hazardous waste from other VSQGs, the LQG must label each container or unit with the earliest date when the VSQG first accumulated on site any hazardous waste in the container.

- g) Rejected Load. An LQG may accumulate the returned waste on site in compliance with subsections (a) and (b) if the LQG sent the shipment of hazardous waste to a designated facility believing that the designated facility can accept and manage the waste and later received that shipment back as a rejected load or residue in compliance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172. Upon receipt of the returned shipment, the LQG must do either of the following:
 - 1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or
 - 2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

(Source: Amended at 48 Ill. Reg. 16994, effective November 7, 2024; expedited correction at 50 Ill. Reg. _____, effective November 7, 2024)