

ILLINOIS POLLUTION CONTROL BOARD
December 16, 1993

IN THE MATTER OF:)
)
RCRA UPDATE, USEPA REGULATIONS) R93-16
(1-1-93 THROUGH 6-30-93)) (Identical in Substance Rules)

Proposal for Public Comment.

PROPOSED ORDER OF THE BOARD (by E. Dunham):

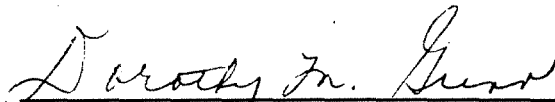
Pursuant to Sections 22.4(b) of the Environmental Protection Act (Act), the Board is proposing to amend the Resource Conservation and Recovery Act (RCRA) regulations.

Section 22.4(b) provides for quick adoption of regulations that are "identical in substance" to federal regulations and that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by the Joint Committee on Administrative Rules (JCAR). The federal RCRA regulations are found at 40 CFR 260 through 272 and 279. This rulemaking updates RCRA rules to correspond with major federal amendments more fully outlined in the accompanying opinion.

This proposed order is supported by a proposed opinion adopted on the same day. The Board will receive public comment on the proposal for a period of 45 days following its publication in the Illinois Register. The complete text of the proposed rules follows.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted by the Board on the 16th day of December, 1993, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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

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RCRA AND UIC PERMIT PROGRAMS

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AUTHORITY: Implementing Section 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111-1/2 $\frac{1}{2}$, pars. 1013, 1022.4 and 1027) [415 ILCS 5/13, 22.4 and 27].

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19, at 53 PCB 131, 7 Ill. Reg. 14352, effective as noted in 35 Ill. Adm. Code 700.106; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 13083, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273, effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993; amended in R93-16 at Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 702.110 Definitions

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704 and 705. Terms not defined in this Section have the meaning given by the appropriate Act. When a defined term appears in a definition, the defined term is sometimes placed within quotation marks as to an aid to readers. When a definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

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

"Agency" means the Illinois Environmental Protection Agency.

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

"Appropriate act and regulations" means the Resource Conservation and Recovery Act (RCRA); Safe Drinking Water Act (SDWA); or the "Environmental Protection Act," whichever is applicable; and applicable regulations promulgated under those statutes.

"Approved program or approved State" means a State or interstate program which has been approved or authorized by EPA under 40 CFR 271 (198892) (RCRA) or Section 1422 of the SDWA (UIC).

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

"Area of review" (UIC) means the area surrounding an injection well described according to the criteria set forth in 35 Ill. Adm. Code 730.106, or in the case of an area permit, the project area plus a circumscribing area the width of which is either 402 meters (1/4 of a mile) or a number calculated according to the criteria set forth in 35 Ill. Adm. Code 730.106.

"Board" means the Illinois Pollution Control Board.

"Closure" (RCRA) means the act of securing a "Hazardous Waste Management Facility" pursuant to the requirements of 35 Ill. Adm. Code 724.

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

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

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

corrective action requirements at the facility.
BOARD NOTE: U.S. EPA must also designate a CAMU until
it grants this authority to the Agency. See the note
following 35 Ill. Adm. Code 724.652.

"CWA" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) P.L. 92-500, as amended by P.L. 95-217, and P.L. 95-576; 33 U.S.C. 1251 et seq. (1988~~92~~).

"Date of approval by U.S. EPA of the Illinois UIC program" means February 1, 1984.

"Director" means the Director of the Illinois Environmental Protection Agency or the Director's designee.

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

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

"Draft Permit" means a document prepared under 35 Ill. Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny, modify, terminate or reissue a "permit". A notice of intent to deny a permit, as discussed in 35 Ill. Adm. Code 705.141 is a type of "draft permit". A denial of a request for modification, as discussed in 35 Ill. Adm. Code 705.128, is not a "draft permit". A "proposed permit" is not a "draft permit".

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

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are hazardous wastes only because they exhibit the corrosivity characteristics defined in 35 Ill.

Adm. Code 721.122, or are listed in Subpart D of 35 Ill. Adm. Code 721.Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle or vessel in 35 Ill. Adm. Code 720.110.

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

"Environmental Protection Act" means the Environmental Protection Act (Ill. Rev. Stat. 198791, ch. 111-1/2 $\frac{1}{2}$, par. 1001 et seq. [415 ILCS 5/1 et seq.]).

"Environmental Protection Agency" ("EPA") means the United States Environmental Protection Agency.

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

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

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

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

Either:

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

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

"Existing injection well" (UIC) means an "injection well" other than a "new injection well".

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

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

"Federal, State and local approvals or permits necessary to begin physical construction" means permits and approvals required under Federal, State or local hazardous waste control statutes, regulations or ordinances. (See 35 Ill. Adm. Code 700.102 et seq.)

"Final authorization" (RCRA) means approval by EPA of the Illinois Hazardous Waste Management Program which has met the requirements of Section 3006(b) of RCRA and the applicable requirements of 40 CFR 271, Subpart A (198792). EPA granted initial final authorization on January 31, 1986.

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

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

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

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

"Generator" (RCRA) means any person, by site location, whose act or process produces "hazardous waste" identified or listed in 35 Ill. Adm. Code 721.

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

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

"Hazardous waste management facility" ("HWM facility")^u means all contiguous land, and structures, other appurtenances and improvements on the land, used for treating, storing or disposing of "hazardous waste". A facility may consist of several "treatment", "storage" or "disposal" operational units (for example, one or more landfills, surface impoundments or combinations of them).

"HWM facility" (RCRA) means "Hazardous Waste Management facility".

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

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

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

"Interim authorization" (RCRA) means approval by EPA of the Illinois Hazardous Waste Management program which has met the requirements of Section 3006(c) of RCRA and applicable requirements of 40 CFR 271 (198792). This happened on May 17, 1982.

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

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

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

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

"New HWM facility" (RCRA) means a "Hazardous Waste Management facility" which began operation or for which construction commenced after November 19, 1980.

"New injection well" (UIC) means a "well" which began injection after the UIC program for the State of Illinois applicable to the well is approved.

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

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

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

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

"Permit" includes RCRA "permit by rule" (35 Ill. Adm. Code 703.141), UIC area permit (35 Ill. Adm. Code 704.162) and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.221 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code 703.153 et seq.), UIC authorization by rule (35 Ill. Adm. Code 704.—Subpart C), or any permit which has not yet been the subject of final Agency action, such as a "Draft Permit" or a "Proposed Permit."

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

"Phase I" (RCRA) means, as used in the corresponding federal regulations, the period of time commencing May 19, 1980. For Illinois purposes, Phase I began on May 17, 1982.

"Phase II" (RCRA) means, as used in the corresponding federal regulations, the period of time commencing May 19, 1980. For Illinois purposes, Phase II ~~will~~ commenced whenever U.S. EPA ~~granted~~ granted final authorization to the Agency to issue RCRA permits for any class of facility or unit. This occurred on January 31, 1986.

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

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

"POTW" means "publicly owned treatment works".

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

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

"Radioactive waste" (UIC) means any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR 20, Appendix B, Table II, Column 2, incorporated by reference in 35 Ill. Adm. Code 720.111.

"RCRA" means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (P. L. 94-580, as amended by P. L. 95-609, P.L. 96-510, 42 U.S.C. 6901 et seq. (198892)).

"RCRA permit" means a permit required under Section 21(f) of the Environmental Protection Act.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or the Regional Administrator's designee.

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

"SDWA" means the Safe Drinking Water Act (Pub. L. 93-523, as amended 42 U.S.C. 300f et seq. (198892)).

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

"SIC Code" means codes pursuant to the Standard Industrial Classification Manual incorporated by reference in 35 Ill. Adm. Code 720.111.

"State" means the State of Illinois.

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

"State/EPA Agreement" means an agreement between the Regional Administrator and the State which coordinates EPA and State activities, responsibilities and programs including those under the RCRA and SDWA.

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

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

"Total dissolved solids" (UIC) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 720.111.

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

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

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

"UIC" means the Underground Injection Control program.

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

"Underground source of drinking water" ("USDW") (RCRA and UIC) means an "aquifer" or its portion:

Which:

Supplies any public water system; or

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

Currently supplies drinking water for human consumption; or

Contains less than 10,000 mg/l total dissolved solids; and

Which is not an "exempted aquifer".

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

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

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which is subject to regulation under 35 Ill. Adm. Code 309.Subpart A or 310; and

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

Meets the definition of tank or tank system in 35 Ill. Adm. Code 720.110.

"Well (UIC) means a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

"Well injection" (UIC) means the subsurface emplacement of "fluids" through a bored, drilled or driven "well";

or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

BOARD NOTE: Derived from 40 CFR 144.3 and 270.2 (198892), as amended at 538 Fed. Reg. 340868685 (Feb. 16, 1993), ~~September 2, 1988, and 53 Fed. Reg. 37934, September 28, 1988.~~

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

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

PART 703
RCRA PERMIT PROGRAM

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703.Appendix A Classification of Permit Modifications

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 27]).

SOURCE: Adopted in R82-19, 53 PCB 131, 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, 1987; 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 _____ Ill. Reg. _____, effective _____.

Section 703.Appendix A Classification of Permit Modifications

Class Modifications

A. General Permit Provisions

- 1 1. Administrative and informational changes.
- 1 2. Correction of typographical errors.

regulations.

- 2 b. Other changes.
- 1 3. Changes in procedures for maintaining the
operating record.
- 2 4. Changes in frequency or content of inspection
schedules.
- 5. Changes in the training plan:
 - 2 a. That affect the type or decrease the amount
of training given to employees.
 - 1 b. Other changes.
- 6. Contingency plan:
 - 2 a. Changes in emergency procedures (i.e., spill
or release response procedures).
 - 1 b. Replacement with functionally equivalent
equipment, upgrade or relocate emergency
equipment listed.
 - 2 c. Removal of equipment from emergency equipment
list.
 - 1 d. Changes in name, address or phone number of
coordinators or other persons or agencies
identified in the plan.

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

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

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility

standards, that change shall be reviewed under the same procedures as a permit modification.

- C. Groundwater Protection
1. Changes to wells:
 - 2 a. Changes in the number, location, depth or design of upgradient or downgradient wells of permitted groundwater monitoring system.
 - 1 b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design or depth of the well.
 - 1* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.
 - 1* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.
 - 2* 4. Changes in point of compliance.
 5. Changes in indicator parameters, hazardous constituents or concentration limits (including ACLs (Alternate Concentration Limits)):
 - 3 a. As specified in the groundwater protection standard.
 - 2 b. As specified in the detection monitoring program.
 - 2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.
 7. Compliance monitoring program:
 - 3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.
 - 2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.

8. Corrective action program:

- 3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.
- 2 b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.

D. Closure

1. Changes to the closure plan:

- 1* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
- 1* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.
- 1* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
- 1* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.
- 2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
- 2 f. Extension of the closure period to allow a landfill, surface impoundment or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).
- 3 2. Creation of a new landfill unit as part of closure.
- 3 3. Addition of the following new units to be used temporarily for closure activities:

- 3 a. Surface impoundments.
- 3 b. Incinerators.
- 3 c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).
- 2 d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c).
- 2 e. Tanks or containers (other than specified below).
- 1* f. Tanks used for neutralization, dewatering, phase separation or component separation, with prior approval of the Agency.

E. Post-Closure

- 1 1. Changes in name, address or phone number of contact in post-closure plan.
- 2 2. Extension of post-closure care period.
- 3 3. Reduction in the post-closure care period.
- 1 4. Changes to the expected year of final closure, where other permit conditions are not changed.
- 2 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.

F. Containers

- 1 1. Modification or addition of container units:
 - 3 a. Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
 - 2 b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
 - 1 c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit"

contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

2.

- 2 a. Modification of a container unit without increasing the capacity of the unit.
- 1 b. Addition of a roof to a container unit without alteration of the containment system.
- 3. Storage of different wastes in containers, except as provided in F(4):
 - 3 a. That require additional or different management practices from those authorized in the permit.
 - 2 b. That do not require additional or different management practices from those authorized in the permit.

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

- 4. Storage or treatment of different wastes in containers:
 - 2 a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
 - 1* b. That do not require the addition of units or a change in the treatment process or

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

G. Tanks

1.

- 3 a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d) and G(1)(e).
- 2 b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).
- 2 c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.
- 1* d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.
- 1* e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 2 2. Modification of a tank unit or secondary

containment system without increasing the capacity of the unit.

- 1 3. Replacement of a tank with a tank that meets the same design standards and has a capacity within $\pm 10\%$ of the replaced tank provided:
 - a. The capacity difference is no more than 1500 gallons,
 - b. The facility's permitted tank capacity is not increased and
 - c. The replacement tank meets the same conditions in the permit.
- 2 4. Modification of a tank management practice.
5. Management of different wastes in tanks:
 - 3 a. That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).
 - 2 b. That do not require additional or different management practices, tank design, different fire protection specification or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
- 1* c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

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

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

H. Surface Impoundments

- 3 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.
- 3 2. Replacement of a surface impoundment unit.
- 2 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system or leachate collection system.
- 2 4. Modification of a surface impoundment management practice.
5. Treatment, storage or disposal of different wastes in surface impoundments:
- 3 a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
- 2 b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental

benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 1* 6. Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323 and 724.326(d).
7. Changes in response action plan:
- 3 a. Increase in action leakage rate.
- 3 b. Change in a specific response reducing its frequency or effectiveness.
- 2 c. Other changes.

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

I. Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).

1. Modification or addition of waste pile units:
- 3 a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity.

- 2 b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity.
- 2 2. Modification of waste pile unit without increasing the capacity of the unit.
- 1 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.
- 2 4. Modification of a waste pile management practice.
- 5. Storage or treatment of different wastes in waste piles:
 - 3 a. That require additional or different management practices or different design of the unit.
 - 2 b. That do not require additional or different management practices or different design of the unit.

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

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

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

J. Landfills and Unenclosed Waste Piles

- 3 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.
- 3 2. Replacement of a landfill.
- 3 3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control or final cover system.
- 2 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control or final cover system.

- 2 5. Modification of a landfill management practice.
6. Landfill different wastes:
- 3 a. That require additional or different
management practices, different design of the
liner, leachate collection system or leachate
detection system.
- 2 b. That do not require additional or different
management practices, different design of the
liner, leachate collection system or leachate
detection system.
- Note: See Section 703.280(g) for modification
procedures to be used for the management of
newly listed or identified wastes.
- 1 c. That are wastes restricted from land disposal
that meet the applicable treatment standards
or that are treated to satisfy the standard
of "use of practically available technology
that yields the greatest environmental
benefit" contained in 40 CFR 268.8(a)(2)(ii),
incorporated by reference in 35 Ill. Adm.
Code 728.108, and provided that the landfill
unit meets the minimum technological
requirements stated in 40 CFR 268.5(h)(2),
incorporated by reference in 35 Ill. Adm.
Code 728.105. This modification is not
applicable to dioxin-containing wastes (F020,
F021, F022, F023, F026, F027 and F028).
- 1 d. That are residues from wastewater treatment
or incineration, provided the disposal occurs
in a landfill unit that meets the minimum
technological requirements stated in 40 CFR
268.5(h)(2), incorporated by reference in 35
Ill. Adm. Code 728.105, and provided further
that the landfill has previously received
wastes of the same type (for example,
incinerator ash). This modification is not
applicable to dioxin-containing wastes (F020,
F021, F022, F023, F026, F027 and F028).
- 1* 7. Modification of unconstructed units to comply with
35 Ill. Adm. Code 724.351(c), 724.352, 724.353,
724.354(c), 724.401(c), 724.402, 724.403(c) and
724.404.
8. Changes in response action plan:

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

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

K. Land Treatment

- 3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.
- 2 2. Modification of run-on control system.
- 3 3. Modify run-off control system.
- 2 4. Other modification of land treatment unit component specifications or standards required in permit.
- 5. Management of different wastes in land treatment units:
 - 3 a. That require a change in permit operating conditions or unit design specifications.
 - 2 b. That do not require a change in permit operating conditions or unit design specifications.

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

- 6. Modification of a land treatment unit management practice to:
 - 3 a. Increase rate or change method of waste application.
 - 1 b. Decrease rate of waste application.
- 2 7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.
- 3 8. Modification of a land treatment unit management

practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.

- 3 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).
- 3 10. Changes in the unsaturated zone monitoring system resulting in a change to the location, depth, number of sampling points or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.
- 2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.
- 2 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.
- 2 13. Changes in sampling, analysis or statistical procedure.
- 2 14. Changes in land treatment demonstration program prior to or during the demonstration.
- 1* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.
- 1* 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.
- 3 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated

completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.

- 2 18. Changes in vegetative cover requirements for closure.

L. Incinerators, Boilers and Industrial Furnaces

- 3 1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 2 2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 3 3. Modification of an incinerator, boiler or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl/Cl₂, metals or particulate from the combustion gases or by changing other features of the incinerator, boiler or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
- 2 4. Modification of an incinerator, boiler or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate

compliance with the regulatory performance standards.

5. Operating requirements:

- 3 a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control system or operating parameters for the air pollution control system. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 3 b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.
- 2 c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.

6. Burning different wastes:

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

BOARD NOTE: See Section 703.280(g) for modification procedures to be used for the

management of newly listed or identified wastes.

7. Shakedown and trial burn:
 - 2 a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.
 - 1* b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.
 - 1* c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.
 - 1* d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.
- 1 8. Substitution of an alternate type of nonhazardous waste fuel that is not specified in the permit.

M. Containment Buildings.

1. Modification or addition of containment building units:
 - 3 a. Resulting in greater than 25% increase in the facility's containment building storage or treatment capacity.
 - 2 b. Resulting in up to 25% increase in the facility's containment building storage or treatment capacity.
- 2 2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.
3. Replacement of a containment building with a containment building that meets the same design standards provided:

- 1 a. The unit capacity is not increased.
- 1 b. The replacement containment building meets the same conditions in the permit.
- 2 4. Modification of a containment building management practice.
5. Storage or treatment of different wastes in containment buildings:
- 3 a. That require additional or different management practices.
- 2 b. That do not require additional or different management practices

N. Corrective Action.

- 3 1. Approval of a corrective action management unit pursuant to 35 Ill. Adm. Code 724.652.
- 2 2. Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.

Note: * indicates modifications requiring prior Agency approval.

BOARD NOTE: Derived from 40 CFR 270.42, Appendix I (19902), as amended at 58 Fed. Reg. 37281-8685, August/February 186, 19923.

(Source: Amended at _____ 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

SUBPART B: DEFINITIONS

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
720.130	Procedures for Solid Waste Determinations
720.131	Solid Waste Determinations
720.132	Boiler Determinations
720.133	Procedures for 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.Appendix A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27]).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 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 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 Ill. Reg. , effective .

SUBPART B: DEFINITIONS

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 726 and 728 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of "tank" that is situated in such a way 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) is able to be visually inspected.

"Act" or "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.)

"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 which is not a closed portion. (See also "closed portion" and "inactive portion".)

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves and pumps, that is used to distribute, meter or control the flow of hazardous waste from its point of generation to storage or treatment tank(s), 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 responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following 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 Section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery Section(s) (such as 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 Section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as 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 shall 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

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

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

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

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

"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 35 Ill. Adm. Code 724.Subpart DD and 35 Ill. Adm. Code 725.Subpart DD.

"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 which could threaten human health or the environment.

"Corrective action management unit" or "CAMU" means an area within a facility that is designated by the Agency under 35 Ill. Adm. Code 724.Subpart S for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA section 3008(h). A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.
BOARD NOTE: U.S. EPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"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. Such a 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.

"Designated facility" means a hazardous waste treatment, storage or disposal facility,

Which:

Has received a RCRA permit (or interim status) pursuant to 35 Ill. Adm. Code 702, 703 and 705;

Has received a RCRA permit from U.S. EPA pursuant to 40 CFR 124 and 270 (1991);

Has received a RCRA permit from a state authorized by U.S. EPA pursuant to 40 CFR 271 (1991); or

Is regulated under 35 Ill. Adm. Code 721.106(c)(2) or 266.Subpart F; and

Which has been designated on the manifest by the generator pursuant to 35 Ill. Adm. Code 722.120.

If a waste is destined to a facility in a state, other than Illinois, which has been authorized by U.S. EPA pursuant to 40 CFR 271, but which 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 such 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.

"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 such solid waste or hazardous waste or any constituent thereof 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.

"Elementary neutralization unit" means a device which:

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

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

"EPA" or "U.S. EPA" or "USEPA" means United States Environmental Protection Agency.

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

"EPA identification number" or "U.S. EPA identification number" or "USEPA identification number" means the number assigned by U.S. EPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator, transporter and treatment, storage or disposal facility.

"EPA 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 pursuant to Section 720.120.

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

A continuous on-site, physical construction program had begun or

The owner or operator had entered into contractual obligations -- which could not be cancelled or modified without substantial loss -- for physical construction of 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 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 is in operation, or for which installation has 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 physical construction of the site or installation of the tank system and if either

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

The owner or operator has entered into contractual obligations -- which cannot be canceled or modified without substantial loss -- for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Facility" means:

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

For the purpose of implementing corrective action under 35 Ill. Adm. Code 264.201, 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).

"Final closure" means the closure of all hazardous waste management units at the facility in accordance 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 722.134.

"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 physical construction" means permits and approvals required under federal, state or local hazardous waste control statutes, regulations or ordinances.

"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 which readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produce 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 waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

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

"Inactive portion" means that portion of a facility which is not operated after November 19, 1980. (See also "active portion" and "closed portion".)

"Incinerator" means any enclosed device that:

Uses controlled flame combustion and neither:

Meets the criteria for classification as a boiler, sludge dryer or carbon regeneration unit, nor

Is listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste which is suitable for:

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 35 Ill. Adm. Code 725.Appendix E for examples.)

"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 such as 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 the production of 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 3%, 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%, as generated.

Any other such device as the Agency determines to be an "Industrial Furnace" on the basis of 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.

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

"Infrared incinerator" means any enclosed device which

uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of "tank" whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

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

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

"Inner liner" means a continuous layer of material placed inside a tank or container which 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 the installation of tank systems.

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

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such 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 which 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, ~~or a cave~~, or a corrective action management unit (CAMU).

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

"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, which 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. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of 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 originated and signed by the generator which contains the information required by 35 Ill. Adm. Code 722.Subpart B.

"Manifest document number" means the U.S. EPA twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the manifest by the generator for recording and reporting purposes.

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

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored or disposed of and which is not a container, tank, tank system, 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), or a unit eligible for a research, development and demonstration permit under 35 Ill. Adm. Code 703.231.

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

"New hazardous waste management facility" or "new facility" means a facility which 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, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commences after July 14, 1986. (See also "existing tank system".)

"Onground tank" means a device meeting the definition of "tank" that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property which 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. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered on-site property.

"Open burning" means the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

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

Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment".)

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

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

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility which 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 noncompliance with the requirements of 35 Ill. Adm. Code 724 or 725.

"Pile" means any noncontainerized 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 which uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Point source" means any discernible, confined and discrete conveyance including, but not limited to, 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 post-graduate 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 certifications or completion of accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and contaminant fate and transport.

BOARD NOTE: "State registration" includes, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to Ill. Rev. Stat. 1991, ch. 111, par. 5201 [225 ILCS 325/1] and 68 Ill. Adm. Code 1380. "Professional certification" includes, but is not limited to, certification under the certified ground water professional program of the National Ground Water Association.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or the Regional Administrator's designee.

"Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic which are managed for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA Section 3008(h). For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing RCRA sections 3004(v) or 3008(h) for releases beyond the facility boundary.

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

"Replacement unit" means a landfill, surface impoundment or waste pile unit from which all or substantially all of the waste is removed, and which 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 accordance with a closure or corrective action plan approved by U.S. EPA or the Agency.

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

"Runon" 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 crust in which all voids are filled with water.

"SIC Code" means Standard Industrial Code as defined in Standard Industrial Classification Manual, incorporated by reference in Section 720.111.

"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 which is used to dehydrate sludge and which has a total thermal input, excluding the heating value of the sludge itself, of 2500 Btu/lb or less of sludge treated on a wet weight basis.

"Small Quantity Generator" means a generator which generates less than 1000 kg of hazardous waste in a calendar month.

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

"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.

"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.

"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.

"Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation or diked area formed primarily of earthen materials (although it may be lined with manmade materials) which is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which 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 which is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

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

"Thermal treatment" means the treatment of hazardous waste in a device which 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".)

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which 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 are held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of 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 the off-site transportation of hazardous waste by air, rail, highway or water.

"Treatability study" means:

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

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. Or,

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

Also included in this definition for the purpose of 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 so as to neutralize such waste, or so as to recover energy or material resources from the waste or so as to render such 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, where 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.

"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 property boundary.

"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.

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

"U.S. EPA" or "USEPA" means United States Environmental Protection Agency.

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

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Wastewater treatment unit" means a device which:

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

Receives and treats or stores an influent wastewater which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and

accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge which 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 the bulk transportation of hazardous waste which is 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" (See "underground injection").

"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of 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 _____ 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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721.103	Definition of Hazardous Waste
721.104	Exclusions
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AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 27]).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and

codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, 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 Ill. Reg. , effective .

SUBPART A: GENERAL PROVISIONS

Section 721.104 Exclusions

- a) Materials which are not solid wastes. The following materials are not solid wastes for the purpose of this Part:
 - 1) Sewage:
 - A) Domestic sewage; and
 - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

- 2) Industrial wastewater discharges that are point source discharges with NPDES permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.

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

- 3) Irrigation return flows.
- 4) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)
- 5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.
- 6) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively as defined in Section 721.101(c);
- 7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in Section 721.101(c).
- 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:
 - A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
 - B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces or incinerators);
 - C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and

- D) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.
- 9) Wood preserving wastes.
- A) Spent wood preserving solutions that have been used and are reclaimed and reused for their original intended purpose; and
 - B) Wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood.
- 10) Hazardous waste number K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes which are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when, subsequent to generation, these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the wastes from the point they are generated to the point they are recycled to coke ovens or tar recovery or the tar refining processes, or mixed with coal.
- 11) Nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.
- b) Solid wastes which are not hazardous wastes. The following solid wastes are not hazardous wastes:
- 1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any waste material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of or otherwise managing hazardous wastes for the purposes of regulation under this Part, if such facility:

- A) Receives and burns only:
 - i) Household waste (from single and multiple dwellings, hotels, motels and other residential sources) and
 - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and
 - B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.
- 2) Solid wastes generated by any of the following and which are returned to the soil as fertilizers:
- A) The growing and harvesting of agricultural crops.
 - B) The raising of animals, including animal manures.
- 3) Mining overburden returned to the mine site.
- 4) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.
- 6) Chromium wastes:
- A) Wastes which fail the test for the toxicity characteristic (Sections 721.124 and 721.Appendix B) because chromium is present or are listed in Subpart D of this Part due to the presence of chromium, which do not fail the test for the toxicity characteristic for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other

characteristic, if it is shown by a waste generator or by waste generators that:

- i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and
 - ii) The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
 - iii) The waste is typically and frequently managed in non-oxidizing environments.
- B) Specific wastes which meet the standard in subsections (b)(6)(A)(i), (ii) and (iii), above, (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic) are:
- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the blue.
 - iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-

the-blue; and shearling.

- v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.
 - vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.
 - viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.
- 7) Solid waste from the extraction, beneficiation and processing of ores and minerals (including coal, phosphate rock and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste. For purposes of this subsection, beneficiation of ores and minerals is restricted to the following activities: crushing, grinding, washing, dissolution, crystallization, filtration, sorting, sizing, drying, sintering, pelletizing, briquetting, calcining to remove water or carbon dioxide, roasting, autoclaving or chlorination in preparation for leaching (except where the roasting or autoclaving or chlorination)/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing), gravity concentration, magnetic separation, electrostatic separation, floatation, ion exchange, solvent extraction, electrowinning, precipitation, amalgamation, and heap, dump, vat tank and in situ leaching. For the purposes of this subsection, solid waste from the processing of ores and minerals includes only the following wastes:

- A) Slag from primary copper processing;
- B) Slag from primary lead processing;
- C) Red and brown muds from bauxite refining;
- D) Phosphogypsum from phosphoric acid production;
- E) Slag from elemental phosphorus production;
- F) Gasifier ash from coal gasification;
- G) Process wastewater from coal gasification;
- H) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
- I) Slag tailings from primary copper processing;
- J) Fluorogypsum from hydrofluoric acid production;
- K) Process wastewater from hydrofluoric acid production;
- L) Air pollution control dust/sludge from iron blast furnaces;
- M) Iron blast furnace slag;
- N) Treated residue from roasting/leaching of chrome ore;
- O) Process wastewater from primary magnesium processing by the anhydrous process;
- P) Process wastewater from phosphoric acid production;
- Q) Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production;
- R) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
- S) Chloride processing waste solids from titanium tetrachloride production; and,
- T) Slag from primary zinc smelting.

- 8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 9) Solid waste which consists of discarded arsenical-treated wood or wood products which fails the test for the toxicity characteristic for hazardous waste codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.
- 10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only) and are subject to corrective action regulations under 35 Ill. Adm. Code 731.
- 11) Injected groundwater that is hazardous only because it exhibits the toxicity characteristic (U.S. EPA hazardous waste codes D018 through D024 only) in Section 721.124 that is reinjected through an underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals petroleum bulk plants, petroleum pipelines and petroleum spill sites until January 25, 1993. This extension applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991. For groundwater returned through infiltration galleries from such at petroleum refineries, marketing terminals and bulk plants, until October 2, 1991. New operations involving injection wells (beginning after March 25, 1991) will qualify for this compliance date extension (until January 25, 1993) only if:
 - A) Operations are performed pursuant to a "free product removal report" pursuant to 35 Ill. Adm. Code 731.164; and
 - B) A copy of the "free product removal report" has been submitted to:

Characteristics Section (OS-333)
U.S. EPA
401 M Street, SW
Washington, D.C. 20460
- 12) Used chlorofluorocarbon refrigerants from totally

enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems, which use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

~~13) This subsection should contain the equivalent of 40 CFR 261.4(b)(13), which USEPA has not yet adopted.~~

~~14) This subsection should contain the equivalent of 40 CFR 261.4(b)(14), which USEPA has not yet adopted.~~

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

- A) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
- B) Hot-draining and crushing;
- C) Dismantling and hot-draining; or,
- D) Any other equivalent hot-draining method which will remove used oil.

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

- c) Hazardous wastes which are exempted from certain regulations. A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 725 and 728 or to the notification requirements of Section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.
- d) Samples

- 1) Except as provided in subsection (d)(2) below, a sample of solid waste or a sample of water, soil or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 728. The sample qualifies when:
 - A) The sample is being transported to a laboratory for the purpose of testing; or
 - B) The sample is being transported back to the sample collector after testing; or
 - C) The sample is being stored by the sample collector before transport to a laboratory for testing; or
 - D) The sample is being stored in a laboratory before testing; or
 - E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
 - F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

- 2) In order to qualify for the exemption in subsection (d)(1)(A) and (B) above, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:
 - A) Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS) or any other applicable shipping requirements; or
 - B) Comply with the following requirements if the sample collector determines that DOT, USPS or other shipping requirements do not apply to the shipment of the sample:
 - i) Assure that the following information accompanies the sample: The sample collector's name, mailing address and telephone number; the laboratory's name, mailing address and telephone number;

the quantity of the sample; the date of the shipment; and a description of the sample.

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

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

e) Treatability study samples.

1) Except as is provided in subsection (e)(2) below, persons who generate or collect samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:

- A) The sample is being collected and prepared for transportation by the generator or sample collector; or,
- B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
- C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

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

- A) The generator or sample collector uses (in "treatability studies") no more than 1000 kg of any non-acute hazardous waste, 1 kg of acute hazardous waste or 250 kg of soils, water or debris contaminated with acute hazardous waste for each process being evaluated for each generated wastestream; and

- B) The mass of each shipment does not exceed 1000 kg of non-acute hazardous waste, 1 kg of acute hazardous waste or 250 kg of soils, water or debris contaminated with acute hazardous waste; and
- C) The sample must be packaged so that it does not leak, spill or vaporize from its packaging during shipment and the requirements of subsections (e)(2)(C)(i) or (ii), below, are met.
 - i) The transportation of each sample shipment complies with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS) or any other applicable shipping requirements; or
 - ii) If the DOT, USPS or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address and telephone number of the originator of the sample; the name, address and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its U.S. EPA hazardous waste number.
- D) The sample is shipped to a laboratory or testing facility which is exempt under subsection (f) below, or has an appropriate RCRA permit or interim status.
- E) The generator or sample collector maintains the following records for a period ending 3 years after completion of the treatability study:
 - i) Copies of the shipping documents;
 - ii) A copy of the contract with the facility conducting the treatability study;
 - iii) Documentation showing: The amount of waste shipped under this exemption; the name, address and U.S. EPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made;

and, whether or not unused samples and residues were returned to the generator.

- F) The generator reports the information required in subsection (e)(2)(E)(iii) above in its report under 35 Ill. Adm. Code 722.141.
- 3) The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsection (e)(2)(A) above, for up to an additional 500 kg of any non-acute hazardous waste, 1 kg of acute hazardous waste and 250 kg of soils, water or debris contaminated with acute hazardous waste, to conduct further treatability study evaluation when: There has been an equipment or mechanical failure during the conduct of the treatability study; there is need to verify the results of a previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or, there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment. The additional quantities allowed are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (F), above. The generator or sample collector must apply to the Agency and provide in writing the following information:
- A) The reason why the generator or sample collector requires additional quantity of sample for the treatability study evaluation and the additional quantity needed;
 - B) Documentation accounting for all samples of hazardous waste from the wastestream which have been sent for or undergone treatability studies, including the date each previous sample was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;
 - C) A description of the technical modifications or change in specifications which will be evaluated and the expected results;
 - D) If such further study is being required due

to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment have been made to protect against further breakdowns; and,

- E) Such other information as the Agency determines is necessary.
- 4) Final Agency determinations pursuant to this subsection may be appealed to the Board.
- f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 705, 722 through 726, and 728, or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11), below, are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11), below. Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11), below, apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.
- 1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection.
 - 2) The laboratory or testing facility conducting the treatability study has a U.S. EPA identification number.
 - 3) No more than a total of 250 kg of "as received" hazardous waste is subjected to initiation of treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.
 - 4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed

1000 kg, the total of which can include 500 kg of soils, water or debris contaminated with acute hazardous waste or 1 kg of acute hazardous waste. This quantity limitation does not include:

- A) Treatability study residues; and,
 - B) Treatment materials (including nonhazardous solid waste) added to "as received" hazardous waste.
- 5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs.
- 6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.
- 7) The facility maintains records for 3 years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:
- A) The name, address and U.S. EPA identification number of the generator or sample collector of each waste sample;
 - B) The date the shipment was received;
 - C) The quantity of waste accepted;
 - D) The quantity of "as received" waste in storage each day;
 - E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
 - F) The date the treatability study was concluded;
 - G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the U.S. EPA

identification number.

- 8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending 3 years from the completion date of each treatability study.
- 9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:
 - A) The name, address and U.S. EPA identification number of the facility conducting the treatability studies;
 - B) The types (by process) of treatability studies conducted;
 - C) The names and addresses of persons for whom studies have been conducted (including their U.S. EPA identification numbers);
 - D) The total quantity of waste in storage each day;
 - E) The quantity and types of waste subjected to treatability studies;
 - F) When each treatability study was conducted;
 - G) The final disposition of residues and unused sample from each treatability study;
- 10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703 and 721 through 728, unless the residues and unused samples are returned to the sample originator under the subsection (e) exemption above.
- 11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

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

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

- a) A generator is a conditionally exempt small quantity generator in a calendar month if it generates no more than 100 kilograms of hazardous waste in that month. 35 Ill. Adm. Code 700 explains the relation of this to the 100 kg/mo exception of 35 Ill. Adm. Code 809.
- b) Except for those wastes identified in subsections (e), (f), (g) and (j) below, a conditionally exempt small quantity generator's hazardous wastes are not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the notification requirements of Section 3010 of Resource Conservation and Recovery Act, provided the generator complies with the requirements of subsections (f), (g) and (j) below.
- c) Hazardous waste that is not subject to regulation or that is subject only to 35 Ill. Adm. Code 722.111, 722.112, 722.140(c) and 722.141 is not included in the quantity determinations of this Part and 35 Ill. Adm. Code 722 through 726 and 728, and is not subject to any requirements of those Parts. Hazardous waste that is subject to the requirements of Section 721.106(b) and (c) and 35 Ill. Adm. Code 726.Subparts C, D and F is included in the quantity determinations of this Part and is subject to the requirements of this Part and 35 Ill. Adm. Code 722 through 726 and 728.
- d) In determining the quantity of hazardous waste it generates, a generator need not include:
 - 1) Hazardous waste when it is removed from on-site storage; or
 - 2) Hazardous waste produced by on-site treatment (including reclamation) of its hazardous waste so long as the hazardous waste that is treated was counted once; or,
 - 3) Spent materials that are generated, reclaimed and subsequently reused on-site, so long as such spent materials have been counted once.
- e) If a generator generates acute hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the notification requirements of Section 3010 of the Resource Conservation and Recovery Act:

- 1) A total of one kilogram of acute hazardous wastes listed in Sections 721.131, 721.132, or 721.133(e); or
- 2) A total of 100 kilograms of any residue or contaminated soil, waste or other debris resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in Sections 721.131, 721.132, or 721.133(e).

BOARD NOTE: "Full regulation" means those regulations applicable to generators of greater than 1000 kg of non-acute hazardous waste in a calendar month.

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

- 1) 35 Ill. Adm. Code 722.111.
- 2) The generator may accumulate acute hazardous waste on-site. If the generator accumulates at any time acute hazardous wastes in quantities greater than set forth in subsections (e)(1) or (e)(2) above, all of those accumulated wastes are subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the applicable notification requirements of Section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(a), for accumulation of wastes on-site, begins when the accumulated wastes exceed the applicable exclusion limit.
- 3) A conditionally exempt small quantity generator may either treat or dispose of its acute hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment or disposal facility, either of which, if located in the United States, is:
 - A) Permitted under 35 Ill. Adm. Code 703;
 - B) In interim status under 35 Ill. Adm. Code 703 and 725;
 - C) Authorized to manage hazardous waste by a State with a hazardous waste management

program approved by U.S. EPA;

- D) Permitted, licensed or registered by a State to manage municipal or industrial solid waste; or
 - E) A facility which:
 - i) Beneficially uses or reuses or legitimately recycles or reclaims its waste; or
 - ii) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation.
- g) In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of less than 100 kilograms of hazardous waste during a calendar month to be excluded from full regulation under this Section, the generator must comply with the following requirements:
- 1) 35 Ill. Adm. Code 722.111;
 - 2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If it accumulates at any time more than a total of 1000 kilograms of the generator's hazardous waste, all of those accumulated wastes are subject to regulation under the special provisions of 35 Ill. Adm. Code 722 applicable to generators of between 100 kg and 1000 kg of hazardous waste in a calendar month as well as the requirements of 35 Ill. Adm. Code 702, 703, 705 and 723 through 726 and 728, and the applicable notification requirements of Section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(d) for accumulation of wastes on-site begins for a small quantity generator when the accumulated wastes exceed 1000 kilograms;
 - 3) A conditionally exempt small quantity generator may either treat or dispose of its hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment or disposal facility, either of which, if located in the United States, is:
 - A) Permitted under 35 Ill. Adm. Code 702 and 703;

- B) In interim status under 35 Ill. Adm. Code 703 and 725;
- C) Authorized to manage hazardous waste by a State with a hazardous waste management program approved by U.S. EPA under 40 CFR 271 (1986);
- D) Permitted, licensed or registered by a State to manage municipal or industrial solid waste; or
- E) A facility which:
 - i) Beneficially uses or re-uses, or legitimately recycles or reclaims the small quantity generator's waste; or
 - ii) Treats its waste prior to beneficial use or re-use, or legitimate recycling or reclamation.
- h) Hazardous waste subject to the reduced requirements of this Section may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this Section, unless the mixture meets any of the characteristics of hazardous wastes identified in Subpart C.
- i) If a small quantity generator mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this Section, the mixture is subject to full regulation.
- j) If a conditionally exempt small quantity generator's hazardous wastes are mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 739-Subpart G, if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending or other treatment is also so regulated if it is destined to be burned for energy recovery.

(Source: Amended at _____ 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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Section
724.101 Purpose, Scope and Applicability
724.103 Relationship to Interim Status Standards

SUBPART B: GENERAL FACILITY STANDARDS

Section
724.110 Applicability
724.111 Identification Number
724.112 Required Notices
724.113 General Waste Analysis
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724.116 Personnel Training
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724.130 Applicability
724.131 Design and Operation of Facility
724.132 Required Equipment
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724.150 Applicability
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724.153 Copies of Contingency Plan
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SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

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AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27]).

SOURCE: Adopted in R82-19, 53 PCB 131, 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. 17666, 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 _____ Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 724.101 Purpose, Scope and Applicability

- a) The purpose of this Part is to establish minimum standards which define the acceptable management of hazardous waste.
- b) The standards in this Part apply to owners and operators of all facilities which treat, store or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- c) The requirements of this Part apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434, 33

U.S.C. 1401) 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 "RCRA 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) The requirements of this Part apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency pursuant to Section 12(g) of the Environmental Protection Act only to the extent they are required by 35 Ill. Adm. Code 704, Subpart F.

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

- e) The requirements of this Part apply to the owner or operator of a POTW (publicly owned treatment works) which 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 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 U.S. EPA rules.

fg) The requirements of this Part do not apply to:

- 1) The owner or operator of a facility permitted by the Agency under Section 21 of the Environmental Protection 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 721.105.

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), ~~and (a)(3)~~, and (a)(4) (except

to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, F, G, or H or 279).

- 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134.
- 4) A farmer disposing of waste pesticides from the 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 35 Ill. Adm. Code 728.Table D), or corrosive (D002) waste, to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b) of this part;
- 7) Immediate response:
 - A) Except as provided in subsection (f)(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 which, when discharged, becomes a hazardous waste.
 - 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 who is covered by subsection (f)(8)(A) and who 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.
Or,

- 8) 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.
- 9) 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.
- h) This Part applies to owners and operators of facilities which treat, store or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.

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

Section 724.103 Relationship to Interim Status Standards

A facility owner or operator who has fully complied with the requirements for interim status--as defined in Section 3005(e) of RCRA and regulations under 35 Ill. Adm. Code 703, Subpart C--must comply with the regulations specified in 35 Ill. Adm. Code 725 in lieu of the regulations in this Part, until final administrative disposition of his permit application is made, except as provided under Subpart S of this Part.

BOARD NOTE: As stated in Section 21(f) of the Illinois Environmental Protection Act, the treatment, storage, or disposal of hazardous waste is prohibited, except in accordance with a RCRA permit. 35 Ill. Adm. Code 703, Subpart C provides for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner's or operator's permit application--is made.

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

Section 724.201 Corrective Action for Solid Waste Management Units

- a) The owner or operator of a facility seeking a permit for the treatment, storage or disposal of hazardous waste must institute correction action as necessary to protect human health and the environment for all

releases of hazardous waste or constituents from any solid waste management unit at the facility, regardless of the time at which waste was placed in such unit.

- b) Corrective action will be specified in the permit in accordance with this Section and Subpart S of this Part. The permit will contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing such corrective action.
- c) The owner or operator must implement corrective action measures beyond the facility property boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the Agency that, despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such actions. The owner and operator are not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. Assurances of financial responsibility for such corrective action must be provided.

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

SUBPART S: CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

724.652 Corrective Action Management Units

- a) For the purpose of implementing remedies under Section 724.201 or RCRA Section 3008(h), the Agency may designate an area at the facility as a corrective action management unit, as defined in 35 Ill. Adm. Code 720.10, in accordance with the requirements of this Section. One or more CAMUs may be designated at a facility.
- 1) Placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes.
 - 2) Consolidation or placement of remediation wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.

b) Designation of a CAMU.

- 1) The Agency may designate a regulated unit (as defined in Section 724.190(a)(2)) as a CAMU, or it may incorporate a regulated unit into a CAMU, if:
 - A) The regulated unit is closed or closing, meaning it has begun the closure process under Section 724.213 or 35 Ill. Adm. Code 725.213; and
 - B) Inclusion of the regulated unit will enhance implementation of effective, protective, and reliable remedial actions for the facility.
- 2) The requirements of Subparts F, G, and H and the unit-specific requirements of this Part or the 35 Ill. Adm. Code 725 requirements that applied to that regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.

c) The Agency shall designate a CAMU in accordance with the following factors:

- 1) The CAMU shall facilitate the implementation of reliable, effective, protective, and cost-effective remedies;
- 2) Waste management activities associated with the CAMU shall not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;
- 3) The CAMU shall include uncontaminated areas of the facility only if including such areas for the purpose of managing remediation waste is more protective than managing such wastes at contaminated areas of the facility;
- 4) Areas within the CAMU where wastes remain in place after its closure shall be managed and contained so as to minimize future releases to the extent practicable;
- 5) The CAMU shall expedite the timing of remedial activity implementation, when appropriate and practicable;
- 6) The CAMU shall enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term

effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and

- 7) The CAMU shall, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.
- d) The owner or operator shall provide sufficient information to enable the Agency to designate a CAMU in accordance with the standards of this Section.
- e) The Agency shall specify in the permit the requirements applicable to a CAMU, including the following:
 - 1) The areal configuration of the CAMU.
 - 2) Requirements for remediation waste management, including the specification of applicable design, operation, and closure requirements.
 - 3) Requirements for groundwater monitoring that are sufficient to:
 - A) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in groundwater from sources located within the CAMU; and
 - B) Detect and subsequently characterize releases of hazardous constituents to groundwater that may occur from areas of the CAMU in which wastes will remain in place after closure of the CAMU.
 - 4) Closure and post-closure requirements.
 - A) Closure of a CAMU shall:
 - i) Minimize the need for further maintenance; and
 - ii) Control, minimize, or eliminate, to the extent necessary to protect human health and the environment, for areas where wastes remain in place, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground, to surface

waters, or to the atmosphere.

- B) Requirements for closure of a CAMU shall include the following, as appropriate:
- i) Requirements for excavation, removal, treatment, or containment of wastes;
 - ii) For areas in which wastes will remain after closure of the CAMU, requirements for the capping of such areas; and
 - iii) Requirements for the removal and decontamination of equipment, devices, and structures used in remediation waste management activities within the CAMU.
- C) In establishing specific closure requirements for a CAMU under this subsection, the Agency shall consider the following factors:
- i) The characteristics of the CAMU;
 - ii) The volume of wastes that remain in place after closure;
 - iii) The potential for releases from the CAMU;
 - iv) The physical and chemical characteristics of the waste;
 - v) The hydrological and other relevant environmental conditions at the facility that may influence the migration of any potential or actual releases; and
 - vi) The potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.
- D) Post-closure requirements as necessary to protect human health and the environment, including, for areas where wastes will remain in place, monitoring and maintenance activities and the frequency with which such activities shall be performed to ensure the integrity of any cap, final cover, or other containment system.
- f) The Agency shall document the rationale for designating the CAMU and shall make such documentation available to

the public.

- g) Incorporation of a CAMU into an existing permit must be approved by the Agency according to the procedures for Agency-initiated permit modifications under 35 Ill. Adm. Code 703.270 through 703.273 or according to the permit modification procedures of 35 Ill. Adm. Code 703.283 of this chapter.
- h) The designation of a CAMU does not change the Agency's existing authority to address clean-up levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

BOARD NOTE: Derived from 40 CFR 264.552 (1992), as added at 58 Fed. Reg. 8683 (Feb. 16, 1993). U.S. EPA promulgated this provision pursuant to HSWA provisions of RCRA Subtitle C. Since the federal provision became immediately effective in Illinois, and until U.S. EPA authorizes this Illinois provision, an owner or operator must seek CAMU authorization from U.S. EPA Region V, as well as authorization from the Agency under this provision.

(Source: Added at _____ Ill. Reg. _____, effective

724.653 Temporary Units

- a) For temporary tanks and container storage areas used for treatment or storage of hazardous remediation wastes, during remedial activities required under Section 724.201 or RCRA section 3008(h), the Agency shall establish alternative requirements pursuant to this Section if it determines that a design, operating, or closure standard applicable to such units may be replaced by alternative requirements that is equally as protective of human health and the environment as would be the standards of this part or of 35 Ill. Adm. Code 725, if applied.
- b) Any temporary unit to which alternative requirements are applied in accordance with subsection (a) shall be:
- 1) Located within the facility boundary; and
 - 2) Used only for treatment or storage of remediation wastes.
- c) In establishing alternative requirements to be applied to a temporary unit, the Agency shall consider the

following factors:

- 1) The length of time such unit will be in operation;
 - 2) The type of unit;
 - 3) The volumes of wastes to be managed;
 - 4) The physical and chemical characteristics of the wastes to be managed in the unit;
 - 5) The potential for releases from the unit;
 - 6) The hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases; and
 - 7) The potential for exposure of humans and environmental receptors if releases were to occur from the unit.
- d) The Agency shall specify in the permit the length of time a temporary unit will be allowed to operate, which shall be no longer than one year. The Agency shall also specify the design, operating, and closure requirements for the unit.
- e) The Agency may extend the operational period of a temporary unit once, for no longer than a period of one year beyond that originally specified in the permit, if the Agency determines that:
- 1) Continued operation of the unit will not pose a threat to human health and the environment; and
 - 2) Continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.
- f) Incorporation of a temporary unit or a time extension for a temporary unit into an existing permit shall be:
- 1) Approved in accordance with the procedures for Agency-initiated permit modifications under 35 Ill. Adm. Code 703.270 through 703.273; or
 - 2) Requested by the owner/operator as a Class 2 modification according to the procedures under 35 Ill. Adm. Code 703.283.
- g) The Agency shall document the rationale for designating

a temporary unit and for granting time extensions for temporary units and shall make such documentation available to the public.

BOARD NOTE: Derived from 40 CFR 264.553 (1992), as added at 58 Fed. Reg. 8684 (Feb. 16, 1993), U.S. EPA promulgated this provision pursuant to HSWA provisions of RCRA Subtitle C. Since the federal provision became immediately effective in Illinois, and until U.S. EPA authorizes this Illinois provision, an owner or operator must seek TU authorization from U.S. EPA Region V, as well as authorization from the Agency under this provision.

(Source: Added at _____ 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
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AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 27]).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, 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 _____ Ill. Reg. _____, effective
_____.

SUBPART A: GENERAL PROVISIONS

Section 725.101 Purpose, Scope and Applicability

- a) The purpose of this Part is to establish minimum standards which 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 requirements, until post-closure responsibilities are fulfilled.
- b) The standards in this Part and of 35 Ill. Adm. Code 724.652 and 724.653 apply to owners and operators of facilities which treat, store or dispose of hazardous waste who have fully complied with the requirements for interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.) and 35 Ill. Adm. Code 703, until either a permit is issued under Section 3005 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure responsibilities under this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980, who have failed to provide timely notification as required by Section 3010(a) of RCRA, or failed to file Part A of the Permit Application as required by 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 after November 19, 1980, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721;

BOARD NOTE: As stated in Section 3005(a) of RCRA, 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 accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner's and operator's permit application is made. 35 Ill. Adm. Code 703.140 et seq. provide that a permit is deemed issued under Section 21(f)(1) of the Environmental Protection Act under conditions similar to federal interim status.

- c) The requirements of this Part do not apply to:

- 1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434; 33 U.S.C. 1401);

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) above.

- 3) The owner or operator of a POTW (publicly owned treatment works) which treats, stores or disposes of hazardous waste;

BOARD NOTE: The owner or operator of a facility under subsections (c)(1) through (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 35 Ill. Adm. Code 704.Subpart F.

- 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 721.105;
- 6) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2), ~~and (a)(3)~~, and (a)(4) (except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, F, G, or H or 279);
- 7) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134, except to the extent the requirements are included in 35 Ill. Adm. Code 722.134;
- 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 35 Ill. Adm. Code 728.Table D), or corrosive (D002) waste, in order to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 725.117(b);

11) Immediate response:

- A) Except as provided in subsection (c)(11)(B), below, 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 which, when discharged, becomes a hazardous waste.
- 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 who is covered by subsection (c)(11)(A), above and who 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.

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 waste is first placed in the containers; and Sections 725.117(b), 725.271 and 725.272 are complied with.

- d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: hazardous waste numbers F020, F021, F022, F023, F026 or

F027 unless:

- 1) The wastewater treatment sludge is generated in a surface impoundment as part of the 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) as well as all other applicable requirements of Subpart L;
 - 4) The waste is burned in incinerators that are certified pursuant to 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 pursuant to the standards and procedures in Section 725.483.
- e) This Part applies to owners and operators of facilities which 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 700 contains rules concerning application of other Board regulations.

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

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

PART 728
 LAND DISPOSAL RESTRICTIONS

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728.Table G Alternative Treatment Standards Based on HMTR

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27]).

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 18 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at Ill. Reg. , effective.

SUBPART A: GENERAL

Section 728.102 Definitions

When used in this Part the following terms have the meanings given below. All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.102 or 721.103.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: A manufactured object; or plant or animal matter; or natural geologic material. However, the following materials are not debris: Any material for which a

specific treatment standard is provided in 728.Subpart D; Process residuals such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75% of their original volume. A mixture of debris that has not been treated to the standards provided by Section 728.145 of this Part and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

"Halogenated organic compounds" or "HOCs" means those compounds having a carbon-halogen bond which are listed under Section 728.Appendix C.

"Hazardous constituent or constituents" means those constituents listed in 35 Ill. Adm. Code 721.Appendix H.

"Hazardous debris" means debris that contains a hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D, or that exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.

Inorganic Solid Debris are nonfriable inorganic solids that are incapable of passing through a 9.5 mm standard sieve, and that require cutting, or crushing and grinding, in mechanical sizing equipment prior to stabilization, limited to the following inorganic or metal materials:

Metal slags (either dross or scoria).

Glassified slag.

Glass.

Concrete (excluding cementitious or pozzolanic stabilized hazardous wastes).

Masonry and refractory bricks.

Metal cans, containers, drums or tanks.

Metal nuts, bolts, pipes, pumps, valves, appliances or industrial equipment.

Scrap metal as defined in 35 Ill. Adm. Code 721.101(c)(6).

"Land disposal" means placement in or on the land,

except in a corrective action management unit, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes.

"Nonwastewaters" are wastes that do not meet the criteria for "wastewaters" in this Section.

"Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with 40 CFR 761.3, incorporated by reference in 35 Ill. Adm. Code 720.111

"ppm" means parts per million.

"RCRA corrective action" means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, 40 CFR 264.100 or 265.93 (1987), or similar regulations in other States with RCRA programs authorized by U.S. EPA pursuant to 40 CFR 271 (1989).

"Underlying hazardous constituent" means any regulated constituent present at levels above the F039 constituent-specific treatment standard at the point of generation of the hazardous waste.

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

"Wastewaters" are wastes that contain less than 1% by weight total organic carbon (TOC) and less than 1% by weight total suspended solids (TSS), with the following exceptions:

F001, F002, F003, F004, F005 solvent-water mixtures that contain less than 1% by weight TOC or less than 1% by weight total F001, F002, F003, F004, F005 solvent constituents listed in Table A.

K011, K013, K014 wastewaters (as generated) that contain less than 5% by weight TOC and less than 1% by weight TSS.

K103 and K104 wastewaters that contain less than 4% by weight TOC and less than 1% by weight TSS.

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

Section 728.109 Special Rules for Characteristic Wastes

- a) The initial generator of a solid waste shall determine each waste code applicable to the waste in order to determine the applicable treatment standards under Subpart D of this Part. For purposes of 35 Ill. Adm. Code 728, the waste will carry a waste code designation for any applicable listing under 35 Ill. Adm. Code 721.Subpart D, and also one or more waste code designations under 35 Ill. Adm. Code 721.Subpart C where the waste exhibits the relevant characteristic, except in the case when the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.Subpart D operates in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.Subpart C, as specified in subsection (b) below. If the generator determines that his waste displays the characteristic of ignitability (D001) (and is not in the High TOC Ignitable Liquids Subcategory or is not treated by INCIN, FSUBS, or RORGS of 728.Table C of this Part) or the characteristic of corrosivity (D002) and is prohibited under Section 728.137, the generator shall determine what underlying hazardous constituents (as defined in Section 728.102) are reasonably expected to be present in the D001 or D002 waste.
- b) Where a prohibited waste is both listed under 35 Ill. Adm. Code 721.Subpart D and exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C, the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.Subpart D will operate in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.Subpart C, provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic waste codes.
- c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste which exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C shall be land disposed unless the waste complies with the treatment standards under Subpart D of this Part.
- d) Wastes that exhibit a characteristic are also subject to Section 728.107 requirements, except that once the waste is no longer hazardous, a one time notification and certification must be placed in the generators or treaters files and sent to the Agency. The notification and certification that is placed in the

generators or treaters' files must be updated if the process or operation generating the waste changes or if the subtitle D facility receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the year but no later than December 31.

- 1) The notification must include the following information:
 - A) The name and address of the non-hazardous waste facility receiving the waste shipment;
 - B) A description of the waste as initially generated, including the applicable U.S. EPA Hazardous Waste Number(s) and treatability group(s);
 - C) The treatment standards applicable to the waste at the initial point of generation.
- 2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(b)(5)(A).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.135 Waste Specific Prohibitions--Third Third wastes.

- a) The following wastes are prohibited from land disposal.
 - 1) The wastes specified in 35 Ill. Adm. Code 721.131 as EPA Hazardous Waste Numbers:
 - F002 (1,1,2-trichloroethane)
 - F005 (benzene)
 - F005 (2-ethoxyethanol)
 - F005 (2-nitropropane)
 - F006 (wastewaters),
 - F019
 - F025
 - F039 (wastewaters);
 - 2) The wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste Numbers:

K002
K003
K004 (wastewaters)
K005 (wastewaters)
K006
K008 (wastewaters)
K011 (wastewaters)
K013 (wastewaters)
K014 (wastewaters)
K015 (nonwastewaters)
K017
K021 (wastewaters)
K022 (wastewaters)
K025 (wastewaters)
K026
K029 (wastewaters)
K031 (wastewaters)
K032
K033
K034
K035
K041
K042
K046 (wastewaters, reactive nonwastewaters)
K048 (wastewaters)
K049 (wastewaters)
K050 (wastewaters)
K051 (wastewaters)
K052 (wastewaters)
K060 (wastewaters)
K061 (wastewaters) and (high zinc subcategory
> 15% zinc)
K069 (wastewaters, calcium sulfate
nonwastewaters)
K073
K083
K084 (wastewaters)
K085
K095 (wastewaters)
K096 (wastewaters)
K097
K098
K100 (wastewaters)
K101 (wastewaters)
K102 (wastewaters)
K105
K106 (wastewaters)

- 3) The wastes specified in 35 Ill. Adm. Code
721.133(e) as EPA Hazardous Waste Numbers:

P001

P002
P003
P004
P005
P006
P007
P008
P009
P010 (wastewaters)
P011 (wastewaters)
P012 (wastewaters)
P014
P015
P016
P017
P018
P020
P022
P023
P024
P026
P027
P028
P031
P033
P034
P036 (wastewaters)
P037
P038 (wastewaters)
P042
P045
P046
P047
P048
P049
P050
P051
P054
P056
P057
P058
P059
P060
P064
P065 (wastewaters)
P066
P067
P068
P069
P070
P072
P073

P075
P076
P077
P078
P081
P082
P084
P088
P092 (wastewaters)
P093
P095
P096
P101
P102
P103
P105
P108

P110
P112
P113
P114
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P116
P118
P119
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P122
P123

- 4) The wastes specified in 35 Ill. Adm. Code 721.133(f) as EPA Hazardous Waste Numbers:

U001
U002
U003
U004
U005
U006
U007
U008
U009
U010
U011
U012
U014
U015
U016
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U020

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U122
U123
U124
U125
U126
U127
U128
U129
U130
U131
U132
U133
U134
U135
U136 (wastewaters)

U137
U138
U140
U141
U142
U143
U144
U145
U146
U147
U148
U149
U150
U151 (wastewaters)
U152
U153
U154
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U227
U228
U234
U236
U237
U238
U239
U240
U243
U244
U246
U247
U248
U249

- 4) The following wastes identified as hazardous based on a characteristic alone:

D001
D002
D003
D004 (wastewaters)
D005
D006

D007
D008 (except for lead materials stored before
secondary smelting)
D009 (wastewaters)
D010
D011
D012
D013
D014
D015
D016
D017

- b) The following wastes are prohibited from land disposal. The wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste Numbers:

K048 (nonwastewaters)
K049 (nonwastewaters)
K050 (nonwastewaters)
K051 (nonwastewaters)
K052 (nonwastewaters)

- c) Effective May 8, 1992, the following wastes are prohibited from land disposal:

- 1) The wastes specified in 35 Ill. Adm. Code 721.131 as EPA Hazardous Waste Numbers:

F039 (nonwastewaters)

- 2) The wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste Numbers:

K031 (nonwastewaters)
K084 (nonwastewaters)
K101 (nonwastewaters)
K102 (nonwastewaters)
K106 (nonwastewaters)

- 3) The wastes specified in 35 Ill. Adm. Code 721.133(e) as EPA Hazardous Waste Numbers:

P010 (nonwastewaters)
P011 (nonwastewaters)
P012 (nonwastewaters)
P036 (nonwastewaters)
P038 (nonwastewaters)
P065 (nonwastewaters)
P087
P092 (nonwastewaters)

- 4) The wastes specified in 35 Ill. Adm. Code 721.133(f) as EPA Hazardous Waste Numbers:
- U136 (nonwastewaters)
U151 (nonwastewaters)
- 5) The following wastes identified as hazardous based on a characteristic alone:
- D004 (nonwastewaters)
D009 (nonwastewaters);
- 6) RCRA hazardous wastes that contain naturally occurring radioactive materials.
- d) Effective May 8, 1992, hazardous wastes listed in Sections 728.110, 728.111 or 728.112 that are mixed radioactive/hazardous wastes, and soil or debris contaminated with hazardous wastes listed in Sections 728.110, 728.111 or 728.112 that are mixed radioactive/hazardous wastes, are prohibited from land disposal, except as provided in subsection (e) below.
- e) Subject to the applicable prohibitions of Sections 728.130, 728.131, and 728.132, contaminated soil and debris are prohibited from land disposal as follows:
- 1) Effective May 8, 1993~~4~~, debris that is contaminated with wastes listed in Sections ~~728.110, 728.111 or 728.112 (including such wastes that are mixed radioactive and hazardous wastes)~~, and debris that is contaminated with any characteristic waste for which treatment standards are established in Subpart D of this Part ~~(including such wastes that are mixed radioactive hazardous wastes)~~, are prohibited from land disposal.
 - 2) Effective May 8, 1994, mixed radioactive hazardous debris that is contaminated with hazardous wastes listed in Section 728.112 and mixed radioactive hazardous debris that is contaminated with any characteristic waste for which treatment standards are established in Subpart D of this Part are prohibited from land disposal.
 - 3) Subsections (e)(1) and (e)(2) of this Section shall not apply where the generator has failed to make good-faith effort to locate treatment capacity suitable for its waste, has not utilized

such capacity as it has found to be available, or has failed to file a report as required by Section 728.105(g) by August 12, 1993 or within 90 days after the waste is generated (whichever is later) describing the generator's efforts to locate treatment capacity. Where subsections (e)(1) and (e)(2) of this Section do not apply, all wastes described in those two subsections are prohibited from land disposal.

BOARD NOTE: This subsection is derived from 40 CFR 268.35(e)(3), as added at 58 Fed. Reg. 28510 (May 14, 1993). This was a HSWA-derived amendment that went into effect as federal law in Illinois, effective May 8, 1993. The August 12, 1993 report was due on that date as a matter of federal law.

- 24) Effective May 8, 1993, hazardous soil having treatment standards in 728.Subpart D based on incineration, mercury retorting or vitrification, and soils contaminated with hazardous wastes listed in Sections 728.110, 728.111 and 728.112 that are mixed radioactive hazardous wastes, are prohibited from land disposal.
- 5) When used in subsections (e)(1) and (e)(2) of this Section, debris is defined as follows:
- A) Debris as defined in Section 728.102(g); or
 - B) Nonfriable inorganic solids that are incapable of passing through a 9.5 mm standard sieve that require cutting or crushing and grinding in mechanical sizing equipment prior to stabilization, limited to the following inorganic or metal materials:
 - i) Metal slage (either dross or scoria);
 - ii) Glassified slag;
 - iii) Glass;
 - iv) Concrete (excluding cementitious or pozzolanic stabilized hazardous wastes);
 - v) Masonry and refractory bricks;
 - vi) Metal cans, containers, drums, or tanks;
 - vii) Metal nuts, bolts, pipes, pumps, valves, appliances, or industrial equipment; or

viii) Scrap metal as defined in 35 Ill. Adm. Code 721.101(c)(6).

- h) Between May 8, 1990, and May 8, 1992, wastes included in subsections (c), (d) and (e), above, shall be disposed of in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in Section 728.105(h)(2).
- i) The requirements of subsections (a), (b), (c), (d) and (e), above, do not apply if:
- 1) The wastes meet the applicable standards specified in Subpart D of this Part;
 - 2) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) The wastes meet the applicable alternate standards established pursuant to a petition granted under Section 728.144;
 - 4) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to these wastes covered by the extension.
- j) To determine whether a hazardous waste listed in Section 728.110, 728.111 or 728.112 exceeds the applicable treatment standards specified in Sections 728.141 and 728.143, the initial generator shall either test a representative sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or use knowledge of the waste. If the waste contains constituents in excess of the applicable Subpart D of this Part levels, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.
- k) Effective May 8, 1993, D008 lead materials stored before secondary smelting are prohibited from land disposal. On or before March 1, 1993, the owner or operator of each secondary lead smelting facility shall submit to the Agency the following: A binding contractual commitment to construct or otherwise provide capacity for storing such D008 wastes prior to smelting which complies with all applicable storage standards; documentation that the capacity to be

provided will be sufficient to manage the entire quantity of such D008 wastes; and, a detailed schedule for providing such capacity. Failure by a facility to submit such documentation will render such D008 managed by that facility prohibited from land disposal effective March 1, 1993. In addition, no later than July 27, 1992, the owner or operator of each facility shall place in the facility record documentation of the manner and location in which such wastes will be managed pending completion of such capacity, demonstrating that such management capacity will be adequate and complies with all applicable requirements of 35 Ill. Adm. Code 720 through 728.

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

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

PART 739
 STANDARDS FOR THE MANAGEMENT OF USED OIL

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 739.100 Definitions

SUBPART B: APPLICABILITY

Section
 739.110 Applicability
 739.111 Used oil specifications
 739.112 Prohibitions

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 739.120 Applicability
 739.121 Hazardous waste mixing
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 739.123 On-site burning in space heaters
 739.124 Off-site shipments

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 AGGREGATION POINTS

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 739.130 Do-it-yourselfer used oil collection centers
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Section	
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739.163	Rebuttable presumption for used oil
739.164	Used oil storage
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SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section	
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Section	
739.180	Applicability
739.181	Disposal

739.182 Use as a dust suppressant

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27]).

SOURCE: Adopted in R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993; amended in R93-16 at _____ Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 739.100 Definitions

Terms that are defined in 35 Ill. Adm. Code 720.110, 721.101, and 731.112 have the same meanings when used in this Part.

"Aboveground tank" means a tank used to store or process used oil that is not an underground storage tank as defined in 35 Ill. Adm. Code 280.12.

BOARD NOTE: This definition is different from the definition for "Aboveground tank" given in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the main distinction is that the definition for this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates tanks which contain hazardous wastes. The above definition is limited to this Part only.

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

"Do-it-yourselfer used oil collection center" means any site or facility that accepts or aggregates and stores used oil collected only from household do-it-yourselfers.

"Existing tank" means a tank that is used for the storage or processing of used oil and that is in operation, or for which installation has commenced on or prior to the effective date of the authorized used oil program for the State in which the tank is located. 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 installation of the tank and if either:

A continuous on-site installation program has begun, or

The owner or operator has entered into contractual obligations-which cannot be canceled or modified without substantial loss-for installation of the tank to be completed within a reasonable time.

BOARD NOTE: This definition is similar to the definition for "Existing tank system" in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the definition given above for "existing tank" in this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates tanks systems which contain hazardous wastes. The above definition is limited to this Part only.

"Household 'do-it-yourselfer' used oil" means oil that is derived from households, such as used oil generated by individuals who generate used oil through the maintenance of their personal vehicles.

BOARD NOTE: Household 'do-it-yourselfer' used oil is not subject to the State's special waste hauling permit requirements under Part 809.

"Household 'do-it-yourselfer' used oil generator" means an individual who generates household "do-it-yourselfer" used oil.

"New tank" means a tank that will be used to store or process used oil and for which installation has commenced after the effective date of the authorized used oil program for the State in which the tank is located.

BOARD NOTE: This definition is similar to the definition given for "New tank system" given in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the definition given above for "new tank" in this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates new tanks systems which contain hazardous wastes. The above definition is limited to this Part only.

"Processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived product. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation and re-refining.

"Re-refining distillation bottoms" means the heavy fraction produced by vacuum distillation of filtered

and dehydrated used oil. The composition of still bottoms varies with column operation and feedstock.

"Tank" means any stationary device, designed to contain an accumulation of used oil which is constructed primarily of non-earthen materials, (e.g., wood, concrete, steel, plastic) which provides structural support.

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

"Used oil aggregation point" means any site or facility that accepts, aggregates, or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons. Used oil aggregation points may also accept used oil from household do-it-yourselfers.

"Used oil burner" means a facility where used oil not meeting the specification requirements in Section 739.111 is burned for energy recovery in devices identified in Section 739.161(a).

"Used oil collection center" means any site or facility that is registered by the Agency to manage used oil and accepts or aggregates and stores used oil collected from used oil generators regulated under Subpart C of this Part ~~whethat~~ bring used oil to the collection center in shipments of no more than 55 gallons under the provisions of Section 739.124. Used oil collection centers may also accept used oil from household do-it-yourselfers.

"Used oil fuel marketer" means any person ~~whethat~~ conducts either of the following activities:

Directs a shipment of off-specification used oil from their facility to a used oil burner; or

First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111.

"Used oil generator" means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

"Used oil processor" means a facility that processes used oil.

"Used oil transfer facility" means any transportation related facility including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 35 days. Transfer facilities that store used oil for more than 35 days are subject to regulation under Subpart F of this Part.

"Used oil transporter" means any person ~~whethat~~ transports used oil, any person ~~whethat~~ collects used oil from more than one generator and transports the collected oil, and owners and operators of used oil transfer facilities. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation but, with the following exception, may not process used oil. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products or used oil fuel.

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

SUBPART B: APPLICABILITY

Section 739.110 Applicability

This Section identifies those materials which are subject to regulation as used oil under this Part. This Section also identifies some materials that are not subject to regulation as used oil under this Part, and indicates whether these materials may be subject to regulation as hazardous waste under Parts 702, 703, 720 through 726 and 728.

- a) Used oil. U.S. EPA presumes that used oil is to be recycled unless a used oil handler disposes of used oil, or sends used oil for disposal. Except as provided in Section 739.111, the regulations of this Part apply to used oil, and to materials identified in this Section as being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.

b) Mixtures of used oil and hazardous waste.

1) Listed hazardous waste.

- A) MA mixtures of used oil and hazardous waste that is listed in 35 Ill. Adm. Code 721.Subpart D are subject to regulation as hazardous waste under 35 Ill. Adm. Code 703, 720 through 726 and 728, rather than as used oil under this Part.
- B) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 35 Ill. Adm. Code 721.Appendix H). U.S. EPA Publication SW-846, Third Edition, is available for the cost of \$110.00 from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, (202) 783-3238 (document number 955-001-00000-1).
- i) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Section 739.124(c), to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner, or disposed.
- ii) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

- 2) Characteristic hazardous waste. MA mixtures of used oil and hazardous waste that exhibits a hazardous waste characteristic identified in 35 Ill. Adm. Code 721.Subpart C and a mixture of used oil and hazardous waste that is listed in Subpart D of this Part solely because it exhibits one or more of the characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C are subject to:
- A) Except as provided in subsection (b)(2)(C) of this Section, regulation as hazardous waste under 35 Ill. Adm. Code 703, 720 through 726 and 728 rather than as used oil under this Part, if the resultant mixture exhibits any characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C; or
 - B) Except as provided in subsection (b)(2)(C) of this Section, regulation as used oil under this Part, if the resultant mixture does not exhibit any characteristics of hazardous waste identified under 35 Ill. Adm. Code 721.Subpart C.
 - C) Regulation as used oil under this Part, if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability and is not listed in 35 Ill. Adm. Code 721.Subpart D (e.g., mineral spirits), provided that the mixture does not exhibit the characteristic of ignitability under 35 Ill. Adm. Code 721.121.
- 3) Conditionally exempt small quantity generator hazardous waste. MA mixtures of used oil and conditionally exempt small quantity generator hazardous waste regulated under 35 Ill. Adm. Code 721.105 are subject to regulation as used oil under this Part.
- c) ~~Mixtures of containing or otherwise contaminated with used oil with non-hazardous solid wastes. Mixtures of used oil and non-hazardous solid waste are subject to regulation as used oil under this Part.~~
- 1) Except as provided in subsection (c)(2) of this Section, a material containing or otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible such that no visible signs of free-

flowing oil remain in or on the material:

- A) Is not used oil, and thus, it is not subject to this Part, and
 - B) If applicable, is subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 705, 720 through 726, and 728.
- 2) A material containing or otherwise contaminated with used oil that is burned for energy recovery is subject to regulation as used oil under this Part.
- 3) Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under this Part.
- d) Mixtures of used oil with products.
- 1) Except as provided in subsection (d)(2) below, mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under this Part.
 - 2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this Part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of Subpart C of this Part.
- e) Materials derived from used oil.
- 1) Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants) are:
 - A) Not used oil and thus are not subject to this Part, and
 - B) Not solid wastes and are thus not subject to the hazardous waste regulations of Parts 35 Ill. Adm. Code 703, 720 through 726 and 728 as provided in 35 Ill. Adm. Code 721.103(c)(2)(A).
 - 2) Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under this Part.

- 3) Except as provided in subsection (e)(4) below, materials derived from used oil that are disposed of or used in a manner constituting disposal are:
- A) Not used oil and thus are not subject to this Part, and
 - B) Are solid wastes and thus are subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 720 through 726 and 728 if the materials are listed or identified as hazardous waste.
- 4) Rused oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are +
- ~~A) Not subject to this Part at this time, and~~
 - ~~B) Not subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 720 through 726 and 728 at this time.~~
- f) Wastewater. Wastewater, the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (including wastewaters at facilities which have eliminated the discharge of wastewater), contaminated with de minimis quantities of used oil are not subject to the requirements of this Part. For purposes of this subsection, "de minimis" quantities of used oils are defined as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception will not apply if the used oil is discarded as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.
- g) Used oil introduced into crude oil or natural gas pipelines. Used oil that is placed directly into a crude oil or natural gas pipeline is subject to the management standards of this Part only prior to the point of introduction to the pipeline. Once the used oil is introduced to the pipeline, the material is exempt from the requirements of this Part.
- h) Used oil on vessels. Used oil produced on vessels from normal shipboard operations is not subject to this Part until it is transported ashore.

- ~~A) PCB contaminated used oil. PCB containing used oil regulated 35 Ill. Adm. Code 761 is exempt from regulation under this Part.~~
- ~~B) This Section is adopted to maintain correlation with the Federal regulations.~~

i) Used oil containing PCBs. In addition to the requirements of this Part, a marketer or burner of used oil that markets used oil containing any quantifiable level of PCBs is subject to the requirements of 40 CFR 761.20(e).

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

Section 739.111 Used oil specifications

Used oil burned for energy recovery, and any fuel produced from used oil by processing, blending, or other treatment, is subject to regulation under this Part unless it is shown not to exceed any of the allowable levels of the constituents and properties in the specification shown in Table 1. Once used oil that is to be burned for energy recovery has been shown not to exceed any specification and the person making that showing complies with Sections 739.172, 739.173, and 739.174(b), the used oil is no longer subject to this Part.

Table 1-Used Oil Not exceeding Any Specification Level Is Not Subject to this Part When Burned for Energy Recovery¹

Constituent/property	Allowable level
Arsenic	5 ppm maximum.
Cadmium	2 ppm maximum.
Chromium	10 ppm maximum.
Lead	100 ppm maximum.
Flash point	100 °F minimum.
Total halogens	4,000 ppm maximum ² .

FOOTNOTE: ¹ The specification does not apply to mixtures of used oil and hazardous waste that continue to be regulated as hazardous waste (see Section Section 739.110(b)).

FOOTNOTE: ² Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under Section 739.110(b)(1). Such used oil is subject to 35 Ill. Adm. Code 726.Subpart H rather than this

Part when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

NOTE: Applicable standards for the burning of used oil containing PCBs are imposed by 40 CFR 761.20(e).

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

Section 739.112 Prohibitions

- a) Surface impoundment prohibition. Used oil shall not be managed in surface impoundments or waste piles unless the units are subject to regulation under 35 Ill. Adm. Code 724 or 725.
- b) Use as a dust suppressant. The use of used oil as a dust suppressant is prohibited, except when such activity takes place in one of the states listed in Section 739.182(c).
- c) Burning in particular units. Off-specification used oil fuel may be burned for energy recovery in only the following devices:
 - 1) Industrial furnaces identified in 35 Ill. Adm. Code 720.110;
 - 2) Boilers, as defined in 35 Ill. Adm. Code 720.110, that are identified as follows:
 - A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;
 - B) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale; or
 - C) Used oil-fired space heaters provided that the burner meets the provisions of Section 739.123.
 - 3) Hazardous waste incinerators subject to regulation under 35 Ill. Adm. Code 724.Subpart O or 725.Subpart O.

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

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section 739.121 Hazardous waste mixing

- a) ~~Generators shall not mix hazardous waste with~~Mixtures of used oil and hazardous waste must be managed except as provided in accordance with Section 739.110(b)(2)(B) and (C).
- b) The rebuttable presumption for used oil of Section 739.110(b)(1)(B) applies to used oil managed by generators. Under the rebuttable presumption for used oil of Section 739.110(b)(1)(B), used oil containing greater than 1,000 ppm total halogens is presumed to be a hazardous waste and thus must be managed as hazardous waste and not as used oil unless the presumption is rebutted. However, the rebuttable presumption does not apply to certain metalworking oils and fluids and certain used oils removed from refrigeration units.

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

Section 739.122 Used oil storage

~~As specified in Section 739.110(f), wastewaters containing "de minimis" quantities of used oil are not subject to the requirements of this Part, including the prohibition on storage in units other than tanks or containers. Used oil generators are subject to all applicable federal Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart. Used oil generators are also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this sSubpart.~~

- a) Storage units. Used oil generators shall not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- b) Condition of units. Containers and aboveground tanks used to store used oil at generator facilities must be:
- 1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - 2) Not leaking (no visible leaks).
- c) Labels.

- 1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."
- 2) Fill pipes used to transfer used oil into underground storage tanks at generator facilities must be labeled or marked clearly with the words "Used Oil."
- d) Response to releases. Upon detection of a release of used oil to the environment not subject to the requirements of Part 280, Subpart F which has occurred after the effective date of the authorized used oil program for the State in which the release is located, a generator ~~must~~shall perform the following cleanup steps:
 - 1) Stop the release;
 - 2) Contain the released used oil;
 - 3) Clean up and manage properly the released used oil and other materials; and
 - 4) If necessary to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

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

Section 739.123 On-site burning in space heaters

- ~~a)~~ Generators may burn used oil in used oil-fired space heaters provided that:
 - ~~1a)~~ The heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators;
 - ~~2b)~~ The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and
 - ~~3c)~~ The combustion gases from the heater are vented to the ambient air.
- ~~b)~~ This Section is adopted to maintain correlation with Federal regulations.

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

Section 739.124 Off-site shipments

Except as provided in subsections (a) through (c) of this Section, generators ~~must~~shall ensure that their used oil is transported only by transporters ~~whethat~~ have obtained a U.S. EPA identification number and an Illinois special waste identification numbers pursuant to 35 Ill. Adm. Code Part 809.

BOARD NOTE: A generator ~~whethat~~ qualifies for an exemption under Section 739.124(a) through (c) may still be subject to the State's special waste hauling permit requirements under Part 809.

- a) Self-transportation of small amounts to registered collection centers. Generators may transport, without a U.S. EPA identification number and an Illinois special waste identification number, used oil that is generated at the generator's site and used oil collected from household do-it-yourselfers to a used oil collection center provided that:
 - 1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;
 - 2) The generator transports no more than 55 gallons of used oil at any time; and
 - 3) The generator transports the used oil to a used oil collection center that has registered by written notification with the Agency to manage used oil. This notification shall include information sufficient for the Agency to identify, locate and communicate with the facility. The notification shall be submitted on forms provided by the Agency.

- b) Self-transportation of small amounts to aggregation points owned by the generator. Generators may transport, without an U.S. EPA identification number and an Illinois special waste identification number, used oil that is generated at the generator's site to an aggregation point provided that:
 - 1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;
 - 2) The generator transports no more than 55 gallons of used oil at any time; and
 - 3) The generator transports the used oil to an aggregation point that is owned or operated by the

same generator.

- c) Tolling arrangements. Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA identification number and an Illinois special waste identification number if the used oil is reclaimed under a contractual agreement pursuant to which reclaimed oil is returned by the processor to the generator for use as a lubricant, cutting oil, or coolant. The contract (known as a "tolling arrangement") must indicate:
- 1) The type of used oil and the frequency of shipments;
 - 2) That the vehicle used to transport the used oil to the processing facility and to deliver recycled used oil back to the generator is owned and operated by the used oil processor; and
 - 3) That reclaimed oil will be returned to the generator.

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

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

Section 739.140 Applicability

- a) General. Except as provided in subsections (a)(1) through (a)(4) of this Section, this Subpart applies to all used oil transporters. Used oil transporters are persons whethat transport used oil, persons whethat collect used oil from more than one generator and transport the collected oil, and owners and operators of used oil transfer facilities.
- 1) This Subpart does not apply to on-site transportation.
 - 2) This Subpart does not apply to generators whethat transport shipments of used oil totalling 55 gallons or less from the generator to a used oil collection center as specified in Section 739.124(a).
 - 3) This Subpart does not apply to generators whethat transport shipments of used oil totalling 55 gallons or less from the generator to a used oil

aggregation point owned or operated by the same generator as specified in Section 739.124(b).

- 4) This Subpart does not apply to transportation of used oil ~~generated by~~from household do-it-yourselfers ~~from the initial generator to a~~ regulated used oil generator, collection center, aggregation point, processor, or burner subject to the requirements of this Part. Except as provided in subsections (a)(1) through (a)(3) of this Section, this Subpart does, however, apply to transportation of collected household do-it-yourselfer used oil from regulated used oil generators, collection centers, aggregation points, or other facilities where household do-it-yourselfer used oil is collected.

BOARD NOTE: A generator whethat qualifies for an exemption under Section 739.124 may still be subject to the State's special waste hauling permit requirements under Part 809.

- c) Imports and exports. Transporters whethat import used oil from abroad or export used oil outside of the United States are subject to the requirements of this Subpart from the time the used oil enters and until the time it exits the United States.
- c) Trucks used to transport hazardous waste. Unless trucks previously used to transport hazardous waste are emptied as described in 35 Ill. Adm. Code 721.107 prior to transporting used oil, the used oil is considered to have been mixed with the hazardous waste and must be managed as hazardous waste unless, under the provisions of Section 739.110(b), the hazardous waste and used oil mixture is determined not to be hazardous waste.
- d) Other applicable provisions. Used oil transporters whethat conduct the following activities are also subject to other applicable provisions of this Part as indicated in subsections (d)(1) through (5) of this Section:
- 1) Transporters whethat generate used oil ~~must~~shall also comply with Subpart C of this Part;
 - 2) Transporters whethat process or re-refine used oil, except as provided in Section 739.141, ~~must~~shall also comply with Subpart F of this Part;
 - 3) Transporters whethat burn off-specification used oil for energy recovery ~~must~~shall also comply with Subpart G of this Part;

- 4) Transporters ~~whethat~~ direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 ~~must~~shall also comply with Subpart H of this part; and
- 5) Transporters ~~whethat~~ dispose of used oil, including the use of used oil as a dust suppressant, ~~must~~shall also comply with Subpart I of this Part.

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

Section 739.141 Restrictions on transporters ~~whethat~~ are not also processors

- a) Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation. However, except as provided in subsection (b) of this Section, used oil transporters may not process used oil unless they also comply with the requirements for processors in Subpart F of this Part.
- b) Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products unless they also comply with the processor requirements in Subpart F of this Part.

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

Section 739.142 Notification

- a) Identification numbers. ~~UA~~ used oil transporters whethat ~~haves~~ not previously complied with the notificationed U.S. EPA requirements of hazardous waste and other used oil management activies and obtained a U.S. EPA identification number pursuant to RCRA Section 3010 ~~must~~shall ~~comply with these requirements~~ notify to identify its used oil transporter activities. Even if a used oil transporter has previously notified U.S. EPA of hazardous waste and other used oil management activites and obtained a U.S. EPA identification number pursuant to RCRA Section 3010, it shall renotify to identify its used oil transporter activities. ~~and~~ A used oil transporter shall obtain an Illinois special

waste identification number.

b) Mechanics of notification.

- 1) A used oil transporter that has not received a U.S. EPA identification number may obtain one by notifying U.S. EPA Region V of its used oil activity by submitting either:
 - A) A completed U.S. EPA Form 8700-12 (To obtain ordering information for U.S. EPA Form 8700-12 call the RCRA/Superfund Hotline at 1-900-424-9346 or 703-920-9810); or
 - B) A letter requesting a U.S. EPA identification number. (Call the RCRA/Superfund Hotline to determine where to send a letter requesting a U.S. EPA identification number.) The letter should include the following information:
 - i) The transporter company name;
 - ii) The owner of the transporter company;
 - iii) The mailing address for the transporter;
 - iv) The name and telephone number for the transporter point of contact;
 - v) The type of transport activity (i.e., transport only, transport and transfer facility, or transfer facility only);
 - vi) The location of all transfer facilities at which used oil is stored;
 - vii) The name and telephone number for a contact at each transfer facility.
- 2) A used oil transporter ~~whethat~~ has not received an Illinois special waste identification number may obtain one pursuant to 35 Ill. Adm. Code Part 809.

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

Section 739.143 Used oil transportation

- a) Deliveries. A used oil transporter ~~must~~shall deliver all used oil received to:
 - 1) Another used oil transporter, provided that the transporter has obtained a U.S. EPA identification

- number and an Illinois special waste identification number;
- 2) A used oil processing facility ~~whethat~~ has obtained a U.S. EPA identification number and an Illinois special waste identification number;
 - 3) An off-specification used oil burner facility ~~whethat~~ has obtained a U.S. EPA identification number and an Illinois special waste identification number; or
 - 4) An on-specification used oil burner facility.
- b) ~~Shipping~~ U.S. DOT requirements. ~~UA~~ used oil transporters ~~must~~ shall comply with all applicable ~~packaging, labeling, and placarding requirements~~ under the U.S. Department of Transportation under in 49 CFR parts 173, 178 and 179 through 180. ~~UA~~ person transporting used oil that meets the definition of combustible liquid (flash point below 200 °F but at or greater than 100 °F) or flammable liquid (flash point below 100 °F) a hazardous material in 49 CFR 171.8 is subject to shall comply with all applicable U.S. Department of Transportation Hazardous Materials Regulations at in 49 CFR Parts 10071 through 17780.
- c) Used oil discharges.
- 1) In the event of a discharge of used oil during transportation, the transporter ~~must~~ shall take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).
 - 2) If a discharge of used oil occurs during transportation and an official (State or local government or a Federal Agency) acting within the scope of official responsibilities determines that immediate removal of the used oil is necessary to protect human health or the environment, that official may authorize the removal of the used oil by a transporters whethat does not have a U.S. EPA identification number and an Illinois special waste identification numbers.
 - 3) An air, rail, highway, or water transporter ~~whethat~~ has discharged used oil must shall:
 - A) Give notice, if required by 49 CFR 171.15 to the National Response Center (800-424-8802 or 202-426-2675); and

- B) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590.
- 4) A water transporter ~~whethat~~ whethat has discharged used oil ~~must~~shall give notice as required by 33 CFR 153.203.
- 5) A transporter ~~must~~shall clean up any used oil discharged that occurs during transportation or take such action as may be required or approved by federal, state, or local officials so that the used oil discharge no longer presents a hazard to human health or the environment.

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

Section 739.145 Used oil storage at transfer facilities

~~As specified in Section 739.110(f), wastewaters containing "de minimis" quantities of used oil are not subject to the requirements of this Part, including the prohibition on storage in units other than tanks or containers. UA used oil transporters areis subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart. UA used oil generatortransporter areis also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.~~

- a) Applicability. This Section applies to used oil transfer facilities. Used oil transfer facilities are transportation related facilities including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 35 days. Transfer facilities that store used oil for more than 35 days are subject to regulation under Subpart F.
- b) Storage units. Owners or operators of used oil transfer facilities may not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- c) Condition of units. Containers and aboveground tanks used to store used oil at transfer facilities must be:

- 1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - 2) Not leaking (no visible leaks).
- d) Secondary containment for containers. Containers used to store used oil at transfer facilities must be equipped with a secondary containment system.
- 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dikes, berms, or retaining walls; or
 - C) An equivalent secondary containment system.
 - 2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- e) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system.
- 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
 - C) An equivalent secondary containment system.
 - 2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- f) Secondary containment for new aboveground tanks. New aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary

containment system.

- 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - C) An equivalent secondary containment system.
 - 2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- g) Labels.
- 1) Containers and aboveground tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words "Used Oil."
 - 2) Fill pipes used to transfer used oil into underground storage tanks at transfer facilities must be labeled or marked clearly with the words "Used Oil."
- h) Response to releases. Upon detection of a release of used oil to the environment not subject to the requirements of 35 Ill. Adm. Code 731.Subpart F which has occurred after the effective date of the authorized used oil program for the State in which the release is located, a owner or operator of a transfer facility ~~must~~shall perform the following cleanup steps:
- 1) Stop the release;
 - 2) Contain the released used oil;
 - 3) Clean up and manage properly the released used oil and other materials; and
 - 4) If necessary to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

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

Section 739.146 Tracking

- a) Acceptance. Used oil transporters ~~must~~shall keep a record of each used oil shipment accepted for transport. Records for each shipment must include:
- 1) The name and address of the generator, transporter, or processor ~~whethat~~ provided the used oil for transport;
 - 2) The U.S. EPA identification number and Illinois special waste identification number (if applicable) of the generator, transporter, or processor ~~whethat~~ provided the used oil for transport;
 - 3) The quantity of used oil accepted;
 - 4) The date of acceptance; and
 - 5) The signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor ~~whethat~~ provided the used oil for transport.
- b) Deliveries. Used oil transporters ~~must~~shall keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor, or disposal facility. Records of each delivery must include:
- 1) The name and address of the receiving facility or transporter;
 - 2) The U.S. EPA identification number and Illinois special waste identification number of the receiving facility or transporter;
 - 3) The quantity of used oil delivered;
 - 4) The date of delivery;
 - 5) The signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter.
- c) Exports of used oil. Used oil transporters ~~must~~shall maintain the records described in subsections (b)(1) through (b)(4) of this Section for each shipment of used oil exported to any foreign country.
- d) Record retention. The records described in subsections

(a), (b), and (c) of this Section must be maintained for at least three years.

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

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section 739.151 Notification

- a) Identification numbers. ~~UA used oil processors and/or re-refiners whethat~~ has not previously ~~complied with the-notificati~~ complied with the notified U.S. EPA of hazardous waste and other used oil managment activities and obtained a U.S. EPA identification number under the requirements of RCRA Section 3010 mustshall comply with these requirementsnotify U.S. EPA to identify its used oil processor or rerefiner activites. Even if a used oil processor or re-refiner has previously notified U.S. EPA of hazardous waste and other used oil management activites and obtained a U.S. EPA identification number pursuant to RCRA Section 3010, it shall renotify to identify its used oil processor or re-refiner activities.-and A used oil processor or re-refiner shall obtain an Illinois special waste identification number.
- b) Mechanics of notification.
- 1) A used oil processor or re-refiner that has not received a U.S. EPA identification number may obtain one by notifying U.S. EPA Region V of its used oil activity by submitting either:
- A) A completed U.S. EPA Form 8700-12 (To obtain ordering information for U.S. EPA Form 8700-12 call the RCRA/Superfund Hotline at 1-900-424-9346 or 703-920-9810); or
- B) A letter requesting a U.S. EPA identification number. (Call the RCRA/Superfund Hotline to determine where to send a letter requesting a U.S. EPA identification number.) The letter should include the following information:
- i) The processor or re-refiner company name;
- ii) The owner of the processor or re-refiner company;

- iii) The mailing address for the processor or re-refiner;
 - iv) The name and telephone number for the processor or re-refiner point of contact;
 - v) The type of transport activity (i.e., transport only, transport and transfer facility, or transfer facility only);
 - vi) The location of all transfer facilities at which used oil is stored;
 - vii) The name and telephone number for a contact at each transfer facility.
- 2) A used oil processor or re-refiners ~~whethat~~ has not received an Illinois special waste identification number may obtain one ~~pursuant to 35 Ill. Adm. Code Part 809~~ by contacting the Agency at the following address: Division of Land Pollution Control, Illinois EPA, 2200 Churchill Road, Springfield, Illinois 62706 (telephone: 217-782-6761).

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

Section 739.152 General facility standards

- a) Preparedness and prevention. Owners and operators of used oil processors and re-refiners facilities ~~must~~shall comply with the following requirements:
 - 1) Maintenance and operation of facility. Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment.
 - 2) Required equipment. All facilities must be equipped with the following, unless none of the hazards posed by used oil handled at the facility could require a particular kind of equipment specified in subsections (a)(2)(A) through (a)(2)(D) of this Section:
 - A) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

- B) 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;
 - C) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment and decontamination equipment; and
 - D) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.
- 3) Testing and maintenance of equipment. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.
- 4) Access to communications or alarm system.
- A) Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in subsection (a)(2) of this Section.
 - B) If there is ever just one employee on the premises while the facility is operating, the employee must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required in subsection (a)(2) of this Section.
- 5) Required aisle space. The owner or operator ~~must~~shall maintain aisle space to allow 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.

6) Arrangements with local authorities.

A) The owner or operator ~~must~~shall attempt to make the following arrangements, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations:

i) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of used oil 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;

ii) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

iii) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and

iv) Arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

B) Where State or local authorities decline to enter into such arrangements, the owner or operator ~~must~~shall document the refusal in the operating record.

b) Contingency plan and emergency procedures. Owners and operators of used oil processors and re-refiners facilities ~~must~~shall comply with the following requirements:

1) Purpose and implementation of contingency plan.

- A) Each owner or operator ~~must~~shall have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water.
 - B) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of used oil which could threaten human health or the environment.
- 2) Content of contingency plan.
- A) The contingency plan must describe the actions facility personnel must take to comply with subsections (b)(1) and (b)(6) of this Section in response to fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water at the facility.
 - B) If the owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 112, or 40 CFR 1510, or some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate used oil management provisions that are sufficient to comply with the requirements of this Part.
 - C) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to subsection (a)(6) of this Section.
 - D) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see subsection (b)(5) of this Section), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.
 - E) The plan must include a list of all emergency

equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

- F) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of used oil or fires).
- 3) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan must be:
- A) Maintained at the facility; and
 - B) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
- 4) Amendment of contingency plan. The contingency plan must be reviewed, and immediately amended, if necessary, whenever:
- A) Applicable regulations are revised;
 - B) The plan fails in an emergency;
 - C) The facility changes-in its design, construction, operation, maintenance, or other circumstances-in a way that materially increases the potential for fires, explosions, or releases of used oil, or changes the response necessary in an emergency;
 - D) The list of emergency coordinators changes; or
 - E) The list of emergency equipment changes.

- 5) Emergency coordinator. At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator ~~must~~shall be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristic of used oil handled, the location of all records within the facility, and facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

BOARD NOTE: U.S. EPA cited the following as guidance: The emergency coordinator's responsibilities are more fully spelled out in subsection (b)(6) below. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of used oil handled by the facility, and type and complexity of the facility.

- 6) Emergency procedures.
- A) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) ~~must~~shall immediately:
- i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
 - ii) Notify appropriate State or local agencies with designated response roles if their help is needed.
- B) Whenever there is a release, fire, or explosion, the emergency coordinator ~~must~~shall immediately identify the character, exact source, amount, and a real extent of any released materials. He may do this by observation or review of facility records of manifests and, if necessary, by chemical analysts.
- C) Concurrently, the emergency coordinator ~~must~~shall assess possible hazards to human

health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water of chemical agents used to control fire and heat-induced explosions).

- D) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, he mustshall report his findings as follows:
- i) If his assessment indicated that evacuation of local areas may be advisable, he mustshall immediately notify appropriate local authorities. He mustshall be available to help appropriate officials decide whether local areas should be evacuated; and
 - ii) He mustshall immediately notify either the government official designated as the on-scene coordinator for the geographical area (in the applicable regional contingency plan under 40 CFR 1510), or the National Response Center (using their 24-hour toll free number (800) 424-8802). The report must include: Name and telephone number of reporter; Name and address of facility; Time and type of incident (e.g., release, fire); Name and quantity of material(s) involved, to the extent known; The extent of injuries, if any; and The possible hazards to human health, or the environment, outside the facility.
- E) During an emergency, the emergency coordinator mustshall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other used oil or hazardous waste at the facility. These measures must include, where applicable, stopping processes and operation, collecting and containing released used oil, and removing or isolating

containers.

- F) If the facility stops operation in response to a fire, explosion, or release, the emergency coordinator ~~must~~shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.
- G) Immediately after an emergency, the emergency coordinator ~~must~~shall provide for recycling, storing, or disposing of recovered used oil, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.
- H) The emergency coordinator ~~must~~shall ensure that, in the affected area(s) of the facility:
- i) No waste or used oil that may be incompatible with the released material is recycled, treated, stored, or disposed of until cleanup procedures are completed; and
 - ii) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.
 - iii) The owner or operator ~~must~~shall notify the ~~Regional Administrator~~the Agency, and all other appropriate State and local authorities that the facility is in compliance with subsections ~~(b) (6) (H) (i) and (b) (6) (H) (ii)~~ of this Section before operations are resumed in the affected area(s) of the facility.
- I) The owner or operator ~~must~~shall note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he ~~must~~shall submit a written report on the incident to the Regional Administrator. The report must include:
- i) The nName, address, and telephone number of the owner or operator;
 - ii) The nName, address, and telephone number

of the facility;

- iii) The dDate, time, and type of incident (e.g., fire, explosion);
- iv) The nName and quantity of material(s) involved;
- v) The extent of injuries, if any;
- vi) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
- vii) The eEstimated quantity and disposition of recovered material that resulted from the incident.

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

Section 739.154 Used oil management

~~As specified in Section 739.110(f), wastewaters containing "de minimis" quantities of used oil are not subject to the requirements of this Part, including the prohibition on storage in units other than tanks or containers. UA used oil processors~~ are subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart. UA used oil generators, processor or rerefiner are also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.

- a) Management units. Used oil processors shall not store ~~or process~~ used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- b) Condition of units. Containers and aboveground tanks used to store or process used oil at processing facilities must be:
 - 1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - 2) Not leaking (no visible leaks).
- c) Secondary containment for containers. Containers used to store or process used oil at processing and re-

refining facilities must be equipped with a secondary containment system.

- 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - C) An equivalent secondary containment system.
 - 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- d) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.
- 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
 - C) An equivalent secondary containment system.
 - 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- e) Secondary containment for new aboveground tanks. New aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.
- 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and

- B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - C) An equivalent secondary containment system.
- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- f) Labels.
- 1) Containers and aboveground tanks used to store used oil at processing facilities must be labeled or marked clearly with the words "Used Oil."
 - 2) Fill pipes used to transfer used oil into underground storage tanks at processing facilities must be labeled or marked clearly with the words "Used Oil."
- g) Response to releases. Upon detection of a release of used oil to the environment not subject to the requirements of 35 Ill. Adm. Code 731. Subpart F which has occurred after the effective date of the authorized used oil program for the State in which the release is located, a processor ~~must~~shall perform the following cleanup steps:
- 1) Stop the release;
 - 2) Contain the released used oil;
 - 3) Clean up and manage properly the released used oil and other materials; and
 - 4) If necessary to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.
- h) Closure.
- 1) Aboveground tanks. Owners and operators ~~whethat~~mustshall store or process used oil in aboveground tanks ~~must~~shall comply with the following requirements:
 - A) At closure of a tank system, the owner or operator ~~must~~shall remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated

soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste under this chapter.

- B) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in subsection (h)(1)(A) above, then the owner or operator ~~must~~shall close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to hazardous waste landfills (35 Ill. Adm. Code 725.410).
- 2) Containers. Owners and operators ~~whethat~~ store used oil in containers ~~must~~shall comply with the following requirements:
- A) At closure, containers holding used oils or residues of used oil must be removed from the site;
- B) The owner or operator ~~must~~shall remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste 35 Ill. Adm. Code 721.

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

Section 739.156 Tracking

- a) Acceptance. Used oil processors ~~must~~shall keep a record of each used oil shipment accepted for processing. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
- 1) The name and address of the transporter ~~whethat~~ delivered the used oil to the processor;
 - 2) The name and address of the generator or processor from whom the used oil was sent for processing;
 - 3) The U.S. EPA identification number and Illinois special waste identification number of the transporter ~~whethat~~ delivered the used oil to the

processor;

- 4) The U.S. EPA identification number and Illinois special waste identification number (if applicable) of the generator or processor from whom the used oil was sent for processing;
 - 5) The quantity of used oil accepted; and
 - 6) The date of acceptance.
- b) Deliveries. Used oil processors ~~must~~shall keep a record of each shipment of used oil that is delivered to another used oil burner, processor, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records of each delivery must include the following information:
- 1) The name and address of the transporter ~~whethat~~ delivers the used oil to the burner, processor or disposal facility;
 - 2) The name and address of the burner, processor or disposal facility ~~whethat~~ will receive the used oil;
 - 3) The U.S. EPA identification number and Illinois special waste identification number of the transporter ~~whethat~~ delivers the used oil to the burner, processor or disposal facility;
 - 4) The U.S. EPA identification number and Illinois special waste identification number of the burner, processor, or disposal facility ~~whethat~~ will receive the used oil;
 - 5) The quantity of used oil shipped;
 - 6) The date of shipment.
- c) Record retention. The records described in subsections (a) and (b) above must be maintained for at least three years.

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

Section 739.157 Operating record and reporting

- a) Operating record.

- 1) The owner or operator ~~must~~shall keep a written operating record at the facility.
- 2) The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility;
 - A) Records and results of used oil analyses performed as described in the analysis plan required under Section 739.155; and
 - B) Summary reports and details of all incidents that require implementation of the contingency plan as specified in Section 739.152(b).
- b) Reporting. A used oil processor ~~must~~shall report to the Regional Administrator, in the form of a letter, on a biennial basis (by March 1 of each even numbered year), the following information concerning used oil activities during the previous calendar year;
 - 1) The U.S. EPA identification number and Illinois special waste identification number, name, and address of the processor;
 - 2) The calendar year covered by the report; and
 - 3) The quantities of used oil accepted for processing and the manner in which the used oil is processed, including the specific processes employed.

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

Section 739.158 Off-site shipments of used oil

Used oil processors ~~whethat~~ initiate shipments of used oil off-site ~~must~~shall ship the used oil using a used oil transporter ~~whethat~~ has obtained an U.S. EPA identification number and Illinois special waste identification number.

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

SUBPART G: STANDARDS FOR USED OIL BURNERS ~~WHOT~~ THAT BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section 739.160 Applicability

- a) General. The requirements of this Subpart apply to

used oil burners except as specified in subsections (a)(1) and (a)2) of this Section. A used oil burner is a facility where used oil not meeting the specification requirements in Section 739.111 is burned for energy recovery in devices identified in Section 739.161(a). Facilities burning used oil for energy recovery under the following conditions are not subject to this Subpart:

- 1) The used oil is burned by the generator in an on-site space heater under the provisions of Section 739.123; or
 - 2) The used oil is burned by a processor for purposes of processing used oil, which is considered burning incidentally to used oil processing.
- b) Other applicable provisions. Used oil burners ~~whethat~~ conduct the following activities are also subject to the requirements of other applicable provisions of this Part as indicated below.
- 1) Burners ~~whethat~~ generate used oil ~~must~~shall also comply ~~thiswith~~ Subpart C of this Part;
 - 2) Burners ~~whethat~~ transport used oil ~~must~~shall also comply with Subpart E of this Part;
 - 3) Except as provided in Section 739.161(b), burners ~~whethat~~ process or re-refine used oil ~~must~~shall also comply with Subpart F of this Part;
 - 4) Burners ~~whethat~~ direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 ~~must~~shall also comply with Subpart H of this Part; and
 - 5) Burners ~~whethat~~ dispose of used oil, including the use of used oil as a dust suppressant, ~~must~~shall comply with Subpart I of this Part.
- c) Specification fuel. This Subpart does not apply to persons burning used oil that meets the used oil fuel specification of Section 739.111, provided that the burner complies with the requirements of Subpart H of this Part.

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

Section 739.162 Notification

- a) Identification numbers. ~~A used oil burners whethat~~ has not previously complied with the notificationed U.S. EPA of its used oil burning activities shall notify U.S. EPA to identify its used oil burning activities pursuant to the requirements of RCRA Section 3010. Even if a used oil burner has previously notified U.S. EPA of hazardous waste activities under RCRA Section 3010 and obtained a U.S. EPA identification number, the used oil burner shall renotify U.S. EPA to identify its used oil burning activities and. A used oil burner must shall comply with these requirements obtain an Illinois special waste identification number.
- b) Mechanics of notification. A used oil burner ~~whethat~~ has not received an U.S. EPA identification number may obtain one by notifying the Regional Administrator of their used oil activity by submitting either:
- 1) A completed EPA Form 8700-12 (To obtain EPA Form 8700-12 call RCRA/Superfund Hotline at 1-800-424-9346 or 703-920-9810); or
 - 2) A letter requesting an EPA identification number. Call the RCRA/Superfund Hotline to determine where to send a letter requesting an EPA identification number. The letter should include the following information:
 - A) ~~The~~ burner company name;
 - B) ~~The~~ owner of the burner company;
 - C) ~~The~~ mailing address for the burner;
 - D) ~~The~~ name and telephone number for the burner point of contact;
 - E) ~~The~~ type of used oil activity; and
 - F) ~~The~~ location of the burner facility.
- c) A used oil burner that has not previously obtained an Illinois special waste identifation number may obtain one by contacting the Agency at the following address: Division of Land Pollution Control, Illinois EPA, 2200 Churchill Road, Springfield, Illinois 62706 (telephone: 217-782-6761).

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

_____)
 Section 739.164 Used oil storage

~~As specified in Section 739.110(f), wastewaters containing "de minimis" quantities of used oil are not subject to the requirements of this Part, including the prohibition on storage in units other than tanks or containers. UA used oil burners~~ are subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart. ~~UA used oil generators~~ burner are also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.

- a) Storage units. Used oil burners may not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- b) Condition of units. Containers and aboveground tanks used to store oil at burner facilities must be:
 - 1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - 2) Not leaking (no visible leaks).
- c) Secondary containment for containers. Containers used to store used oil at burner facilities must be equipped with a secondary containment system.
 - 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall.
 - 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- d) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.

- 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
 - C) An equivalent secondary containment system.
 - 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- e) Secondary containment for existing aboveground tanks. New aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.
- 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - C) An equivalent secondary containment system.
 - 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- f) Labels.
- 1) Containers and aboveground tanks used to store used oil at burner facilities must be labeled or marked clearly with the words "Used Oil."
 - 2) Fill pipes used to transfer used oil into underground storage tanks at burner facilities must be labeled or marked clearly with the words "Used Oil."
- g) Response to releases. Upon detection of a release of

used oil to the environment not subject to the requirements of 35 Ill. Adm. Code 731. Subpart F which has occurred after the effective date of the authorized used oil program for the State in which the release is located, a burner ~~must~~shall perform the following cleanup steps:

- 1) Stop the release;
- 2) Contain the released used oil;
- 3) Clean up and manage properly the released used oil and other materials; and
- 4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

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

Section 739.165 Tracking

- a) Acceptance. Used oil burners ~~must~~shall keep a record of each used oil shipment accepted for burning. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include the following information:
 - 1) The name and address of the transporter ~~whethat~~that delivered the used oil to the burner;
 - 2) The name and address of the generator or processor from whom the used oil was sent to the burner;
 - 3) The U.S. EPA identification number and Illinois special waste identification number of the transporter ~~whethat~~that delivered the used oil to the burner;
 - 4) The U.S. EPA identification number and Illinois special waste identification number (if applicable) of the generator or processor from whom the used oil was sent to the burner;
 - 5) The quantity of used oil accepted; and
 - 6) The date of acceptance.
- b) Record retention. The records described in subsection (a) of this Section must be maintained for at least

three years.

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

Subpart H: STANDARDS FOR USED OIL FUEL MARKETERS

Section 739.170 Applicability

- a) Any person ~~whethat~~ conducts either of the following activities is subject to the requirements of this ~~Section~~Subpart:
- 1) Directs a shipment of off-specification used oil from their facility to a used oil burner; or
 - 2) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111.
- b) The following persons are not marketers subject to this Subpart:
- 1) Used oil generators, and transporters ~~whethat~~ transport used oil received only from generators, unless the generator or transporter directs a shipment of off-specification used oil from their facility to a used oil burner. However, processors ~~whethat~~ burn some used oil fuel for purposes of processing are considered to be burning incidentally to processing. Thus, generators and transporters ~~whethat~~ direct shipments of off-specification used oil to processors ~~whethat~~ incidentally burn used oil are not marketers subject to this Subpart;
 - 2) Persons ~~whethat~~ direct shipments of on-specification used oil and ~~whethat~~ are not the first person to claim the oil meets the used oil fuel specifications of Section 739.111.
- c) Any person subject to the requirements of this Subpart ~~must~~shall also comply with one of the following:
- 1) Subpart C of this Part - Standards for Used Oil Generators;
 - 2) Subpart E of this Part - Standards for Used Oil Transporters and Transfer Facilities;
 - 3) Subpart F of this Part - Standards for Used Oil

Processors and Re-refiners; or

- 4) Subpart G of this Part - Standards for Used Oil Burners ~~whethat~~ Burn Off-Specification Used Oil for Energy Recovery.

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

Section 739.171 Prohibitions

A used oil fuel marketer may initiate a shipment of off-specification used oil only to a used oil burner ~~whethat~~:

- a) Has an U.S. EPA identification number and Illinois special waste identification number; and
- b) Burns the used oil in an industrial furnace or boiler identified in Section 739.161(a).

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

Section 739.172 On-specification used oil fuel

- a) Analysis of used oil fuel. A generator, transporter, processor, or burner may determine that used oil that is to be burned for energy recovery meets the fuel specifications of Section 739.111 by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications. ~~Such used oil that is to be burned for energy recovery is not subject to further regulation under this Part.~~
- b) Record retention. A generator, transporter, processor, or burner ~~whethat~~ first claims that used oil that is to be burned for energy recovery meets the specifications for used oil fuel under this Part ~~must~~shall keep copies of analyses of the used oil (or other information used to make the determination) for three years.

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

Section 739.173 Notification

- a) A used oil fuel marketer ~~subject to the requirements of this Section whethat~~ has not previously ~~complied with the notificationed~~ U.S. EPA of its used oil fuel marketing activities shall notify U.S. EPA to identify those used oil fuel marketing activites. Even if a

used oil fuel marketer has previously notified U.S. EPA of hazardous waste management activities under requirements of RCRA Section 3010 and obtained a U.S. EPA identification number, the used oil fuel marketer must shall comply with these requirements renotify U.S. EPA to identify its used oil fuel marketing activities and A used oil fuel marketer shall obtain an Illinois special waste identification number.

b) A used oil marketer whethat has not received an U.S. EPA identification number may obtain one by notifying the Regional Administrator of theirits used oil activity by submitting either:

- 1) A completed EPA Form 8700-12; or
- 2) A letter requesting an EPA identification number. The letter should include the following information:
 - A) ~~M~~The marketer company name;
 - B) ~~Ø~~The owner of the marketer;
 - C) ~~M~~The mailing address for the marketer;
 - D) ~~N~~The name and telephone number for the marketer point of contact; and
 - E) The type of used oil activity (i.e., generator directing shipments of off-specification used oil to a burner).

c) A used oil burner that has not previously obtained an Illinois special waste identification number may obtain one by contacting the Agency at the following address: Division of Land Pollution Control, Illinois EPA, 2200 Churchill Road, Springfield, Illinois 62706 (telephone: 217-782-6761).

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

Section 739.174 Tracking

- a) Off-specification used oil delivery. Any used oil generatorused oil fuel marketer whethat directs a shipment of off-specification used oil to a burner mustshall keep a record of each shipment of used oil to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must

include the following information:

- 1) The name and address of the transporter ~~whethat~~ delivers the used oil to the burner;
 - 2) The name and address of the burner ~~whethat~~ will receive the used oil;
 - 3) The U.S. EPA identification number and Illinois special waste identification number of the transporter ~~whethat~~ delivers the used oil to the burner;
 - 4) The U.S. EPA identification number and Illinois special waste identification number of the burner;
 - 5) The quantity of used oil shipped; and
 - 6) The date of shipment.
- b) On-specification used oil delivery. A generator, transporter, processor, or burner ~~whethat~~ first claims that used oil that is to be burned for energy recovery meets the fuel specifications under Section 739.111 ~~must~~shall keep a record of each shipment of used oil to an on-specification used oil burner. Records for each shipment must include the following information:
- 1) The name and address of the facility receiving the shipment;
 - 2) The quantity of used oil fuel delivered;
 - 3) The date of shipment or delivery; and
 - 4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under Section 739.172(a).
- c) Record retention. The records described in subsections (a) and (b) above must be maintained for at least three years.

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