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

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9381, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9765, effective June 20, 2000; amended in R01-21/R01-23 at 25 Ill. Reg. 9313, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6539, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3496, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12683, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5966, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2845, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 487, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11672, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18505, effective November 12, 2010; amended in R13-15 at 37 Ill. Reg. 17659, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. 11271, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 20993, effective November 19, 2018; amended in R19-11 at 43 Ill. Reg. 5777, effective May 2, 2019; amended in R20-8/R20-16 at 44

Ill. Reg. 15055, effective September 3, 2020; amended in R25-22 at 49 Ill. Reg. 11329, effective August 27, 2025.

SUBPART A: GENERAL PROVISIONS

Section 703.100 Scope and Relation to Other Parts

a) This Part requires RCRA permits, pursuant to Section 21(f) of the Environmental Protection Act [415 ILCS 5/21(f)], for hazardous waste management (HWM) facilities, which may include one or more treatment, storage, or disposal (TSD) units. This Part also contains specific rules on applications for and issuance of RCRA permits;

b) The provisions of 35 Ill. Adm. Code 702 contain general provisions on applications for and issuance of RCRA permits. The provisions of 35 Ill. Adm. Code 705 contain procedures to be followed by the Illinois Environmental Protection Agency (Agency) in issuing RCRA permits;

c) The definitions of 35 Ill. Adm. Code 702.110 apply to this Part. 35 Ill. Adm. Code 720 contains definitions applicable to the RCRA operating standards of 35 Ill. Adm. Code 720 through 728, 733, 738, and 739. 35 Ill. Adm. Code 721 defines "solid waste" and "hazardous waste";

d) The standards of 35 Ill. Adm. Code 724 and 725 apply to HWM facilities required to have RCRA permits. The provisions of 35 Ill. Adm. Code 722 and 723 contain standards applicable to generators and transporters of hazardous waste.

e) The standards of 35 Ill. Adm. Code 727 set forth the specific procedural requirements for a RCRA standardized permit, which alter the applicability of this Part and 35 Ill. Adm. Code 702 and 705 in several regards as specified in the affected provisions. A TSD that is otherwise subject to permitting under RCRA and which meets the criteria in subsection (e)(1) or (e)(2) of this Section, may be eligible for a RCRA standardized permit pursuant to Subpart J of this Part.

1) The facility generates hazardous waste and then non-thermally treats or stores hazardous waste on-site in tanks, containers, or containment buildings; or

2) The facility receives hazardous waste generated off-site by a generator under the same ownership as the receiving facility, and the facility stores or non-thermally treats the hazardous waste in containers, tanks, or containment buildings.

BOARD NOTE: Subsection (e) of this Section is derived from the final sentence of 40 CFR 124.1(b), the second sentence of 40 CFR 270.1(b), and 40 CFR 270.1(b)(1) and (b)(2) (2005), as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.101 Purpose

a) The purpose of this Part is to provide for the issuance of RCRA permits to satisfy the permit requirement of Section 21(f) of the Environmental Protection Act [415 ILCS 5/21(f)];

b) This Part is adopted in order to obtain final authorization from the United States Environmental Protection Agency (USEPA) for the State of Illinois to participate in permit issuance pursuant to the federal Resource Conservation and Recovery Act (RCRA) (42 USC 6901).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.102 Electronic Reporting

The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Derived from 40 CFR 3, as added, and 40 CFR 271.10(b), 271.11(b), and 271.12(h) (2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Added at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.110 References

35 Ill. Adm. Code 720.111 lists all documents incorporated by reference for the Illinois RCRA and UIC programs.

BOARD NOTE: This Section corresponds with 40 CFR 270.6.

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

SUBPART B: PROHIBITIONS

Section 703.120 Prohibitions in General

a) Violation of the provisions of this Subpart may result in an enforcement action and sanctions pursuant to Titles VIII and XII of the Environmental Protection Act;

b) This Subpart B serves the following functions:

1) It prohibits the conduct of hazardous waste management operations without a RCRA permit (Sections 703.121 and 703.122);

2) It specifies exclusions from the permit requirement (Section 703.123);

3) It sets times for the filing of applications and reapplications (Sections 703.125 and 703.126);

4) It prohibits violation of the conditions of RCRA permits (Section 703.122);

c) Subpart C grants permits by rule, and sets the conditions for interim status, which allows operation of certain facilities prior to permit issuance. Subpart C contains prohibitions applicable during the interim status period;

d) The following definitions apply to this Subpart B:

1) 35 Ill. Adm. Code 702.110; and

2) 35 Ill. Adm. Code 721, the definitions of "solid waste" and "hazardous waste".

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.121 RCRA Permits

a) No person may conduct any hazardous waste storage, hazardous waste treatment, or hazardous waste disposal operation as follows:

1) Without a RCRA permit for the HWM (hazardous waste management) facility; or

2) In violation of any condition imposed by a RCRA permit.

b) An owner or operator of a HWM unit must have permits during the active life (including the closure period) of the unit. An owner or operator of a surface impoundment, landfill, land treatment unit, or a waste pile unit that received wastes after July 26, 1982, or that certified closure (according to 35 Ill. Adm. Code 725.215) after January 26, 1983, must have a post-closure care permit, unless it demonstrates closure by removal or decontamination, as provided under Sections 703.159 and 703.160, or obtains enforceable documents containing alternative requirements, as provided under Section 703.161. If a post-closure care permit is required, the permit must address applicable 35 Ill. Adm. Code 724 groundwater monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements.

c) The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to obtain a post-closure care permit under this Section.

BOARD NOTE: Derived from 40 CFR 270.1(c) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.122 Specific Inclusions in Permit Program

Owners and operators of certain facilities require RCRA permits as well as permits under other programs for certain aspects of the facility operation. RCRA permits are required for the following activities and facilities:

a) Injection wells that dispose of hazardous waste, and associated surface facilities that treat, store or dispose of hazardous waste. However, the owner and operator with a UIC permit will be deemed to have a RCRA permit for the injection well itself if they comply with the requirements of Section 703.141(b) (permit by rule for injection wells);

b) Treatment, storage, or disposal of hazardous waste at facilities requiring an NPDES (National Pollutant Discharge Elimination System) permit issued pursuant to 35 Ill. Adm. Code 309. However, the owner and operator of a publicly owned treatment works (POTW) receiving hazardous waste will be deemed to have a RCRA permit for that waste if they comply with the requirements of Section 703.141(c) (permit by rule for POTWs);

c) Barges or vessels that dispose of hazardous waste by ocean disposal and onshore hazardous waste treatment or storage facilities associated with an ocean disposal operation. However, the owner and operator will be deemed to have a RCRA permit for ocean disposal from the barge or vessel itself if they comply with the requirements of Section 703.141(a) (permit by rule for ocean disposal barges and vessels).

(BOARD NOTE: Derived from 40 CFR 270.1(c)(1) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.123 Specific Exclusions and Exemptions from Permit Program

The following persons are not required to obtain a RCRA permit:

a) A generator that accumulates hazardous waste on site in compliance with all of the conditions for exemption provided in 35 Ill. Adm. Code 722.114 through 722.117;

b) A farmer that disposes of hazardous waste pesticides from the farmer's own use, as provided in 35 Ill. Adm. Code 722.170;

c) A person that owns or operates a facility solely for the treatment, storage, or disposal of hazardous waste excluded from regulations under this Part by 35 Ill. Adm. Code 721.104 or 722.114 (VSQG exemption);

d) An owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;

e) An owner or operator of an elementary neutralization unit or wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110;

f) A transporter that stores manifested shipments of hazardous waste in containers that meet the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;

g) A person that adds absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or a person that adds waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and 35 Ill. Adm. Code 724.117(b), 724.271, and 724.272 are complied with; and

h) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that manages the wastes listed in subsections (h)(1) through (h)(6). Such a handler or transporter is subject to regulation under 35 Ill. Adm. Code 733.

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

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

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

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

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

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

i) This subsection (i) corresponds with 40 CFR 270.1(c)(2)(ix), which applies only to a facility outside Illinois. This statement maintains structural consistency with the corresponding USEPA rule.

j) Reverse Distributors Accumulating Potentially Creditable Hazardous Waste Pharmaceuticals and Evaluated Hazardous Waste Pharmaceuticals, as defined in Section 726.600. Reverse distributors are subject to regulation under Subpart P of 35 Ill. Adm. Code 726 for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

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

(Source: Amended at 49 Ill. Reg. 11329, effective August 27, 2025)

Section 703.124 Discharges of Hazardous Waste

a) A person is not required to obtain a RCRA permit for treatment or containment activities taken during immediate response to any of the following situations:

1) A discharge of a hazardous waste;

2) An imminent and substantial threat of a discharge of hazardous waste;

3) A discharge of a material that, when discharged, becomes a hazardous waste; or

4) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.

b) Any person 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 for those activities.

c) In the case of an emergency response involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years after the date of the response that identify the following: the date of the response, the responsible persons responding, the type and description of material addressed, and the disposition of the material.

BOARD NOTE: Derived from 40 CFR 270.1(c)(3) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.125 Reapplying for a Permit

If a facility owner or operator has an effective permit and it wants to reapply for a new one, it has the following two options:

a) The owner or operator may submit a new application at least 180 days before the expiration date of the effective permit, unless the Agency allows a later date; or

b) If the owner or operator intends to be covered by a RCRA standardized permit, it may submit a Notice of Intent, as described in 35 Ill. Adm. Code 702.125(e)(1) at least 180 days before the expiration date of the effective permit, unless the Agency allows a later date. The Agency may not allow the owner or operator to submit an application or Notice of Intent later than the expiration date of the existing permit, except as allowed by 35 Ill. Adm. Code 702.125(e)(2).

BOARD NOTE: Derived from 40 CFR 270.10(h) (2005), as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.126 Initial Applications

Except as provided in Subpart C of this Part, no person may begin physical construction of a new HWM facility without having submitted Part A and Part B of the permit application and received a finally effective RCRA permit.

BOARD NOTE: Derived from 40 CFR 270.10(f)(1) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.127 Federal Permits (Repealed)

(Source: Repealed at 8 Ill. Reg. 206, effective December 27, 1983)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.140 Purpose and Scope

a) The Sections of this Subpart C are divided into the following two groups:

1) Section 703.141 (Permits by Rule); and

2) Sections 703.151 through 703.158, relating to interim status;

b) The interim status rules correspond to subpart G of 40 CFR 270, which relates to interim status. Other portions of the federal rules may be found in Subpart B of this Part. The intent is to group the interim status rules so they can be more easily ignored by those to whom they do not apply, and so they can be conveniently repealed after the interim status period.

(Source: Amended at 30 Ill. Reg. 2845, effective February 23, 2006)

Section 703.141 Permits by Rule

Notwithstanding any other provision of this Part or 35 Ill. Adm. Code 705, the following must be deemed to have a RCRA permit if the conditions listed are met:

a) Ocean disposal barges or vessels. The owner or operator of a barge or other vessel that accepts hazardous waste for ocean disposal, if the owner or operator does the following:

1) It has a permit for ocean dumping issued by USEPA under 40 CFR 220;

2) It complies with the conditions of that permit; and

3) It complies with the following hazardous waste regulations:

A) 35 Ill. Adm. Code 724.111 (USEPA Identification Number);

B) 35 Ill. Adm. Code 724.171 (Use of Manifest System);

C) 35 Ill. Adm. Code 724.172 (Manifest Discrepancies);

D) 35 Ill. Adm. Code 724.173(a) and (b)(1) (Operating Record);

E) 35 Ill. Adm. Code 724.175 (Biennial Report); and

F) 35 Ill. Adm. Code 724.176, (Unmanifested Waste Report).

b) Injection wells. The owner or operator of an underground injection well disposing of hazardous waste, if the owner or operator fulfills the following conditions:

1) It has a permit for underground injection issued under 35 Ill. Adm. Code 704; and

2) It complies with the conditions of that permit and the requirements of Subpart F of 35 Ill. Adm. Code 704 (requirements for wells managing hazardous waste); and

3) For UIC permits issued after November 8, 1984, the following:

A) It complies with 35 Ill. Adm. Code 724.201; and

B) Where the UIC well is the only unit at the facility that requires a RCRA permit, it complies with Section 703.187.

c) Publicly owned treatment works (POTW). The owner or operator of a POTW that accepts for treatment hazardous waste, if the owner or operator fulfills the following conditions:

1) It has an NPDES permit;

2) It complies with the conditions of that permit;

3) It complies with the following regulations:

A) 35 Ill. Adm. Code 724.111 (Identification Number);

B) 35 Ill. Adm. Code 724.171 (Use of Manifest System);

C) 35 Ill. Adm. Code 724.172 (Manifest Discrepancies);

D) 35 Ill. Adm. Code 724.173(a) and (b)(1) (Operating Record);

E) 35 Ill. Adm. Code 724.175 (Annual Report);

F) 35 Ill. Adm. Code 724.176 (Unmanifested Waste Report); and

G) For NPDES permits issued after November 8, 1984, 35 Ill. Adm. Code 724.201 (Corrective Action for Solid Waste Management Units); and

4) If the waste meets all federal, it complies with State and local pretreatment requirements that would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance.

BOARD NOTE: Illinois pretreatment requirements are codified in 35 Ill. Adm. Code 307 and 310.

BOARD NOTE: See 40 CFR 270.60 (2012).

(Source: Amended at 37 Ill. Reg. 17659, effective October 24, 2013)

Section 703.150 Application by Existing HWM Facilities and Interim Status Qualifications

a) The owner or operator of an existing HWM facility or of an HWM facility in existence on the effective date of statutory or regulatory amendments that render the facility subject to the requirement to have a RCRA permit must submit Part A of the permit application to the Agency no later than the following times, whichever comes first:

1) Six months after the date of publication of regulations that first require the owner or operator to comply with standards in 35 Ill. Adm. Code 725 or 726; or

2) Thirty days after the date the owner or operator first becomes subject to the standards in 35 Ill. Adm. Code 725 or 726.

b) In granting a variance under subsection (c), the Board will consider whether there has been substantial confusion as to whether the owner or operator of such facilities were required to file a Part A application and whether such confusion was attributable to ambiguities in 35 Ill. Adm. Code 720, 721, or 725.

c) The time for filing Part A of the permit application may be extended only by a Board Order entered pursuant to a variance petition.

d) The owner or operator of an existing HWM facility may be required to submit Part B of the permit application. The Agency will notify the owner or operator that a Part B application is required, and set a date for receipt of the application, not less than six months after the date the notice is sent. The owner or operator

my voluntarily submit a Part B application for all or part of the HWM facility at any time. Notwithstanding the above, any owner or operator of an existing HWM facility must submit a Part B permit application in accordance with the dates specified in Section 703.157. Any owner or operator of a land disposal facility in existence on the effective date of statutory or regulatory amendments that render the facility subject to the requirement to have a RCRA permit must submit a Part B application in accordance with the dates specified in Section 703.157.

e) Interim status may be terminated as provided in Section 703.157.

BOARD NOTE: Derived from 40 CFR 270.10(e) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.151 Application by New HWM Facilities

a) Except as provided in subsection (c), no person may begin physical construction of a new HWM facility without having submitted Part A and Part B of the permit application and having received a finally effective RCRA permit;

b) An application for a permit for a new HWM facility (including both Part A and Part B) may be filed at any time after promulgation of standards in 35 Ill. Adm. Code 724 applicable to any TSD unit in the facility. Except as provided in subsection (c), all applications must be submitted to the Agency at least 180 days before physical construction is expected to commence;

c) Notwithstanding subsection (a), a person may construct a facility for the incineration of polychlorinated biphenyls pursuant to an approval issued by the Administrator of USEPA under Section (6)(e) of the federal Toxic Substances Control Act (42 USC 9601 et seq.) and any person owning or operating such a facility may, at any time after construction or operation of such facility has begun, file an application for a RCRA permit to incinerate hazardous waste authorizing such facility to incinerate waste identified or listed under 35 Ill. Adm. Code 721.

d) Such persons may continue physical construction of the HWM facility after the effective date of the standards applicable to it if the person submits Part B of the permit application on or before the effective date of such standards (or on some later date specified by the Agency). Such person must not operate the HWM facility without having received a finally effective RCRA permit.

BOARD NOTE: Derived from 40 CFR 270.10(f) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.152 Amended Part A Application

a) If any owner or operator of an HWM facility has filed Part A of a permit application and has not yet filed Part B, the owner or operator must file an amended Part A application with the Agency, as follows:

1) No later than the effective date of revised regulations under 35 Ill. Adm. Code 721 listing or identifying additional hazardous wastes, if the facility is treating, storing, or disposing of any of those newly listed or identified wastes;

2) As necessary to comply with provisions of Section 703.155 for changes during interim status.

b) The owner or operator of a facility who fails to comply with the updating requirements of subsection (a) of this Section does not receive interim status as to the wastes not covered by duly filed Part A applications.

BOARD NOTE: Derived from 40 CFR 270.10(g) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.153 Qualifying for Interim Status

a) Any person who owns or operates an existing HWM facility or a facility in existence on the effective date of statutory or regulatory amendments that render the facility subject to the requirement to have a RCRA permit must have interim status and must be treated as having been issued a permit to the extent he or she has fulfilled the following requirements:

1) The owner or operator has complied with the requirements of Section 3010(a) of the federal Resource Conservation and Recovery Act (42 USC 6930(a)) pertaining to notification of hazardous waste activity;

BOARD NOTE: Some existing facilities may not be required to file a notification under Section 3010(a) of the federal Resource Conservation and Recovery Act (42 USC 6930(a)). These facilities may qualify for interim status by meeting subsection (a)(2).

2) The owner or operator has complied with the requirements of Sections 703.150 and 703.152 governing submission of Part A applications.

b) Failure to qualify for interim status. If the Agency has reason to believe upon examination of a Part A application that the Part A application fails to meet the requirements of 35 Ill. Adm. Code 702.123 or 703.181, it must notify the owner or operator in writing of the apparent deficiency. Such notice must specify the grounds for the Agency's belief that the application is deficient. The owner or operator must have 30 days from receipt to respond to such a notification and to

explain or cure the alleged deficiency in its Part A application. If, after such notification and opportunity for response, the Agency determines that the application is deficient it may take appropriate enforcement action.

c) Subsection (a) of this Section must not apply to any facility that has been previously denied a RCRA permit or if authority to operate the facility under the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.) has been previously terminated.

BOARD NOTE: Derived from 40 CFR 270.70 (2005).

(Source: Amended at 30 Ill. Reg. 2845, effective February 23, 2006)

Section 703.154 Prohibitions During Interim Status

During the interim status period the facility must not do any of the following:

a) Treat, store, or dispose of hazardous waste not specified in Part A of the permit application;

b) Employ processes not specified in Part A of the permit application; or

c) Exceed the design capacities specified in Part A of the permit application.

BOARD NOTE: Derived from 40 CFR 270.71(a) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.155 Changes During Interim Status

a) Except as provided in subsection (b) of this Section, the owner or operator of an interim status facility may make the following changes at the facility:

1) Treatment, storage, or disposal of new hazardous wastes not previously identified in Part A of the permit application (and, in the case of newly listed or identified wastes, addition of the units being used to treat, store, or dispose of the hazardous wastes on the date of the listing or identification) if the owner or operator submits a revised Part A permit application prior to such treatment, storage, or disposal;

2) Increases in the design capacity of processes used at the facility if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Agency approves the change because either of the following conditions exist:

A) There is a lack of available treatment, storage, or disposal capacity at other hazardous waste management facilities; or

B) The change is necessary to comply with a federal, State, or local requirement, including 35 Ill. Adm. Code 725, 728, or 729;

3) Changes in the processes for the treatment, storage, or disposal of hazardous waste may be made at a facility or addition of processes if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for change) and the Agency approves the change because either of the following conditions exist:

A) The change is necessary to prevent a threat to human health or the environment because of an emergency situation; or

B) The change is necessary to comply with a federal, State, or local requirement, including 35 Ill. Adm. Code 725, 728, or 729;

4) Changes in the ownership or operational control of a facility if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator must comply with the requirements of Subpart H of 35 Ill. Adm. Code 725 (financial requirements), until the new owner or operator has demonstrated to the Agency that it is complying with the requirements of that Subpart. The new owner or operator must demonstrate compliance with the financial assurance requirements within six months after the date of the change in the ownership or operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with the financial assurance requirements, the Agency must notify the old owner or operator in writing that the old owner or operator no longer needs to comply with Subpart H of 35 Ill. Adm. Code 725 as of the date of demonstration. All other interim status duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility;

5) Changes made in accordance with an interim status corrective action order issued by: USEPA under Section 3008(h) of the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.) or other federal authority; a court pursuant to a judicial action brought USEPA; a court pursuant to the Environmental Protection Act; or the Board. Changes under this subsection (a)(5) are limited to the treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility;

6) Addition of newly regulated units for the treatment, storage, or disposal of hazardous waste if the owner or operator submits a revised Part A permit application on or before the date on which the unit becomes subject to the new requirements.

b) Except as specifically allowed under this subsection (b), changes listed under subsection (a) of this Section must not be made if they amount to reconstruction of the HWM facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds 50 percent of the capital cost of a comparable entirely new HWM facility. If all other requirements are met, the following changes may be made even if they amount to a reconstruction:

1) Changes made solely for the purpose of complying with requirements of 35 Ill. Adm. Code 725.293 for tanks and ancillary equipment.

2) If necessary to comply with federal, State or local requirements, including 35 Ill. Adm. Code 725, 728, or 729, changes to an existing unit, changes solely involving tanks or containers, or addition of replacement surface impoundments that satisfy the statutory standards of Section 35 Ill. Adm. Code 728.139.

3) Changes that are necessary to allow an owner or operator to continue handling newly listed or identified hazardous wastes that have been treated, stored or disposed of at the facility prior to the effective date of the rule establishing the new listing or identification.

4) Changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan.

5) Changes necessary to comply with an interim status corrective action order issued by: USEPA under Section 3008(h) of the federal Resource Conservation and Recovery Act (42 USC 6930(a)) or other federal authority; a court pursuant to a judicial action brought by USEPA; a court pursuant to the Environmental Protection Act; or the Board. Changes under this subsection (b)(5) are limited to the treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility.

6) Changes to treat or store, in tanks, containers, or containment buildings, hazardous wastes subject to land disposal restrictions imposed in 35 Ill. Adm. Code 728, provided that such changes are made solely for the purpose of complying with 35 Ill. Adm. Code 728.

7) Addition of newly regulated units under subsection (a)(6) of this Section.

8) Changes necessary to comply with the federal Clean Air Act (CAA) Maximum Achievable Control Technology (MACT) emissions standards of subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

BOARD NOTE: Derived from 40 CFR 270.72 (2005). The federal CAA MACT standards are directly implemented in Illinois pursuant to Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5].

(Source: Amended at 30 Ill. Reg. 2845, effective February 23, 2006)

Section 703.156 Interim Status Standards

During interim status, an owner or operator must comply with the interim status standards of 35 Ill. Adm. Code 725.

BOARD NOTE: Derived from 40 CFR 270.71(b) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.157 Grounds for Termination of Interim Status

Interim status terminates when either of the following occurs:

a) Final administrative disposition is made of a permit application, except an application for a remedial action plan (RAP) under Subpart H; or

b) The owner or operator fails to furnish a requested Part B application on time, or to furnish the full information required by the Part B application, in which case the Agency must notify the owner and operator of the termination of interim status following the procedures for a notice of intent to deny a permit pursuant to 35 Ill. Adm. Code 705.

c) Corresponding 40 CFR 270.10(e)(1)(iii) required a RCRA Part B permit application before a date long past. This statement maintains structural consistency with the federal rules.

d) For an owner or operator of a land disposal facility that is in existence on the effective date of statutory or regulatory amendments under the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.) that render the facility subject to the requirement to have a RCRA permit and which is granted interim status, twelve months after the date on which the facility first becomes subject to such permit requirement, unless the owner or operator of such facility does as follows:

    1) It submits a Part B application for a RCRA permit for such facility before the date 12 months after the date on which the facility first becomes subject to such permit requirement; and

    2) It certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.

e) For an owner or operator of any land disposal unit that is granted authority to operate under Section 703.155(a)(1), (a)(2), or (a)(3), on the day 12 months after the effective date of such requirement, unless the owner or operator certifies that such unit is in compliance with all applicable groundwater monitoring and financial responsibility requirements (Subparts F and H of 35 Ill. Adm. Code 725).

BOARD NOTE: Derived from 40 CFR 270.10(e)(5) and 270.73 (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.158 Permits for Less Than an Entire Facility

The Agency may issue or deny a permit for one or more units at a facility without simultaneously issuing or denying a permit to all of the units at the facility. The interim status of any unit for which a permit has not been issued or denied is not affected by the issuance or denial of a permit to any other unit at the facility.

BOARD NOTE: Derived from 40 CFR 270.1(c)(4) (1992).

(Source: Amended at 18 Ill. Reg. 18316, effective December 20, 1994)

Section 703.159 Closure by Removal

An owner or operator of a surface impoundment, a land treatment unit, or a waste pile that is closing by removal or decontamination under 35 Ill. Adm. Code 725 standards must obtain a post-closure permit, unless it demonstrates to the Agency that the closure met the standards for closure by removal or decontamination in 35 Ill. Adm. Code 724.328, 724.380(e), or 724.358, respectively. The demonstration may be made in the following ways:

a) If the owner or operator has submitted a Part B application for a post-closure permit, the owner or operator may request a determination, based on information contained in the application, that 35 Ill. Adm. Code 724 closure by removal standards are met. If the Agency makes a tentative decision that the 35 Ill. Adm. Code 724 standards are met, the Agency will notify the public of this proposed decision, allow for public comment and reach a final determination according to the procedures in Section 703.160.

b) If the owner or operator has not submitted a Part B application for a post-closure permit, the owner or operator may petition the Agency for a determination that a post-closure permit is not required because the closure met the applicable 35 Ill. Adm. Code 724 standards.

1) The petition must include data demonstrating that closure by removal or decontamination standards were met.

2) The Agency must approve or deny the petition according to the procedures outlined in Section 703.160.

BOARD NOTE: Derived from 40 CFR 270.1(c)(5) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.160 Procedures for Closure Determination

a) If a facility owner or operator seeks an equivalency determination under Section 703.159, the Agency must provide the public, through a newspaper notice, the opportunity to submit written comments on the information submitted by the owner or operator within 30 days from the date of the notice. The Agency must also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning the equivalence of the 35 Ill. Adm. Code 725 closure to a 35 Ill. Adm. Code 724 closure. The Agency must give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.)

b) The Agency must determine whether the 35 Ill. Adm. Code 725 closure met the 35 Ill. Adm. Code 724 closure by removal or decontamination requirements within 90 days after receipt of the request or petition. If the Agency finds that the closure did not meet the applicable 35 Ill. Adm. Code 724 standards, it must provide the owner or operator with a written statement of the reasons why the closure failed to meet 35 Ill. Adm. Code 724 standards. The owner or operator may submit additional information in support of an equivalency demonstration within 30 days after receiving such written statement. The Agency must review any additional information submitted and make a final determination within 60 days.

c) If the Agency determines that the facility did not close in accordance with 35 Ill. Adm. Code 724 closure by removal standards, the facility is subject to post-closure permitting requirements.

BOARD NOTE: See 40 CFR 270.1(c)(6) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.161 Enforceable Document for Post-Closure Care

a) An owner or operator may obtain an enforceable document containing alternative requirements for post-closure care that imposes the requirements of 35 Ill. Adm. Code 725.221. "Enforceable document containing alternative requirements" or "other enforceable document", as used in this Part and in 35 Ill. Adm. Code 724 and 725, means an order of the Board, an Agency-approved plan, or an order of a court of competent jurisdiction that meets the requirements of subsection (b). An "enforceable document containing alternative requirements" or "other enforceable document", may also mean an order of USEPA (such as pursuant to section 3008(h) of RCRA, 42 USC 6928(h), or under section 106 of the federal

Comprehensive Environmental Response, Compensation and Liability Act, 42 USC 9606).

BOARD NOTE: Derived from 40 CFR 270.1(c)(7) (2017).

b) Any alternative requirements issued under this Section or established to satisfy the requirements of 35 Ill. Adm. Code 724.190(f), 724.210(c), 724.240(d), 725.190(f), 725.210(c), or 725.240(d) must be embodied in a document that is enforceable and subject to appropriate compliance orders and civil penalties under Titles VIII and XII of the Act.

BOARD NOTE: Derived from 40 CFR 271.16(e) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

SUBPART D: APPLICATIONS

Section 703.180 Applications in General

a) This Subpart D contains requirements for applications for RCRA permits. A "Part A" application is required of all facilities to obtain interim status. The "Part B" application is a prerequisite to an actual permit, and need be filed for an existing facility with interim status only when requested. New facilities must file Part A and Part B at the same time;

b) Subpart E of this Part contains requirements for applications for emergency permits, trial burn permits, and land treatment demonstration permits;

c) The application package must consist of the following:

1) Information required by 35 Ill. Adm. Code 702.123;

2) Part A (Section 703.181);

3) Part B, as follows:

A) General information (Section 703.183);

B) Facility location information (Section 703.184);

C) Groundwater protection information, if required (Section 703.185);

D) Specific information for each type of TSD unit, i.e. tanks, surface impoundments, landfills, etc. (Sections 703.200 et seq.);

E) Additional information to demonstrate compliance with 35 Ill. Adm. Code 724 (Section 703.183(t));

F) Information for trial burn permits and land treatment demonstrations (Subpart E of this Part).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.181 Contents of Part A

In addition to the information in 35 Ill. Adm. Code 702.123, Part A of the RCRA application must include the following information:

a) The latitude and longitude of the facility;

b) The name, address, and telephone number of the owner of the facility;

c) An indication of whether the facility is new or existing and whether it is a first or revised application;

d) For existing facilities, a scale drawing of the facility showing the location of all past, present, and future treatment, storage, and disposal areas;

e) For existing facilities, photographs of the facility clearly delineating all existing structures; existing treatment, storage, and disposal areas; and sites of future treatment, storage, and disposal areas;

f) A description of the processes to be used for treating, storing, and disposing of hazardous waste, and the design capacity of these items;

g) A specification of the hazardous wastes listed or designated under 35 Ill. Adm. Code 721 to be treated, stored, or disposed of at the facility, an estimate of the quantity of such wastes to be treated, stored, or disposed of annually, and a general description of the processes to be used for such wastes.

h) For hazardous debris, a description of the debris categories and containment categories to be treated, stored, or disposed of at the facility.

BOARD NOTE: Derived from 40 CFR 270.13(b), (e), (g), (h) through (j), and (n) (2012).

(Source: Amended at 37 Ill. Reg. 17659, effective October 24, 2013)

Section 703.182 Contents of Part B

Part B information requirements presented in Sections 703.183 et seq. reflect the standards promulgated in 35 Ill. Adm. Code 724. These information requirements are necessary in order for the Agency to determine compliance with the 35 Ill. Adm. Code 724 standards. If an owner or operator of a HWM facility can demonstrate that the information prescribed in Part B cannot be provided to the extent required, the Agency may make allowance for submission of such information on a case by case basis. Information required in Part B must be submitted to the Agency and signed in accordance with the requirements in 35 Ill. Adm. Code 702.126. Certain

technical data, such as design drawings and specifications and engineering studies, must be certified by a qualified Professional Engineer. For post-closure care permits, only the information specified in Section 703.214 is required in Part B of the permit application. Part B of the RCRA application includes the following:

a) General information (Section 703.183);

b) Facility location information (Section 703.184);

c) Groundwater protection information (Section 703.185);

d) Exposure information (Section 703.186); and

e) Specific information (Section 703.200 et seq.).

BOARD NOTE: Derived from 40 CFR 270.14(a) (2007).

(Source: Amended at 32 Ill. Reg. 11672, effective July 14, 2008)

Section 703.183 General Information

The following information is required in the Part B application for all HWM facilities, except as 35 Ill. Adm. Code 724.101 provides otherwise:

a) A general description of the facility;

b) Chemical and physical analyses of the hazardous wastes and hazardous debris to be handled at the facility. At a minimum, these analyses must contain all the information that must be known to treat, store, or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724;

c) A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);

d) A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;

e) A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b). Include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), 724.295, 724.326, 724.354, 724.373, 724.403, 724.702, 724.933, 724.952, 724.953, 724.958, 724.984, 724.985, 724.986, and 724.988;

f) A justification of any request for a waiver of the preparedness and prevention requirements of Subpart C of 35 Ill. Adm. Code 724;

g) A copy of the contingency plan required by Subpart D of 35 Ill. Adm. Code 724;

BOARD NOTE: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.200 and 724.327. Corresponding 40 CFR 270.14(b)(7) refers to the requirements of 40 CFR 264.255 (corresponding with 35 Ill. Adm. Code 724.355), marked "reserved" by USEPA.

h) A description of procedures, structures, or equipment used at the facility as follows:

1) To prevent hazards in unloading operations (for example, ramps, or special forklifts);

2) To prevent run-off from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, or trenches);

3) To prevent contamination of water supplies;

4) To mitigate effects of equipment failure and power outages;

5) To prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and

6) To prevent releases to the atmosphere;

i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes, as required to demonstrate compliance with 35 Ill. Adm. Code 724.117, including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);

j) A description of the area traffic pattern, the estimated traffic volume (number and types of vehicles), and area traffic control (for example, show turns across traffic lanes and stacking lanes, if appropriate); a description of access road surfacing and load bearing capacity; and the locations and types of traffic control signals;

k) Facility location information, as required by Section 703.184;

BOARD NOTE: The Board has codified 40 CFR 270.14(b)(11)(iii) through (b)(11)(v) as Section 703.184(c) through (e) to comport with Illinois Administrative Code codification requirements. The Board did not include an equivalent to 40 CFR 270.14(b)(11)(i) and (b)(11)(ii), relating to certain seismic zones not located within Illinois.

l) An outline of both the introductory and continuing training programs by the owner or operator to prepare persons to operate or maintain the HWM facility in a safe manner, as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);

m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212, 724.218, and 724.297. Include, where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, 724.701, and 724.703;

n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm. Code 724.219 have been filed;

o) The most recent closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.242, and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;

p) Where applicable, the most recent post-closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.244, plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;

q) Where applicable, a copy of the insurance policy or other documentation that comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for an alternative level of required coverage for a new or existing facility may be submitted as specified in 35 Ill. Adm. Code 724.247(c);

r) This subsection corresponds with 40 CFR 270.14(b)(18), pertaining to state financial mechanisms that do not apply in Illinois. This statement maintains structural parity with the federal regulations;

s) A topographic map showing 305 meters (1,000 feet) around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow near and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). An owner or operator of an HWM facility located in a mountainous area must use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:

1) Map scale and date;

2) 100-year floodplain area;

3) Surface waters including intermittent streams;

4) Surrounding land uses (e.g., residential, commercial, agricultural, recreational, etc.);

5) A wind rose (i.e., prevailing windspeed and direction);

6) Orientation of the map (north arrow);

7) Legal boundaries of the HWM facility site;

8) Access control (e.g., fences, gates, etc.);

9) Injection and withdrawal wells both on-site and off-site;

10) Buildings; treatment, storage, or disposal operations; or other structures (e.g., recreation areas, run-off control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.);

11) Barriers for drainage or flood control; and

12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored, or disposed of (include equipment cleanup areas);

BOARD NOTE: For large HWM facilities, the Agency must allow the use of other scales on a case-by-case basis.

t) Applicants must submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued;

u) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Adm. Code 728.105 or if a petition has been approved under 35 Ill. Adm. Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required; and

v) A summary of the pre-application meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under 35 Ill. Adm. Code 703.191(c).

BOARD NOTE: Derived from 40 CFR 270.14(b).

(Source: Amended at 43 Ill. Reg. 5777, May 2, 2019)

Section 703.184 Facility Location Information

a) In order to show compliance with the facility location requirements of Section 21(l) of the Environmental Protection Act [415 ILCS 5/21(l)], the owner or operator must include the following information, or a demonstration that Section 21(l) does not apply:

1) The location of any active or inactive shaft or tunneled mine below the facility;

2) The location of any active faults in the earth's crust within two miles of the facility boundary;

3) The location of existing private wells or existing sources of a public water supply within 1000 feet of any disposal unit boundary;

4) The location of the corporate boundaries of any municipalities within one and one-half miles of the facility boundary;

BOARD NOTE: Subsections (a)(1), (a)(2), (a)(3), and (a)(4) request information necessary to allow the Agency to determine the applicability of Section 21(l) of the Environmental Protection Act [415 ILCS 5/21(l)] requirements. These provisions are not intended to modify the requirements of the Act. For example, the operator is required to give the location of wells on its own property, even though the Agency might find that these do not prohibit the site location.

5) Documentation showing approval of municipalities if such approval is required by Section 21(l) of the Environmental Protection Act [415 ILCS 5/21(l)];

BOARD NOTE: This subsection (a) is a State-only requirement derived from 415 ILCS 5/21(l).

b) This subsection (b) corresponds with 40 CFR 270.14(b)(11)(ii), which pertains exclusively to facilities located in certain federally listed seismic zones, none of which is in Illinois. This statement maintains structural consistency with the corresponding federal rules;

c) A facility owner or operator must provide an identification of whether the facility is located within a 100-year floodplain. This identification must indicate the source of data for such determination and include a copy of the relevant flood map produced by the Federal Emergency Management Agency, National Flood Insurance Program (NFIP), if used, or the calculations and maps used where a NFIP map is not available. Information must also be provided identifying the 100-year flood level and any other special flooding factors (e.g., wave action) that must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a 100-year flood;

BOARD NOTE: NFIP maps are available as follows: Flood Map Distribution Center, National Flood Insurance Program, Federal Emergency Management Agency, 6930 (A-F) San Tomas Road, Baltimore, MD 21227-6227. 800-638-6620; and, Illinois Floodplain Information Depository, State Water Survey, 514 WSRC, University of Illinois, Urbana, IL 61801. 217-333-0447. Where NFIP maps are available, they will normally be determinative of whether a facility is located within or outside of the 100-year flood plain. However, where the NFIP map excludes an area (usually areas of the flood plain less than 200 feet in width), these areas must be considered and a determination made as to whether they are in the 100-year floodplain. Where NFIP maps are not available for a proposed facility location, the owner or operator must use equivalent mapping techniques to determine whether the facility is within the 100-year floodplain, and if so located, what is the 100-year flood elevation.

d) An owner or operator of a facility located in the 100-year floodplain must provide the following information:

1) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as a consequence of a 100-year flood;

2) Structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout;

3) If applicable, and in lieu of subsections (d)(1) and (d)(2), a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded, including the following:

A) Timing of such movement relative to flood levels, including estimated time to move the waste, to show that such movement can be completed before floodwaters reach the facility;

B) A description of the locations to which the waste will be moved and demonstration that those facilities will be eligible to receive hazardous waste in accordance with 35 Ill. Adm. Code 702, 703, and 724 through 727;

C) The planned procedures, equipment, and personnel to be used and the means to ensure that such resources will be available in time for use; and

D) The potential for accidental discharges of the waste during movement;

e) An owner or operator of an existing facility not in compliance with 35 Ill. Adm. Code 724.118(b) must provide a plan showing how the facility will be brought into compliance and a schedule for compliance. Such an owner or operator must file a concurrent variance petition with the Board; and

f) An owner or operator of a new regional pollution control facility, as defined in Section 3 of the Environmental Protection Act [415 ILCS 5/3], must provide documentation showing site location suitability from the county board or other governing body as provided by Section 39(c) and 39.2 of that Act [415 ILCS 5/39(c) and 39.2].

BOARD NOTE: The Board has codified 40 CFR 270.14(b)(11)(iii) through (b)(11)(v) as subsections (c) through (e) to comport with Illinois Administrative Code codification requirements. The Board has not codified an equivalent to 40 CFR 270.14(b)(11)(i) and (b)(11)(ii), relating to certain seismic zones not located within Illinois.

(Source: Amended at 40 Ill. Reg. 11271, effective August 9, 2016)

Section 703.185 Groundwater Protection Information

The following additional information regarding protection of groundwater is required from an owner or operator of a hazardous waste facility containing a regulated unit, except as provided in 35 Ill. Adm. Code 724.190(b):

a) A summary of the groundwater monitoring data obtained during the interim status period under 35 Ill. Adm. Code 725.190 through 725.194, where applicable;

b) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including groundwater flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);

c) On the topographic map required under Section 703.183(s), a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under 35 Ill. Adm. Code 724.195, the proposed location of groundwater monitoring wells as required under 35 Ill. Adm. Code 724.197 and, to the extent possible, the information required in subsection (b) of this Section;

d) A description of any plume of contamination that has entered the groundwater from a regulated unit at the time that the application is submitted that does the following:

1) It delineates the extent of the plume on the topographic map required under Section 703.183(s);

2) It identifies the concentration of each Appendix I to 35 Ill. Adm. Code 724 constituent throughout the plume or identifies the maximum concentrations of each Appendix I to 35 Ill. Adm. Code 724 constituent in the plume;

e) Detailed plans and an engineering report describing the proposed groundwater monitoring program to be implemented to meet the requirements of 35 Ill. Adm. Code 724.197;

f) If the presence of hazardous constituents has not been detected in the groundwater at the time of permit application, the owner or operator must submit sufficient information, supporting data and analyses to establish a detection monitoring program that meets the requirements of 35 Ill. Adm. Code 724.198. This submission must address the following items as specified under that Section:

1) A proposed list of indicator parameters, waste constituents or reaction products that can provide a reliable indication of the presence of hazardous constituents in the groundwater;

2) A proposed groundwater monitoring system;

3) Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

4) A description of proposed sampling, analysis, and statistical comparison procedures to be utilized in evaluating groundwater monitoring data;

g) If the presence of hazardous constituents has been detected in the groundwater at the point of compliance at the time of permit application, the owner or operator must submit sufficient information, supporting data and analyses to establish a compliance monitoring program that meets the requirements of 35 Ill. Adm. Code 724.199. Except as provided in 35 Ill. Adm. Code 724.198(h)(5), the owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of 35 Ill. Adm. Code 724.200, unless the owner or operator obtains written authorization in advance from the Agency to submit a proposed permit schedule for submittal of such a plan. To demonstrate compliance with 35 Ill. Adm. Code 724.199, the owner or operator must address the following items:

1) A description of the wastes previously handled at the facility;

2) A characterization of the contaminated groundwater, including concentrations of hazardous constituents;

3) A list of hazardous constituents for which compliance monitoring will be undertaken in accordance with 35 Ill. Adm. Code 724.197 and 724.199;

4) Proposed concentration limits for each hazardous constituent, based on the criteria set forth in 35 Ill. Adm. Code 724.194(a), including a justification for establishing any alternate concentration limits;

5) Detailed plans and an engineering report describing the proposed groundwater monitoring system, in accordance with the requirements of 35 Ill. Adm. Code 724.197; and

6) A description of proposed sampling, analysis, and statistical comparison procedures to be utilized in evaluating groundwater monitoring data;

h) If hazardous constituents have been measured in the groundwater that exceed the concentration limits established under 35 Ill. Adm. Code 724.194, Table 1, or if groundwater monitoring conducted at the time of permit application under 35 Ill. Adm. Code 725.190 through 725.194 at the waste boundary indicates the presence of hazardous constituents from the facility in groundwater over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program that meets the requirements of 35 Ill. Adm. Code 724.200. However, an owner or operator is not required to submit information to establish a corrective action program if it demonstrates to the Agency that alternate concentration limits will protect human health and the environment after considering the criteria listed in 35 Ill. Adm. Code 724.194(b). An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program that meets the requirements of subsection (f) and 35 Ill. Adm. Code 724.199.

1) To demonstrate compliance with 35 Ill. Adm. Code 724.200, the owner or operator must address, at a minimum, the following items:

A) A characterization of the contaminated groundwater, including concentrations of hazardous constituents;

B) The concentration limit for each hazardous constituent found in the groundwater, as set forth in 35 Ill. Adm. Code 724.194;

C) Detailed plans and an engineering report describing the corrective action to be taken; and

D) A description of how the groundwater monitoring program will assess the adequacy of the corrective action.

2) The permit may contain a schedule for submittal of the information required in subsections (h)(1)(C) and (h)(1)(D) of this Section, provided the owner or operator obtains written authorization from the Agency prior to submittal of the complete permit application.

BOARD NOTE: Derived from 40 CFR 270.14(c) (2005).

(Source: Amended at 30 Ill. Reg. 2845, effective February 23, 2006)

Section 703.186 Exposure Information

Any Part B permit application submitted by an owner or operator of a facility that stores, treats, or disposes of hazardous waste in a surface impoundment or a landfill must be accompanied by information, reasonably ascertainable by the owner or operator, on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information must address the following:

a) Reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;

b) The potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under subsection (a); and

c) The potential magnitude and nature of the human exposure resulting from such releases.

BOARD NOTE: Derived from 40 CFR 270.10(j) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.187 Solid Waste Management Units

a) The following information is required for each solid waste management unit at a facility seeking a permit:

1) The location of the unit on the topographic map required under Section 703.183(s);

2) Designation of the type of unit;

3) General dimensions and structural description (supply any available drawings);

4) When the unit was operated; and

5) Specification of all wastes that have been managed at the unit, to the extent available.

b) The owner or operator of any facility containing one or more solid waste management units must submit all available information pertaining to any release of hazardous wastes or hazardous constituents from such unit or units.

c) The owner or operator must conduct and provide the results of sampling and analysis of groundwater, land surface and subsurface strata, surface water or air, which may include the installation of wells, where the Agency determines it is

necessary to complete a RCRA facility assessment that will determine if a more complete investigation is necessary.

BOARD NOTE: Derived from 40 CFR 270.14(d) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.188 Other Information

The Agency may require a permittee or applicant to submit information in order to establish permit conditions pursuant to Section 703.241(a)(2) (conditions necessary to adequately protect human health and the environment) and 35 Ill. Adm. Code 702.161 (duration of permits).

BOARD NOTE: Derived from 40 CFR 270.10(k) (2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.189 Additional Information Required to Assure Compliance with MACT Standards

If the Agency determines, based on one or more of the factors listed in subsection (a) that compliance with the standards of subpart EEE of 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111, alone may not adequately protect human health and the environment, the Agency must require the additional information or assessments necessary to determine whether additional controls are necessary to ensure adequate protection of human health and the environment. This includes information necessary to evaluate the potential risk to human health or the environment resulting from both direct and indirect exposure pathways. The Agency may also require a permittee or applicant to provide information necessary to determine whether such an assessment should be required.

a) The Agency must base the evaluation of whether compliance with the standards of subpart EEE of 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111, alone adequately protects human health and the environment on factors relevant to the potential risk from a hazardous waste combustion unit, including, as appropriate, any of the following factors:

1) Particular site-specific considerations such as proximity to receptors (such as schools, hospitals, nursing homes, day care centers, parks, community activity centers, or other potentially sensitive receptors), unique dispersion patterns, etc.;

2) The identities and quantities of emissions of persistent, bioaccumulative or toxic pollutants considering enforceable controls in place to limit those pollutants;

3) The identities and quantities of non-dioxin products of incomplete combustion most likely to be emitted and to pose significant risk based on

known toxicities (confirmation of which should be made through emissions testing);

4) The identities and quantities of other off-site sources of pollutants in proximity of the facility that significantly influence interpretation of a facility-specific risk assessment;

5) The presence of significant ecological considerations, such as the proximity of a particularly sensitive ecological area;

6) The volume and types of wastes, for example wastes containing highly toxic constituents;

7) Other on-site sources of hazardous air pollutants that significantly influence interpretation of the risk posed by the operation of the source in question;

8) Adequacy of any previously conducted risk assessment, given any subsequent changes in conditions likely to affect risk; and

9) Such other factors as may be appropriate.

b) This subsection (b) corresponds with 40 CFR 270.10(l)(b), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

BOARD NOTE: Derived from 40 CFR 270.10(l) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.191 Public Participation: Pre-Application Public Notice and Meeting

a) Applicability. This Section applies to any RCRA Part B application seeking an initial permit for a hazardous waste management unit. This Section also applies to any RCRA Part B application seeking renewal of a permit for such a unit, where the renewal application is proposing a significant change in facility operations. For the purposes of this Section, a "significant change" is any change that would qualify as a class 3 permit modification pursuant to Section 703.283 and Appendix A to this Part. This Section also applies to a hazardous waste management facility for which facility the owner or operator is seeking coverage under a RCRA standardized permit (see Subpart J of this Part), including renewal of a RCRA standardized permit for such a unit, where the renewal is proposing a significant change in facility operations, as defined at 35 Ill. Adm. Code 705.304(a)(3). This Section does not apply to any permit modification pursuant to Sections 703.280 through 703.283 or to any application that is submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

b) Prior to the submission of a RCRA Part B permit application or the submission of a written Notice of Intent to be covered by a RCRA standardized permit (see Subpart J of this Part), the applicant must hold at least one meeting with the public in order to solicit questions from the community and inform the community of its proposed hazardous waste management activities. The applicant must post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide their names and addresses.

c) The applicant must submit to the Agency, as part of its RCRA Part B permit application or the submission of a written Notice of Intent to be covered by a RCRA standardized permit (see Subpart J of this Part), a summary of the meeting, along with the list of attendees and their addresses developed pursuant to subsection (b) of this Section and copies of any written comments or materials submitted at the meeting, in accordance with Section 703.183.

d) The applicant must provide public notice of the pre-application meeting at least 30 days prior to the meeting. The applicant must maintain documentation of the notice and provide that documentation to the permitting agency upon request.

1) The applicant must provide public notice in each of the following forms:

A) A newspaper advertisement. The applicant must publish a notice in a newspaper of general circulation in the county that hosts the proposed location of the facility. The notice must fulfill the requirements set forth in subsection (d)(2) of this Section. In addition, the Agency must instruct the applicant to publish the notice in newspapers of general circulation in adjacent counties, where the Agency determines that such publication is necessary to inform the affected public. The notice must be published as a display advertisement.

B) A visible and accessible sign. The applicant must post a notice on a clearly marked sign at or near the facility. The notice must fulfill the requirements set forth in subsection (d)(2) of this Section. If the applicant places the sign on the facility property, then the sign must be large enough to be readable from the nearest point where the public would pass by the site.

C) A broadcast media announcement. The applicant must broadcast a notice at least once on at least one local radio station or television station. The notice must fulfill the requirements set forth in subsection (d)(2) of this Section. The applicant may employ another medium with prior approval of the Agency.

D) A notice to the Agency. The applicant must send a copy of the newspaper notice to the permitting agency and to the appropriate

units of State and local government, in accordance with 35 Ill. Adm. Code 705.163(a).

2) The notices required pursuant to subsection (d)(1) of this Section must include the following:

A) The date, time, and location of the meeting;

B) A brief description of the purpose of the meeting;

C) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location;

D) A statement encouraging people to contact the facility at least 72 hours before the meeting if they need special access to participate in the meeting; and

E) The name, address, and telephone number of a contact person for the applicant.

BOARD NOTE: Derived from 40 CFR 124.31 (2005), as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.192 Public Participation: Public Notice of Application

a) Applicability. This Section applies to any RCRA Part B application seeking an initial permit for a hazardous waste management unit. This Section also applies to any RCRA Part B application seeking renewal of a permit for such a unit pursuant to 35 Ill. Adm. Code 702.125. This Section does not apply to hazardous waste units for which facility owners or operators are seeking coverage under a RCRA standardized permit (see Subpart J of this Part). This Section also does not apply to permit modifications pursuant to Sections 703.280 through 703.283 or a permit application submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

b) Notification at application submittal.

1) The Agency must provide public notice, as set forth in 35 Ill. Adm. Code 705.161, and notice to appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), that a Part B permit application has been submitted to the Agency and is available for review.

2) The notice must be published within 30 calendar days after the application is received by the Agency. The notice must include the following information:

A) The name and telephone number of the applicant's contact person;

B) The name and telephone number of the appropriate Agency regional office, as directed by the Agency, and a mailing address to which information, opinions, and inquiries may be directed throughout the permit review process;

C) An address to which people can write in order to be put on the facility mailing list;

D) The location where copies of the permit application and any supporting documents can be viewed and copied;

E) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location on the front page of the notice; and

F) The date that the application was submitted.

c) Concurrent with the notice required pursuant to subsection (b) of this Section, the Agency must place the permit application and any supporting documents in a location accessible to the public in the vicinity of the facility or at the Agency regional office appropriate for the facility.

BOARD NOTE: Derived from 40 CFR 124.32 (2005), as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.193 Public Participation: Information Repository

a) Applicability. The requirements of this Section must apply to any application seeking a RCRA permit for a hazardous waste management unit.

b) The Agency must assess the need for an information repository on a case-by-case basis. When assessing the need for an information repository, the Agency must consider a variety of factors, including the following: the level of public interest; the type of facility; the presence of an existing repository; and the proximity to the nearest copy of the administrative record. If the Agency determines, at any time after submittal of a permit application, that there is a need for a repository, then the Agency must notify the facility that it must establish and maintain an information repository. (See Section 703.248 for similar provisions relating to the information repository during the life of a permit.)

c) The information repository must contain all documents, reports, data, and information deemed necessary by the Agency to fulfill the purposes for which the repository is established. The Agency will have the discretion to limit the contents of the repository.

d) The information repository must be located and maintained at a site chosen by the facility. If the Agency determines that the chosen site is unsuitable for the purposes and persons for which it was established, due to problems with the location, hours of availability, access, or other relevant considerations, then the Agency must specify a more appropriate site.

e) The Agency must specify requirements for the applicant for informing the public about the information repository. At a minimum, the Agency must require the facility to provide a written notice about the information repository to all individuals on the facility mailing list.

f) The facility owner or operator must be responsible for maintaining and updating the repository with appropriate information throughout a time period specified by the Agency. The Agency may close the repository if it determines that the repository is no longer needed based on its consideration of the factors in subsection (b) of this Section.

BOARD NOTE: Derived from 40 CFR 124.33 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.200 Specific Part B Application Information

Additional information is required in the Part B application by the following Sections from owners or operators of specific types of TSD unit:

a) Containers (Section 703.201);

b) Tanks (Section 703.202);

c) Surface impoundments (Section 703.203);

d) Waste piles (Section 703.204);

e) Incinerators (Section 703.205);

f) Land treatment (Section 703.206); and

g) Landfills (Section 703.207).

BOARD NOTE: Derived in part from 40 CFR 270.14(a) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.201 Containers

For a facility that stores containers of hazardous waste, except as otherwise provided in 35 Ill. Adm. Code 724.270, the Part B application must include the following:

a) A description of the containment system to demonstrate compliance with 35 Ill. Adm. Code 724.275. Show at least the following:

1) Basic design parameters, dimensions, and materials of construction;

2) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system;

3) Capacity of the containment system relative to the number and volume of containers to be stored;

4) Provisions for preventing or managing run-on; and

5) How accumulated liquids can be analyzed and removed to prevent overflow.

b) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with 35 Ill. Adm. Code 724.275(c), including the following:

1) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

2) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids.

c) Sketches, drawings, or data demonstrating compliance with 35 Ill. Adm. Code 724.276 (location of buffer zone and containers holding ignitable or reactive wastes) and 35 Ill. Adm. Code 724.277(c) (location of incompatible wastes), where applicable.

d) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with 35 Ill. Adm. Code 724.117(b) and (c) and 724.277(a) and (b).

e) Information on air emission control equipment, as required in Section 703.213.

BOARD NOTE: Derived from 40 CFR 270.15 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.202 Tank Systems

Except as otherwise provided in 35 Ill. Adm. Code 724.290, the owner or operator of a facility that uses tanks to store or treat hazardous waste must provide the following additional information:

a) A written assessment that is reviewed and certified by a qualified Professional Engineer as to the structural integrity and suitability for handling hazardous waste of each tank system, as required under 35 Ill. Adm. Code 724.291 and 724.292;

b) Dimensions and capacity of each tank;

c) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

d) A diagram of piping, instrumentation, and process flow for each tank system;

e) A description of materials and equipment used to provide external corrosion protection, as required under 35 Ill. Adm. Code 724.292(a)(3)(B);

f) For new tank systems, a detailed descriptions of how the tank systems will be installed in compliance with 35 Ill. Adm. Code 724.292(b), (c), (d), and (e);

g) Detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of 35 Ill. Adm. Code 724.293(a), (b), (c), (d), (e), and (f);

h) For tank systems for which alternative design and operating practices are sought pursuant to 35 Ill. Adm. Code 724.293(g), the following:

    1) Detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous waste or hazardous constituents into the groundwater or surface water during the life of the facility,

    2) A detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment, or

    3) A copy of the petition for alternative design and operating practices or, if such have already been granted, a copy of the Board order granting alternative design and operating practices;

i) Description of controls and practices to prevent spills and overflows, as required under 35 Ill. Adm. Code 724.294(b);

j) For tank systems in which ignitable, reactive or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of 35 Ill. Adm. Code 724.298 and 724.299; and

k) Information on air emission control equipment, as required in Section 703.213.

BOARD NOTE: Derived from 40 CFR 270.16 (2007).

(Source: Amended at 32 Ill. Reg. 11672, effective July 14, 2008)

Section 703.203 Surface Impoundments

For a facility that stores, treats, or disposes of hazardous waste in surface impoundments, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include the following:

a) A list of the hazardous wastes placed or to be placed in each surface impoundment.

b) Detailed plans and an engineering report describing how the surface impoundment is designed and is or will be constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.119, 724.321, 724.322, and 724.323, addressing the following items:

1) The liner system (except for an existing portion of a surface impoundment). If an exemption from the requirement for a liner is sought, as provided by 35 Ill. Adm. Code 724.321(b), submit a copy of the Board order granting an adjusted standard pursuant to 35 Ill. Adm. Code 724.321(b);

2) The double liner and leak (leachate) detection, collection, and removal system, if the surface impoundment must meet the requirements of 35 Ill. Adm. Code 724.321(c). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by 35 Ill. Adm. Code 724.321(d), (e), or (f), submit appropriate information;

3) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation and the location of the saturated zone in relation to the leak detection system;

4) The construction quality assurance (CQA) plan if required under 35 Ill. Adm. Code 724.119;

5) Proposed action leakage rate, with rationale, if required under 35 Ill. Adm. Code 724.322; response action plan, if required under 35 Ill. Adm. Code 724.323; and a proposed pump operating level, if required under 35 Ill. Adm. Code 724.326(d)(3);

6) Prevention of overtopping; and

7) Structural integrity of dikes.

c) A description of how each surface impoundment, including the double liner system, leak detection system, cover system, and appurtenances for control of overtopping will be inspected in order to meet the requirements of 35 Ill. Adm. Code 724.326(a), (b), and (d). This information must be included in the inspection plan submitted under Section 703.183(e).

d) A certification by a qualified engineer that attests to the structural integrity of each dike, as required under 35 Ill. Adm. Code 724.326(c). For new units, the owner or operator must submit a statement by a qualified engineer that the engineer will provide such a certification upon completion of construction in accordance with the plans and specifications.

e) A description of the procedure to be used for removing a surface impoundment from service, as required under 35 Ill. Adm. Code 724.327(b) and (c). This information must be included in the contingency plan submitted under Section 703.183(g).

f) A description of how hazardous waste residues and contaminated materials will be removed from the unit at closure, as required under 35 Ill. Adm. Code 724.328(a)(1). For any wastes not to be removed from the unit upon closure, the owner or operator must submit detailed plans and an engineering report describing how 35 Ill. Adm. Code 724.328(a)(2) and (b) will be complied with. This information must be included in the closure plan and, where applicable, the post-closure plan submitted under Section 703.183(m).

g) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how 35 Ill. Adm. Code 724.329 will be complied with.

h) If incompatible wastes, or incompatible wastes and materials, will be placed in a surface impoundment, an explanation of how 35 Ill. Adm. Code 724.330 will be complied with.

i) A waste management plan for hazardous waste numbers F020, F021, F022, F023, F026, and F027 describing how the surface impoundment is or will be designed, constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.331. This submission must address the following items, as specified in that Section:

    1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

    2) The attenuative properties of underlying and surrounding soils or other materials;

    3) The mobilizing properties of other materials co-disposed with these wastes; and

4) The effectiveness of additional treatment, design, or monitoring techniques.

j) Information on air emission control equipment, as required in Section 703.213.

BOARD NOTE: Derived from 40 CFR 270.17 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.204 Waste Piles

For a facility that stores or treats hazardous waste in waste piles, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include the following:

a) A list of hazardous wastes placed or to be placed in each waste pile;

b) If an exemption is sought to 35 Ill. Adm. Code 724.351 and Subpart F of 35 Ill. Adm. Code 724, as provided by 35 Ill. Adm. Code 724.350(c) or 724.190(b)(2), an explanation of how the requirements of 35 Ill. Adm. Code 724.350(c) will be complied with or detailed plans and an engineering report describing how the requirements of 35 Ill. Adm. Code 724.190(b)(2) will be met;

c) Detailed plans and an engineering report describing how the pile is designed and is or will be constructed, operated and maintained to meet the requirements of 35 Ill. Adm. Code 724.119, 724.351, 724.352, and 724.353, addressing the following items:

1) Liner, leak detection, and removal system.

A) The liner system (except for an existing portion of a waste pile), if the waste pile must meet the requirements of 35 Ill. Adm. Code 724.351(a). If an exemption from the requirement for a liner is sought, as provided by 35 Ill. Adm. Code 724.351(b), the owner or operator must submit a copy of the Board order granting an adjusted standard pursuant to 35 Ill. Adm. Code 724.351(b);

B) The double liner and leak (leachate) detection, collection and removal system, if the waste pile must meet the requirements of 35 Ill. Adm. Code 724.351(c). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by 35 Ill. Adm. Code 724.351(d), (e), or (f), submit appropriate information;

C) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;

D) The CQA plan, if required under 35 Ill. Adm. Code 724.119;

E) Proposed action leakage rate, with rationale, if required under 35 Ill. Adm. Code 724.352, and response action plan, if required under 35 Ill. Adm. Code 724.353;

2) Control of run-on;

3) Control of run-off;

4) Management of collection and holding units associated with run-on and run-off control systems; and

5) Control of wind dispersal of particulate matter, where applicable;

d) A description of how each waste pile, including the double liner system, leachate collection and removal system, leak detection system, cover system, and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of 35 Ill. Adm. Code 724.354(a), (b), and (c). This information must be included in the inspection plan submitted under Section 703.183(e);

e) If the treatment is carried out on or in the pile, details about the process and equipment used, and the nature and quality of the residuals;

f) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the the applicant will comply with requirements of 35 Ill. Adm. Code 724.356;

g) If incompatible wastes, or incompatible wastes and materials, will be placed in a waste pile, an explanation of how the applicant will comply with 35 Ill. Adm. Code 724.357;

h) A description of how hazardous waste residues and contaminated materials will be removed from the waste pile at closure, as required under 35 Ill. Adm. Code 724.358(a). For any waste not to be removed from the waste pile upon closure, the owner or operator must submit detailed plans and an engineering report describing how the applicant will comply with 35 Ill. Adm. Code 724.410(a) and (b). This information must be included in the closure plan and, where applicable, the post-closure plan submitted under Section 703.183(m); and

i) A waste management plan for hazardous waste numbers F020, F021, F022, F023, F026, and F027 describing how the surface impoundment is or will be designed, constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.359. This submission must address the following items as specified in that Section:

1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

2) The attenuative properties of underlying and surrounding soils or other materials;

3) The mobilizing properties of other materials co-disposed with these wastes; and

4) The effectiveness of additional treatment, design, or monitoring techniques.

BOARD NOTE: Derived from 40 CFR 270.18 (2005).

(Source: Amended at 30 Ill. Reg. 2845, effective February 23, 2006)

Section 703.205 Incinerators that Burn Hazardous Waste

For a facility that incinerates hazardous waste, except as 35 Ill. Adm. Code 724.440 and subsection (e) provide otherwise, the applicant must fulfill the requirements of subsection (a), (b), or (c) in completing the Part B application.

a) When seeking exemption pursuant to 35 Ill. Adm. Code 724.440(b) or (c) (ignitable, corrosive, or reactive wastes only), the applicant must fulfill the following requirements:

1) Documentation that the waste is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721 solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both;

2) Documentation that the waste is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721 solely because it is reactive (Hazard Code R) for characteristics other than those listed in 35 Ill. Adm. Code 721.123(a)(4) and (a)(5) and will not be burned when other hazardous wastes are present in the combustion zone;

3) Documentation that the waste is a hazardous waste solely because it possesses the characteristic of ignitability or corrosivity, or both, as determined by the tests for characteristics of hazardous wastes pursuant to Subpart C of 35 Ill. Adm. Code 721; or

4) Documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in 35 Ill. Adm. Code 721.123(a)(1) through (a)(3) or (a)(6) through (a)(8), and that it will not be burned when other hazardous wastes are present in the combustion zone.

b) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.222 through 703.224.

c) In lieu of a trial burn, the applicant may submit the following information:

1) An analysis of each waste or mixture of wastes to be burned including the following:

A) Heat value of the waste in the form and composition in which it will be burned;

B) Viscosity (if applicable) or description of physical form of the waste;

C) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721 that are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Appendix H to 35 Ill. Adm. Code 721 that would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on appropriate analytical methods;

D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the appropriate analytical methods; and

E) A quantification of those hazardous constituents in the waste that may be designated as POHCs based on data submitted from other trial or operational burns that demonstrate compliance with the performance standard in 35 Ill. Adm. Code 724.443;

BOARD NOTE: The federal regulations do not themselves define the phrase "appropriate analytical methods", but USEPA did include a definition in its preamble discussion accompanying the rule. The Board directs attention to the following segment (at 70 Fed. Reg. 34538, 34541 (June 14, 2005)) for the purposes of subsections (b)(1)(C) and (b)(1)(D):

> [T]wo primary considerations in selecting an appropriate method, which together serve as our general definition of an appropriate method [are the following] . . .:
>
> 1. Appropriate methods are reliable and accepted as such in the scientific community.
>
> 2. Appropriate methods generate effective data.

USEPA went on to further elaborate these two concepts and to specify other documents that might provide guidance.

2) A detailed engineering description of the incinerator, including the following:

   A) Manufacturer's name and model number of incinerator;

   B) Type of incinerator;

   C) Linear dimension of incinerator unit including cross sectional area of combustion chamber;

   D) Description of auxiliary fuel system (type/feed);

   E) Capacity of prime mover;

   F) Description of automatic waste feed cutoff systems;

   G) Stack gas monitoring and pollution control monitoring system;

   H) Nozzle and burner design;

   I) Construction materials; and

   J) Location and description of temperature, pressure and flow indicating devices and control devices;

3) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in subsection (c)(1). This analysis should specify the POHCs that the applicant has identified in the waste for which a permit is sought, and any differences from the POHCs in the waste for which burn data are provided;

4) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;

5) A description of the results submitted from any previously conducted trial burns, including the following:

   A) Sampling and analysis techniques used to calculate performance standards in 35 Ill. Adm. Code 724.443;

   B) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement); and

C) The certification and results required by subsection (b);

6) The expected incinerator operation information to demonstrate compliance with 35 Ill. Adm. Code 724.443 and 724.445, including the following:

A) Expected carbon monoxide (CO) level in the stack exhaust gas;

B) Waste feed rate;

C) Combustion zone temperature;

D) Indication of combustion gas velocity;

E) Expected stack gas volume, flow rate, and temperature;

F) Computed residence time for waste in the combustion zone;

G) Expected hydrochloric acid removal efficiency;

H) Expected fugitive emissions and their control procedures; and

I) Proposed waste feed cut-off limits based on the identified significant operating parameters;

7) The Agency may, pursuant to 35 Ill. Adm. Code 705.122, request such additional information as may be necessary for the Agency to determine whether the incinerator meets the requirements of Subpart O of 35 Ill. Adm. Code 724 and what conditions are required by that Subpart and Section 39(d) of the Environmental Protection Act; and

8) Waste analysis data, including that submitted in subsection (c)(1), sufficient to allow the Agency to specify as permit Principal Organic Hazardous Constituents (permit POHCs) those constituents for which destruction and removal efficiencies will be required.

d) The Agency must approve a permit application without a trial burn if it finds the following:

1) The wastes are sufficiently similar; and

2) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (pursuant to 35 Ill. Adm. Code 724.445) operating conditions that will ensure that the performance standards in 35 Ill. Adm. Code 724.443 will be met by the incinerator.

e) When the owner or operator of a hazardous waste incineration unit becomes subject to RCRA permit requirements, or when the owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for

Hazardous Air Pollutants (NESHAPs) in subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance pursuant to 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of subpart EEE of 40 CFR 63), this Section does not apply, except those provisions that the Agency determines are necessary to ensure compliance with 35 Ill. Adm. Code 724.445(a) and (c) if the owner or operator elects to comply with Section 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Agency may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188, 703.189, and 703.241(a)(2) and (a)(3).

BOARD NOTE: Operating conditions used to determine effective treatment of hazardous waste remain effective after the owner or operator demonstrates compliance with the standards of subpart EEE of 40 CFR 63.

BOARD NOTE: Derived from 40 CFR 270.19 (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.206 Land Treatment

For a facility that uses land treatment to dispose of hazardous waste, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include the following:

a) A description of plans to conduct treatment demonstration, as required under 35 Ill. Adm. Code 724.372. The description must include the following information:

1) The wastes for which the demonstration will be made and the potential hazardous constituents in the wastes;

2) The data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);

3) Any specific laboratory or field test that will be conducted, including the following:

A) the type of test (e.g., column leaching, degradation);

B) materials and methods, including analytical procedures;

C) expected time for completion;

D) characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices;

b) A description of a land treatment program, as required under 35 Ill. Adm. Code 724.371. This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:

1) The wastes to be land treated;

2) Design measures and operating practices necessary to maximize treatment in accordance with 35 Ill. Adm. Code 724.373(a) including the following:

A) Waste application method and rate;

B) Measures to control soil pH;

C) Enhancement of microbial or chemical reactions; and

D) Control of moisture content;

3) Provisions for unsaturated zone monitoring, including the following:

A) Sampling equipment, procedures, and frequency;

B) Procedures for selecting sampling locations;

C) Analytical procedures;

D) Chain of custody control;

E) Procedures for establishing background values;

F) Statistical methods for interpreting results; and

G) The justification for any hazardous constituents recommended for selection as principal hazardous constituents, in accordance with the criteria for such selection in 35 Ill. Adm. Code 724.378(a);

4) A list of hazardous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to 35 Ill. Adm. Code 724.113;

5) The proposed dimensions of the treatment zone;

c) A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of 35 Ill. Adm. Code 724.373. This submission must address the following items:

1) Control of run-on;

2) Collection and control of run-off;

3) Minimization of run-off of hazardous constituents from the treatment zone;

4) Management of collection and holding facilities associated with run-on and run-off control systems;

5) Periodic inspection of the unit. This information should be included in the inspection plan submitted under Section 703.183(e); and

6) Control of wind dispersal of particulate matter, if applicable;

d) If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required under 35 Ill. Adm. Code 724.376(a) will be conducted, including the following:

1) Characteristics of the food-chain crop for which the demonstration will be made;

2) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;

3) Procedures for crop growth, sample collection, sample analysis, and data evaluation; and

4) Characteristics of the comparison crop including the location and conditions under which it was or will be grown;

e) If food-chain crops are to be grown and cadmium is present in the land-treated waste, a description of how the requirements of 35 Ill. Adm. Code 724.376(b) will be complied with;

f) A description of the vegetative cover to be applied to closed portions of the facility and a plan for maintaining such cover during the post-closure care period, as required under 35 Ill. Adm. Code 724.380(a)(8) and (c)(2). This information should be included in the closure plan and, where applicable, the post-closure care plan submitted under Section 703.183(m);

g) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of 35 Ill. Adm. Code 724.381 will be complied with;

h) If incompatible wastes or incompatible wastes and materials will be placed in or on the same treatment zone, an explanation of how 35 Ill. Adm. Code 724.382 will be complied with; and

i) A waste management plan for hazardous waste numbers F020, F021, F022, F023, F026, and F027 describing how a land treatment facility is or will be designed, constructed, operated, and maintained to meet the requirements of 35 Ill. Adm.

Code 724.383. This submission must address the following items as specified in that Section:

1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

2) The attenuative properties of underlying and surrounding soils or other materials;

3) The mobilizing properties of other materials co-disposed with these wastes; and

4) The effectiveness of additional treatment, design, or monitoring techniques.

BOARD NOTE: Derived from 40 CFR 270.20 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.207 Landfills

For a facility that disposes of hazardous waste in landfills, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include the following:

a) A list of the hazardous wastes placed or to be placed in each landfill or landfill cell;

b) Detailed plans and an engineering report describing how the landfill is designed and is or will be constructed, operated and maintained to meet the requirements of 35 Ill. Adm. Code 724.119, 724.401, 724.402, and 724.403, addressing the following items:

1) Liner, leak detection, collection, and removal systems.

A) The liner system (except for an existing portion of a landfill), if the landfill must meet the requirements of 35 Ill. Adm. Code 724.401(a). If an exemption from the requirement for a liner is sought as provided by 35 Ill. Adm. Code 724.401(b), submit a copy of the Board order granting an adjusted standard pursuant to 35 Ill. Adm. Code 724.401(b);

B) The double liner and leak (leachate) detection, collection, and removal system, if the landfill must meet the requirements of 35 Ill. Adm. Code 724.401(c). If an exemption from the requirements for double liners and a leak detection, collection and removal system or alternative design is sought as provided by 35 Ill. Adm. Code 724.401(d), (e), or (f), submit appropriate information;

C) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;

D) The CQA plan, if required under 35 Ill. Adm. Code 724.119;

E) Proposed action leakage rate, with rationale, if required under 35 Ill. Adm. Code 724.402, and response action plan, if required under 35 Ill. Adm. Code 724.404, and proposed pump operating level, if required under 35 Ill. Adm. Code 724.403;

2) Control of run-on;

3) Control of run-off;

4) Management of collection and holding facilities associated with run-on and run-off control systems; and

5) Control of wind dispersal of particulate matter, where applicable;

c) A description of how each landfill, including the double liner system, leachate collection and removal system, leak detection system, cover system, and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of 35 Ill. Adm. Code 724.403(a), (b), and (c). This information must be included in the inspection plan submitted under Section 703.183(e);

d) A description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of the 35 Ill. Adm. Code 724.403(a) and (b). This information must be included in the inspection plan submitted under Section 703.183(e);

e) Detailed plans and an engineering report describing the final cover that will be applied to each landfill or landfill cell at closure in accordance with 35 Ill. Adm. Code 724.410(a), and a description of how each landfill will be maintained and monitored after closure in accordance with 35 Ill. Adm. Code 724.410(b). This information must be included in the closure and post-closure plans submitted under Section 703.183(m);

f) If ignitable or reactive wastes will be landfilled, an explanation of how the requirements of 35 Ill. Adm. Code 724.412 will be complied with;

g) If incompatible wastes, or incompatible wastes and materials, will be landfilled, an explanation of how 35 Ill. Adm. Code 724.413 will be complied with;

h) If bulk or non-containerized liquid waste or waste containing free liquids is to be landfilled, an explanation of how the requirements of 35 Ill. Adm. Code 724.414 will be complied with;

i) If containers of hazardous waste are to be landfilled, an explanation of how the requirements of 35 Ill. Adm. Code 724.415 or 724.416, as applicable, will be complied with; and

j) A waste management plan for hazardous waste numbers F020, F021, F022, F023, F026, and F027 describing how a landfill is or will be designed, constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.417. This submission must address the following items, as specified in that Section:

1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

2) The attenuative properties of underlying and surrounding soils or other materials;

3) The mobilizing properties of other materials co-disposed with these wastes; and

4) The effectiveness of additional treatment, design, or monitoring techniques.

BOARD NOTE: Derived from 40 CFR 270.21 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.208 Boilers and Industrial Furnaces Burning Hazardous Waste

When the owner or operator of a cement or lightweight aggregate kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace becomes subject to RCRA permit requirements, or when the owner or operator of an existing cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance pursuant to 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of subpart EEE of 40 CFR 63), this Section does not apply. This Section applies, however, if the Agency determines certain provisions are necessary to ensure compliance with 35 Ill. Adm. Code 726.202(e)(1) and (e)(2)(C) if the owner or operator elects to comply with Section 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events; or if the facility is an area source and the owner or operator elects to comply with the Sections 726.205, 726.206, and 726.207 standards and associated requirements for particulate matter, hydrogen chloride and chlorine gas, and non-mercury metals; or if the Agency determines that certain provisions apply, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188, 703.189, and 703.241(a)(2) and (a)(3).

a) Trial Burns

1) General. Except as provided below, an owner or operator that is subject to the standards to control organic emissions provided by 35 Ill. Adm. Code 726.204, standards to control particulate matter provided by 35 Ill. Adm. Code 726.205, standards to control metals emissions provided by 35 Ill. Adm. Code 726.206, or standards to control hydrogen chloride (HCl) or chlorine gas emissions provided by 35 Ill. Adm. Code 726.207 must conduct a trial burn to demonstrate conformance with those standards and must submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.232.

A) Pursuant to subsections (a)(2) through (a)(5) and 35 Ill. Adm. Code 726.204 through 726.207, the Agency may waive a trial burn to demonstrate conformance with a particular emission standard; and

B) The owner or operator may submit data in lieu of a trial burn, as prescribed in subsection (a)(6).

2) Waiver of Trial Burn of DRE (Destruction Removal Efficiency)

A) Boilers Operated under Special Operating Requirements. When seeking to be permitted pursuant to 35 Ill. Adm. Code 726.204(a)(4) and 726.210, which automatically waive the DRE trial burn, the owner or operator of a boiler must submit documentation that the boiler operates under the special operating requirements provided by 35 Ill. Adm. Code 726.210.

B) Boilers and Industrial Furnaces Burning Low Risk Waste. When seeking to be permitted under the provisions for low risk waste provided by 35 Ill. Adm. Code 726.204(a)(5) and 726.209(a), which waive the DRE trial burn, the owner or operator must submit the following:

i) Documentation that the device is operated in conformance with 35 Ill. Adm. Code 726.209(a)(1).

ii) Results of analyses of each waste to be burned, documenting the concentrations of nonmetal compounds listed in Appendix H to 35 Ill. Adm. Code 721, except for those constituents that would reasonably not be expected to be in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained. The analysis must rely on appropriate analytical methods.

BOARD NOTE: The federal regulations do not themselves define the phrase “appropriate analytical methods”, but

USEPA did include a definition in its preamble discussion accompanying the rule. The Board directs attention to the following segment (at 70 Fed. Reg. 34538, 34541 (June 14, 2005)) for the purposes of subsections (b)(1)(C) and (b)(1)(D):

> [T]wo primary considerations in selecting an appropriate method, which together serve as our general definition of an appropriate method [are the following] . . . :
>
> > 1. Appropriate methods are reliable and accepted as such in the scientific community.
> >
> > 2. Appropriate methods generate effective data.

USEPA went on to further elaborate these two concepts and to specify other documents that might provide guidance.

iii) Documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of each constituent identified in subsection (a)(2)(B)(ii) using procedures provided by 35 Ill. Adm. Code 726.209(a)(2)(B).

iv) Results of emissions dispersion modeling for emissions identified in subsection (a)(2)(B)(iii) using modeling procedures prescribed by 35 Ill. Adm. Code 726.206(h). The Agency must review the emission modeling conducted by the applicant to determine conformance with these procedures. The Agency must either approve the modeling or determine that alternate or supplementary modeling is appropriate.

v) Documentation that the maximum annual average ground level concentration of each constituent identified in subsection (a)(2)(B)(ii) quantified in conformance with subsection (a)(2)(B)(iv) does not exceed the allowable ambient level established in Appendix D or E to 35 Ill. Adm. Code 726. The acceptable ambient concentration for emitted constituents for which a specific reference air concentration has not been established in Appendix D to 35 Ill. Adm. Code 726 or risk-specific doses has not been established in Appendix E to 35 Ill. Adm. Code 726 is 0.1

micrograms per cubic meter, as noted in the footnote to Appendix D to 35 Ill. Adm. Code 726.

3) Waiver of Trial Burn for Metals. When seeking to be permitted under the Tier I (or adjusted Tier I) metals feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) and (e) that control metals emissions without requiring a trial burn, the owner or operator must submit the following:

A) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;

B) Documentation of the concentration of each metal controlled by 35 Ill. Adm. Code 726.206(b) or (c) in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of each metal;

C) Documentation of how the applicant will ensure that the Tier I feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) or (e) will not be exceeded during the averaging period provided by that subsection;

D) Documentation to support the determination of the TESH (terrain-adjusted effective stack height), good engineering practice stack height, terrain type, and land use, as provided by 35 Ill. Adm. Code 726.206(b)(3) through (b)(5);

E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.206(b)(6), if applicable, for facilities with multiple stacks;

F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.206(b)(7) for eligibility to comply with the screening limits; and

G) Proposed sampling and metals analysis plan for the hazardous waste, other fuels, and industrial furnace feed stocks.

4) Waiver of Trial Burn for PM (Particulate Matter). When seeking to be permitted under the low risk waste provisions of 35 Ill. Adm. Code 726.209(b), which waives the particulate standard (and trial burn to demonstrate conformance with the particulate standard), applicants must submit documentation supporting conformance with subsections (a)(2)(B) and (a)(3).

5) Waiver of Trial Burn for HCl and Chlorine Gas. When seeking to be permitted under the Tier I (or adjusted Tier I) feed rate screening limits for total chlorine and chloride provided by 35 Ill. Adm. Code 726.207(b)(1)

and (e) that control emissions of HCl and chlorine gas without requiring a trial burn, the owner or operator must submit the following:

A) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;

B) Documentation of the levels of total chlorine and chloride in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of total chlorine and chloride;

C) Documentation of how the applicant will ensure that the Tier I (or adjusted Tier I) feed rate screening limits provided by 35 Ill. Adm. Code 726.207(b)(1) or (e) will not be exceeded during the averaging period provided by that subsection;

D) Documentation to support the determination of the TESH, good engineering practice stack height, terrain type and land use as provided by 35 Ill. Adm. Code 726.207(b)(3);

E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.207(b)(4), if applicable, for facilities with multiple stacks;

F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.207(b)(3) for eligibility to comply with the screening limits; and

G) Proposed sampling and analysis plan for total chlorine and chloride for the hazardous waste, other fuels, and industrial furnace feedstocks.

6) Data in Lieu of Trial Burn. The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with Section 703.232 and 35 Ill. Adm. Code 726.204 through 726.207 by providing the information required by Section 703.232 from previous compliance testing of the device in conformance with 35 Ill. Adm. Code 726.203 or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn waiver, the design and operating information required by Section 703.232 must be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information must be provided. The Agency must approve a permit application without a trial burn if the Agency finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other compliance tests, trial burns, or operational burns are adequate to specify (pursuant to 35 Ill. Adm. Code 726.102) operating conditions that will

ensure conformance with 35 Ill. Adm. Code 726.102(c). In addition, the following information must be submitted:

A) For a waiver from any trial burn, the following:

i) A description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing or operational or trial burns are provided to support the contention that a trial burn is not needed;

ii) The design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available; and

iii) Such supplemental information as the Agency finds necessary to achieve the purposes of this subsection (a).

B) For a waiver of the DRE trial burn, the basis for selection of POHCs (principal organic hazardous constituents) used in the other trial or operational burns that demonstrate compliance with the DRE performance standard in 35 Ill. Adm. Code 726.204(a). This analysis should specify the constituents in Appendix H to 35 Ill. Adm. Code 721 that the applicant has identified in the hazardous waste for which a permit is sought and any differences from the POHCs in the hazardous waste for which burn data are provided.

b) Alternative HC Limit for Industrial Furnaces with Organic Matter in Raw Materials. An owner or operator of industrial furnaces requesting an alternative HC limit pursuant to 35 Ill. Adm. Code 726.204(f) must submit the following information at a minimum:

1) Documentation that the furnace is designed and operated to minimize HC emissions from fuels and raw materials;

2) Documentation of the proposed baseline flue gas HC (and CO) concentration, including data on HC (and CO) levels during tests when the facility produced normal products under normal operating conditions from normal raw materials while burning normal fuels and when not burning hazardous waste;

3) Test burn protocol to confirm the baseline HC (and CO) level including information on the type and flow rate of all feedstreams, point of introduction of all feedstreams, total organic carbon content (or other appropriate measure of organic content) of all nonfuel feedstreams, and operating conditions that affect combustion of fuels and destruction of hydrocarbon emissions from nonfuel sources;

4) Trial burn plan to do the following:

A) To demonstrate when burning hazardous waste that flue gas HC (and CO) concentrations do not exceed the baseline HC (and CO) level; and

B) To identify, in conformance with Section 703.232(d), the types and concentrations of organic compounds listed in Appendix H to 35 Ill. Adm. Code 721 that are emitted when burning hazardous waste;

5) Implementation plan to monitor over time changes in the operation of the facility that could reduce the baseline HC level and procedures to periodically confirm the baseline HC level; and

6) Such other information as the Agency finds necessary to achieve the purposes of this subsection (b).

c) Alternative Metals Implementation Approach. When seeking to be permitted under an alternative metals implementation approach pursuant to 35 Ill. Adm. Code 726.206(f), the owner or operator must submit documentation specifying how the approach ensures compliance with the metals emissions standards of 35 Ill. Adm. Code 726.106(c) or (d) and how the approach can be effectively implemented and monitored. Further, the owner or operator must provide such other information that the Agency finds necessary to achieve the purposes of this subsection (c).

d) Automatic Waste Feed Cutoff System. An owner or operator must submit information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.

e) Direct Transfer. An owner or operator that uses direct transfer operations to feed hazardous waste from transport vehicles (containers, as defined in 35 Ill. Adm. Code 726.211) directly to the boiler or industrial furnace must submit information supporting conformance with the standards for direct transfer provided by 35 Ill. Adm. Code 726.211.

f) Residues. An owner or operator that claims that its residues are excluded from regulation pursuant to 35 Ill. Adm. Code 726.212 must submit information adequate to demonstrate conformance with those provisions.

BOARD NOTE: Derived from 40 CFR 270.22 (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.209 Miscellaneous Units

Except as otherwise provided in 35 Ill. Adm. Code 724.700, the owner or operator of a facility that treats, stores, or disposes of hazardous waste in miscellaneous units must provide the following additional information in the Part B application:

a) A detailed description of the unit being used or proposed for use, including the following:

1) Physical characteristics, materials of construction, and dimensions of the unit;

2) Detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, maintained, monitored, inspected, and closed to comply with the requirements of 35 Ill. Adm. Code 724.701 and 724.702; and

3) For disposal units, a detailed description of the plans to comply with the post-closure requirements of 35 Ill. Adm. Code 724.703;

b) Detailed hydrologic, geologic, and meteorologic assessments and land-use maps for the region surrounding the site that address and ensure compliance of the unit with each factor in the environmental performance standards of 35 Ill. Adm. Code 724.701. Preliminary hydrologic, geologic, and meteorologic assessments will suffice, unless the Agency notifies the applicant that, based on the preliminary assessments, the unit will not conform with the environmental performance standards of 35 Ill. Adm. Code 724.701. The Agency must follow the procedures for incomplete applications in 35 Ill. Adm. Code 705.122;

c) Information on the potential pathways of exposure of humans or environmental receptors to hazardous waste or hazardous constituents and on the potential magnitude and nature of such exposures;

d) For any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data; and

e) Any additional information that the Agency determines is necessary for evaluation of compliance of the unit with the environmental performance standards of 35 Ill. Adm. Code 724.701.

BOARD NOTE: Derived from 40 CFR 270.23 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.210 Process Vents

Except as otherwise provided in 35 Ill. Adm. Code 724.101, the owner or operator of a facility that has process vents to which Subpart AA of 35 Ill. Adm. Code 724 applies must provide the following additional information:

a) For facilities that cannot install a closed-vent system and control device to comply with Subpart AA of 35 Ill. Adm. Code 724 on the effective date on which the facility becomes subject to that Subpart or Subpart AA of 35 Ill. Adm. Code 725, an implementation schedule, as specified in 35 Ill. Adm. Code 724.933(a)(2).

b) Documentation of compliance with the process vent standards in 35 Ill. Adm. Code 724.932, including the following:

1) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for the affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan);

2) Information and data supporting estimates of vent emissions and emission reduction achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, estimates of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or concentrations) that represent the conditions that exist when the waste management unit is operating at the highest load or capacity level reasonably expected to occur; and

3) Information and data used to determine whether or not a process vent is subject to 35 Ill. Adm. Code 724.932.

c) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with 35 Ill. Adm. Code 724.932, and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 35 Ill. Adm. Code 724.935(b)(3).

d) Documentation of compliance with 35 Ill. Adm. Code 724.933, including the following:

1) A list of all information references and sources used in preparing the documentation.

2) Records, including the dates of each compliance test required by 35 Ill. Adm. Code 724.933(k).

3) A design analysis, specifications, drawings, schematics, piping, and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions", USEPA publication number EPA-450/2-81-005, incorporated by reference in 35 Ill. Adm. Code 720.111(a), or other engineering texts approved by the Agency that present basic control device information. The design analysis must address the vent stream characteristics and control device parameters as specified in 35 Ill. Adm. Code 724.935(b)(4)(C).

4) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.

5) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater, unless the total organic emission limits of 35 Ill. Adm. Code 724.932(a) for affected process vents at the facility can be attained by a control device involving vapor recovery at an efficiency less than 95 weight percent.

BOARD NOTE: Derived from 40 CFR 270.24 (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.211 Equipment

Except as otherwise provided in 35 Ill. Adm. Code 724.101, the owner or operator of a facility that has equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies must provide the following additional information:

a) For each piece of equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies, the following:

1) Equipment identification number and hazardous waste management unit identification;

2) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);

3) Type of equipment (e.g., a pump or pipeline valve);

4) Percent by weight total organics in the hazardous wastestream at the equipment;

5) Hazardous waste state at the equipment (e.g., gas/vapor or liquid); and

6) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").

b) For facilities that cannot install a closed-vent system and control device to comply with Subpart BB of 35 Ill. Adm. Code 724 on the effective date that facility becomes subject to this Subpart or Subpart BB of 35 Ill. Adm. Code 724, an implementation schedule as specified in 35 Ill. Adm. Code 724.933(a)(2).

c) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 35 Ill. Adm. Code 724.935(b)(3).

d) Documentation that demonstrates compliance with the equipment standards in 35 Ill. Adm. Code 724.952 or 724.959. This documentation must contain the records required pursuant to 35 Ill. Adm. Code 724.964. The Agency must request further documentation if necessary to demonstrate compliance. Documentation to demonstrate compliance with 35 Ill. Adm. Code 724.960 must include the following information:

1) A list of all information references and sources used in preparing the documentation;

2) Records, including the dates of each compliance test required by 35 Ill. Adm. Code 724.933(j);

3) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions", USEPA publication number EPA-450/2-81-005, incorporated by reference in 35 Ill. Adm. Code 720.111(a), or other engineering texts approved by the Agency that present basic control device information. The design analysis must address the vent stream characteristics and control device parameters, as specified in 35 Ill. Adm. Code 724.935(b)(4)(C);

4) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur; and

5) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater.

BOARD NOTE: Derived from 40 CFR 270.25 (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.212 Drip Pads

Except as otherwise provided by 35 Ill. Adm. Code 724.101, the owner or operator of a hazardous waste treatment, storage, or disposal facility that collects, stores, or treats hazardous waste on drip pads must provide the following additional information:

a) A list of hazardous wastes placed or to be placed on each drip pad.

b) If an exemption is sought to Subpart F of 35 Ill. Adm. Code 724, as provided by 35 Ill. Adm. Code 724.190, detailed plans and an engineering report describing how the requirements of 35 Ill. Adm. Code 724.190(b)(2) will be met.

c) Detailed plans and an engineering report describing how the drip pad is or will be designed, constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.673, including the as-built drawings and specifications. This submission must address the following items, as specified in 35 Ill. Adm. Code 724.671:

1) The design characteristics of the drip pad;

2) The liner system;

3) The leakage detection system, including the leak detection system and how it is designed to detect the failure of the drip pad or the presence of any releases of hazardous waste or accumulated liquid at the earliest practicable time;

4) Practices designed to maintain drip pads;

5) The associated collection system;

6) Control of run-on to the drip pad;

7) Control of run-off from the drip pad;

8) The interval at which drippage and other materials will be removed from the associated collection system and a statement demonstrating that the interval will be sufficient to prevent overflow onto the drip pad;

9) Cleaning procedures and documentation:

A) Procedures for cleaning the drip pad at least once every seven days to ensure the removal of any accumulated residues of waste or other materials, including, but not limited to: rinsing, washing with detergents or other appropriate solvents, or steam cleaning; and

B) Provisions for documenting the date, time, and cleaning procedure used each time the pad is cleaned;

10) Operating practices and procedures that will be followed to ensure that tracking of hazardous waste or waste constituents off the drip pad due to activities by personnel or equipment is minimized;

11) Procedures for ensuring that, after removal from the treatment vessel, treated wood from pressure and non-pressure processes is held on the drip pad until drippage has ceased, including recordkeeping practices;

12) Provisions for ensuring that collection and holding units associated with the run-on and run-off control systems are emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system;

13) If treatment is carried out on the drip pad, details of the process equipment used, and the nature and quality of the residuals;

14) A description of how each drip pad, including appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of 35 Ill. Adm. Code 724.673. This information must be included in the inspection plan submitted under Section 703.183(e);

15) A certification signed by a qualified Professional Engineer, stating that the drip pad design meets the requirements of 35 Ill. Adm. Code 724.673(a) through (f); and

16) A description of how hazardous waste residues and contaminated materials will be removed from the drip pad at closure, as required under 35 Ill. Adm. Code 724.675(a). For any waste not to be removed from the drip pad upon closure, the owner or operator must submit detailed plans and an engineering report describing how 35 Ill. Adm. Code 724.410(a) and (b) will be complied with. This information must be included in the closure plan and, where applicable, the post-closure plan submitted under Section 703.183(m).

BOARD NOTE: Derived from 40 CFR 270.26 (2007).

(Source: Amended at 32 Ill. Reg. 11672, effective July 14, 2008)

Section 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers

Except as otherwise provided in 35 Ill. Adm. Code 724.101, the owner or operator of a tank, a surface impoundment, or a container that uses air emission controls in accordance with the requirements of Subpart CC of 35 Ill. Adm. Code 724 must provide the following additional information:

a) Documentation for each floating roof cover installed on a tank subject to 35 Ill. Adm. Code 724.984(d)(1) or (d)(2) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the applicable design specifications, as listed in 35 Ill. Adm. Code 725.991(e)(1) or (f)(1).

b) Identification of each container area subject to the requirements of Subpart CC of 35 Ill. Adm. Code 724 and certification by the owner or operator that the requirements of this Subpart D are met.

c) Documentation for each enclosure used to control air pollutant emissions from containers in accordance with the requirements of 35 Ill. Adm. Code 724.984(d)(5) or 724.986(e)(1)(ii) that includes records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure, as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

d) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of 35 Ill. Adm. Code 724.985(c) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in 35 Ill. Adm. Code 724.985(c)(1).

e) Documentation for each closed-vent system and control device installed in accordance with the requirements of 35 Ill. Adm. Code 724.987 that includes design and performance information, as specified in Section 703.124(c) and (d).

f) An emission monitoring plan for both Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and control device monitoring methods. This plan must include the following information: monitoring points, monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliances.

g) When an owner or operator of a facility subject to Subpart CC of 35 Ill. Adm. Code 725 cannot comply with Subpart CC of 35 Ill. Adm. Code 724 by the date of permit issuance, the schedule of implementation required under 35 Ill. Adm. Code 725.982.

BOARD NOTE: Derived from 40 CFR 270.27 (2015).

(Source: Amended at 40 Ill. Reg. 11271, effective August 9, 2016)

Section 703.214 Post-Closure Care Permits

For post-closure care permits, the owner or operator is required to submit only the information specified in Sections 703.183(a), (d), (e), (f), (k), (m), (n), (p), (r), and (s); 703.184; 703.185; and 703.187, unless the Agency determines that additional information from Section 703.183, 703.202, 703.203, 703.204, 703.206, or 703.207 is necessary. The owner or operator is required to submit the same information when an alternative authority is used in lieu of a post-closure permit, as provided in Section 703.161.

BOARD NOTE: Derived from 40 CFR 270.28 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

SUBPART E: SPECIAL FORMS OF PERMITS

Section 703.220 Emergency Permits

a) Notwithstanding any other provision of this Part or 35 Ill. Adm. Code 702 or 705, in the event that the Agency finds an imminent and substantial endangerment to human health or the environment, the Agency may issue a temporary emergency permit, as follows:

1) To a non-permitted facility to allow treatment, storage, or disposal of hazardous waste; or

2) To a permitted facility to allow treatment, storage, or disposal of a hazardous waste not covered by an effective permit.

b) This emergency permit must comply with all of the following requirements:

1) The emergency permit may be oral or written. If oral, it must be followed in five days by a written emergency permit.

2) The emergency permit must not exceed 90 days in duration.

3) The emergency permit must clearly specify the hazardous wastes to be received and the manner and location of their treatment, storage, or disposal.

4) The emergency permit may be terminated by the Agency at any time without process if it determines that termination is appropriate to adequately protect human health and the environment.

5) The emergency permit must be accompanied by a public notice published under 35 Ill. Adm. Code 705.162 including the following:

A) The name and address of the office granting the emergency authorization;

B) The name and location of the permitted HWM facility;

C) A brief description of the wastes involved;

D) A brief description of the action authorized and reasons for authorizing it; and

E) The duration of the emergency permit.

6) The emergency permit must incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this Part and 35 Ill. Adm. Code 724.

7) An emergency permit that would authorize actions not in compliance with Board rules, other than procedural requirements, require a variance or provisional variance under Title IX of the Act.

BOARD NOTE: Derived from 40 CFR 270.61.

(Source: Amended at 44 Ill. Reg. 15055, effective September 3, 2020)

Section 703.221 Alternative Compliance with the Federal NESHAPS

When an owner or operator of a hazardous waste incineration unit becomes subject to RCRA permit requirements, or when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance pursuant to 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of subpart EEE of 40 CFR 63), Sections 703.221 through 703.225 do not apply, except those provisions that the Agency determines are necessary to ensure compliance with 35 Ill. Adm. Code 724.445(a) and (c) if the owner or operator elects to comply with Section 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Agency may apply the provisions of Sections 703.221 through 703.225, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188, 703.189, and 703.241(a)(2) and (a)(3).

BOARD NOTE: Derived from 40 CFR 270.62 preamble (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.222 Incinerator Conditions Prior to Trial Burn

For the purposes of determining operational readiness following completion of physical construction, the Agency must establish permit conditions, including but not limited to allowable waste feeds and operating conditions, in the permit to a new hazardous waste incinerator. These

permit conditions will be effective for the minimum time required to bring the incinerator to a point of operational readiness sufficient to conduct a trial burn, not to exceed 720 hours operating time for treatment of hazardous waste. The Agency must extend the duration of this operation period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Section 703.280.

a) Applicants must submit a statement, with Part B of the permit application, which suggests the conditions necessary to operate in compliance with the performance standards of 35 Ill. Adm. Code 724.443 during this period. This statement must include, at a minimum, restrictions on waste constituents, waste feed rates, and the operating parameters identified in 35 Ill. Adm. Code 724.445;

b) The Agency must review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 724.443 based on engineering judgment.

BOARD NOTE: Derived from 40 CFR 270.62(a) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.223 Incinerator Conditions During Trial Burn

For the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 724.443 and of determining adequate operating conditions under 35 Ill. Adm. Code 724.445, the Agency must establish conditions in the permit to a new hazardous waste incinerator to be effective during the trial burn.

a) Applicants must propose a trial burn plan, prepared under subsection (b) with Part B of the permit application;

b) The trial burn plan must include the following information:

1) An analysis of each waste or mixture of wastes to be burned that includes the following:

A) Heat value of the waste in the form and composition in which it will be burned;

B) Viscosity (if applicable), or description of physical form of the waste;

C) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721, that are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Appendix H to 35 Ill. Adm. Code 721 that would reasonably not be expected to be found in the waste. The

constituents excluded from analysis must be identified, and the basis for their exclusion stated. The waste analysis must rely on appropriate analytical methods; and

D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the appropriate analytical methods;

BOARD NOTE: The federal regulations do not themselves define the phrase "appropriate analytical methods", but USEPA did include a definition in its preamble discussion accompanying the rule. The Board directs attention to the following segment (at 70 Fed. Reg. 34538, 34541 (June 14, 2005)) for the purposes of subsections (b)(1)(C) and (b)(1)(D):

> [T]wo primary considerations in selecting an appropriate method, which together serve as our general definition of an appropriate method [are the following] . . . :
>
> 1. Appropriate methods are reliable and accepted as such in the scientific community.
>
> 2. Appropriate methods generate effective data.

USEPA went on to further elaborate these two concepts and to specify other documents that might provide guidance.

2) A detailed engineering description of the incinerator for which the permit is sought including the following:

A) Manufacturer's name and model number of incinerator (if available);

B) Type of incinerator;

C) Linear dimensions of the incinerator unit including the cross sectional area of combustion chamber;

D) Description of the auxiliary fuel system (type/feed);

E) Capacity of prime mover;

F) Description of automatic waste feed cut-off systems;

G) Stack gas monitoring and pollution control equipment;

H) Nozzle and burner design;

I) Construction materials;

J) Location and description of temperature-, pressure-, and flow-indicating and control devices;

3) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;

4) A detailed test schedule for each waste for which the trial burn is planned including dates, duration, quantity of waste to be burned, and other factors relevant to the Agency's decision under subsection (e);

5) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary fuel, and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

6) A description of, and planned operating conditions for, any emission control equipment that will be used;

7) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction;

8) Such other information as the Agency reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection (b) and the criteria in subsection (e). Such information must be requested by the Agency pursuant to 35 Ill. Adm. Code 705.123;

c) The Agency, in reviewing the trial burn plan, must evaluate the sufficiency of the information provided and must require the applicant, pursuant to 35 Ill. Adm. Code 705.123, to supplement this information, if necessary, to achieve the purposes of this Section;

d) Based on the waste analysis data in the trial burn plan, the Agency must specify as trial Principal Organic Hazardous Constituents (POHCs), those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs must be specified by the Agency based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, their concentration or mass in the waste feed, and, for wastes listed in Subpart D of 35 Ill. Adm. Code 721, the hazardous waste organic constituent of constituents identified in Appendix G or H to 35 Ill. Adm. Code 721 as the basis for listing;

e) The Agency must approve a trial burn plan if it finds the following:

1) That the trial burn is likely to determine whether the incinerator performance standard required by 35 Ill. Adm. Code 724.443 can be met;

2) That the trial burn itself will not present an imminent hazard to human health or the environment;

3) That the trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 724.445; and

4) That the information sought in subsections (e)(1) and (e)(3) cannot reasonably be developed through other means;

f) The Agency must send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.

1) This notice must be mailed within a reasonable time period before the scheduled trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.

2) This notice must contain the following:

A) The name and telephone number of the applicant's contact person;

B) The name and telephone number of the Agency regional office appropriate for the facility;

C) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and

D) An expected time period for commencement and completion of the trial burn;

g) During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

1) A quantitative analysis of the trial POHCs, in the waste feed to the incinerator;

2) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHCs, molecular oxygen, and hydrogen chloride (HCl);

3) A quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the purpose of estimating the fate of the trial POHCs;

4) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 724.443(a);

5) If the HCl (hydrogen chloride) emission rate exceeds 1.8 kilograms (4 pounds) of HCl per hour, a computation of HCl removal efficiency, in accordance with 35 Ill. Adm. Code 724.443(b);

6) A computation of particulate emissions, in accordance with 35 Ill. Adm. Code 724.443(c);

7) An identification of sources of fugitive emissions and their means of control;

8) A measurement of average, maximum and minimum temperatures, and combustion gas velocity;

9) A continuous measurement of carbon monoxide (CO) in the exhaust gas;

10) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards in 35 Ill. Adm. Code 724.443 and to establish the operating conditions required by 35 Ill. Adm. Code 724.445 as necessary to meet that performance standard;

h) The applicant must submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit the results of all the determinations required in subsection (g). This submission must be made within 90 days after completion of the trial burn, or later, if approved by the Agency;

i) All data collected during any trial burn must be submitted to the Agency following the completion of the trial burn;

j) All submissions required by this Section must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126;

k) Based on the results of the trial burn, the Agency must set the operating requirements in the final permit according to 35 Ill. Adm. Code 724.445. The permit modification must proceed as a minor modification according to Section 703.280.

BOARD NOTE: Derived from 40 CFR 270.62(b) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.224 Incinerator Conditions After Trial Burn

For the purposes of allowing operation of a new hazardous waste incinerator following completion of the trial burn and prior to final modification of the permit conditions to reflect the trial burn results, the Agency may establish permit conditions, including, but not limited to, allowable waste feeds and operating conditions sufficient to meet the requirements of 35 Ill. Adm. Code 724.445, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to complete sample analysis, data computation, and submission of the trial burn results by the applicant and modification of the facility permit by the Agency.

a) Applicants must submit a statement, with Part B of the permit application, that identifies the conditions necessary to operate in compliance with the performance standards of 35 Ill. Adm. Code 724.443, during this period. This statement should include, at a minimum, restrictions on waste constituents, waste feed rates, and the operating parameters identified in 35 Ill. Adm. Code 724.445;

b) The Agency will review this statement and any other relevant information submitted with Part B of the permit application and specify those requirements for this period most likely to meet the performance standards of 35 Ill. Adm. Code 724.443 based on engineering judgment.

BOARD NOTE: Derived from 40 CFR 270.62(c) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.225 Trial Burns for Existing Incinerators

For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 724.443 and of determining adequate operating conditions under 35 Ill. Adm. Code 724.445, the applicant for a permit for an existing hazardous waste incinerator must prepare and submit a trial burn plan and perform a trial burn in accordance with Sections 703.205(b) and 703.223(b) through (e) and (g) through (j) or, instead, submit other information, as specified in Section 703.205(c). The Agency must announce its intention to approve the trial burn plan in accordance with the timing and distribution requirements of Section 703.223(f). The contents of the notice must include the following: the name and telephone number of a contact person at the facility; the name and telephone number of a contact office at the Agency; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Agency approval of the plan and the time period during which the trial burn would be conducted. Applicants submitting information under Section 703.205(a) are exempt from compliance with 35 Ill. Adm. Code 724.443 and 724.445 and, therefore, are exempt from the requirement to conduct a trial burn. Applicants that submit trial burn plans and receive approval before submission of a permit application must complete the trial burn and submit the results, specified in Section 703.223(g), with Part B of the permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant must contact the Agency to establish a later date for submission of the Part B application or the

trial burn results. Trial burn results must be submitted prior to issuance of the permit. When the applicant submits a trial burn plan with Part B of the permit application, the Agency must specify a time period prior to permit issuance in which the trial burn must be conducted and the results submitted.

BOARD NOTE: Derived from 40 CFR 270.62(d) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.230 Land Treatment Demonstration

a) For the purpose of allowing an owner or operator to meet the treatment demonstration requirements of 35 Ill. Adm. Code 724.372, the Agency may issue a treatment demonstration permit. The permit must contain only those requirements necessary to meet the standards in 35 Ill. Adm. Code 724.372(c). The permit must be issued either as a treatment or disposal permit, covering only the field test or laboratory analyses, or as a two-phase facility permit, covering the field tests, or laboratory analyses and design, construction, operation, and maintenance of the land treatment unit.

1) The Agency must issue a two-phase facility permit if it finds, based on information submitted in Part B of the application, that substantial information already exists, although incomplete or inconclusive, upon which to base the issuance of a facility permit;

2) If the Agency finds that not enough information exists upon which it can establish permit conditions to attempt to provide for compliance with all of the requirements of Subpart M of 35 Ill. Adm. Code 724, it must issue a treatment demonstration permit covering only the field test or laboratory analyses;

b) If the Agency finds that a phased permit is to be issued, it must establish, as requirements in the first phase of the facility permit, conditions for conducting the field tests or laboratory analyses. These permit conditions must include design and operating parameters (including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone), monitoring procedures, post-demonstration cleanup activities, and any other conditions that the Agency finds necessary under 35 Ill. Adm. Code 724.372(c). The Agency must include conditions in the second phase of the facility permit to attempt to meet all Subpart M of 35 Ill. Adm. Code 724 requirements pertaining to unit design, construction, operation and maintenance. The Agency must establish these conditions in the second phase of the permit based upon the substantial but incomplete or inconclusive information contained in the Part B application, as follows:

1) The first phase of the permit becomes effective as provided in 35 Ill. Adm. Code 705.201(d);

2) The second phase of the permit becomes effective as provided in subsection (d) of this Section;

c) When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, it must submit to the Agency a certification, signed by a person authorized to sign a permit application or report under 35 Ill. Adm. Code 702.126, that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the permit for conducting such tests or analyses. The owner or operator must also submit all data collected during the field tests or laboratory analyses within 90 days of completion of those tests or analyses, unless the Agency approves a later date;

d) If the Agency determines that the results of the field tests or laboratory analyses meet the requirements of 35 Ill. Adm. Code 724.372, it must modify the second phase of the permit to incorporate any requirements necessary for operation of the facility in compliance with Subpart M of 35 Ill. Adm. Code 724, based upon the results of the field tests or laboratory analyses.

1) This permit modification may proceed as a minor modification under Section 703.280, or otherwise must proceed as a modification under Section 703.271(b). If such modifications are necessary, the second phase of the permit becomes effective only after those modifications have been made.

2) If no modifications of the second phase of the permit are necessary, or if only minor modifications are necessary and have been made, the Agency must give notice of its final decision to the permit applicant and to each person who submitted written comments on the phased permit or who requested notice of final decision on the second phase of the permit. The second phase of the permit then becomes effective as specified in 35 Ill. Adm. Code 705.201(d).

BOARD NOTE: Derived from 40 CFR 270.63 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.231 Research, Development and Demonstration Permits

a) The Agency may issue a research, development, and demonstration permit for any hazardous waste treatment facility that proposes to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated pursuant to 35 Ill. Adm. Code 724 or 726. Any such permit must include such terms and conditions as will adequately protect human health and the environment. Such a permit must provide as follows:

1) It must provide for the construction of such facilities as necessary, and for operation of the facility for not longer than one year, unless renewed as provided in subsection (d) of this Section;

2) It must provide for the receipt and treatment by the facility of only those types and quantities of hazardous waste necessary for purposes of determining the efficacy and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment; and

3) It must include such requirements as necessary to adequately protect human health and the environment (including, but not limited to, requirements regarding monitoring, operation, financial responsibility, closure, and remedial action), and such requirements as necessary regarding testing and providing of information to the Agency with respect to the operation of the facility.

b) For the purpose of expediting review and issuance of permits pursuant to this Section, the Agency may, consistent with adequate protection of human health and the environment, modify or waive permit application and permit issuance requirements in this Part and 35 Ill. Adm. Code 702 and 705 except that there may be no modification or waiver of regulations regarding financial responsibility (including insurance) or of procedures regarding public participation.

c) Pursuant to Section 34 of the Act [415 ILCS 5/34], the Agency may order an immediate termination of all operations at the facility at any time it determines that termination is necessary to adequately protect human health and the environment. The permittee may seek Board review of the termination pursuant to Section 34(d) of the Act [415 ILCS 5/39(d)].

d) Any permit issued pursuant to this Section may be renewed not more than three times. Each such renewal must be for a period of not more than one year.

BOARD NOTE: Derived from 40 CFR 270.65 (2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

When the owner or operator of a cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace becomes subject to RCRA permit requirements or when an owner or operator of an existing cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance pursuant to 40 CFR 63.1207(j)

and 63.1210(d) documenting compliance with all applicable requirements of subpart EEE of 40 CFR 63), this Section does not apply. This Section does apply, however, if the Agency determines certain provisions are necessary to ensure compliance with 35 Ill. Adm. Code 726.202(e)(1) and (e)(2)(C) if the owner or operator elects to comply with Section 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events; or if the facility is an area source and the owner or operator elects to comply with the Sections 726.205, 726.206, and 726.207 standards and associated requirements for particulate matter, hydrogen chloride and chlorine gas, and non-mercury metals; or if the Agency determines certain provisions apply, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188, 703.189, and 703.241(a)(2) and (a)(3).

a) General. The owner or operator of a new boiler or industrial furnace (one not operating under the interim status standards of 35 Ill. Adm. Code 726.203) is subject to subsections (b) through (f). A boiler or industrial furnace operating under the interim status standards of 35 Ill. Adm. Code 726.203 is subject to subsection (g).

b) Permit Operating Periods for a New Boiler or Industrial Furnace. A permit for a new boiler or industrial furnace must specify appropriate conditions for the following operating periods:

1) Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operation readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous waste, the Agency must establish permit conditions in the pretrial burn period, including but not limited to allowable hazardous waste feed rates and operating conditions. The Agency must extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Sections 703.280 through 703.283.

A) Applicants must submit a statement, with Part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 35 Ill. Adm. Code 726.204 through 726.207 during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in 35 Ill. Adm. Code 726.202(e).

B) The Agency must review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

2) Trial Burn Period. For the duration of the trial burn, the Agency must establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and determining adequate operating conditions pursuant to 35 Ill. Adm. Code 726.202(e). Applicants must propose a trial burn plan, prepared pursuant to subsection (c), to be submitted with Part B of the permit application.

3) Post-Trial Burn Period

A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the Agency must establish the operating requirements most likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

B) Applicants must submit a statement, with Part B of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. This statement should include, at a minimum, restrictions on the operating requirements provided by 35 Ill. Adm. Code 726.202 (e).

C) The Agency must review this statement and any other relevant information submitted with Part B of the permit application and specify requirements of this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

4) Final permit period. For the final period of operation the Agency must develop operating requirements in conformance with 35 Ill. Adm. Code 726.202(e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. Based on the trial burn results, the Agency must make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification must proceed according to Sections 703.280 through 703.283.

c) Requirements for Trial Burn Plans. The trial burn plan must include the following information. The Agency, in reviewing the trial burn plan, must evaluate the sufficiency of the information provided and may require the applicant

to supplement this information, if necessary, to achieve the purposes of this subsection (c).

1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes the following:

   A) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine and chloride, and ash; and

   B) Viscosity or description of the physical form of the feed stream.

2) An analysis of each hazardous waste, as fired, including the following:

   A) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721 that are present in the feed stream, except that the applicant need not analyze for constituents listed in Appendix H that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified and the basis for this exclusion explained. The analysis must be conducted in accordance with appropriate analytical methods;

   B) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the appropriate analytical methods; and

   C) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.

   BOARD NOTE: The federal regulations do not themselves define the phrase "appropriate analytical methods", but USEPA did include a definition in its preamble discussion accompanying the rule. The Board directs attention to the following segment (at 70 Fed. Reg. 34538, 34541 (June 14, 2005)) for the purposes of subsections (b)(1)(C) and (b)(1)(D):

      [T]wo primary considerations in selecting an appropriate method, which together serve as our general definition of an appropriate method [are the following] . . . :

      1. Appropriate methods are reliable and accepted as such in the scientific community.

      2. Appropriate methods generate effective data.

USEPA went on to further elaborate these two concepts and to specify other documents that might provide guidance.

3) A detailed engineering description of the boiler or industrial furnace, including the following:

   A) Manufacturer's name and model number of the boiler or industrial furnace;

   B) Type of boiler or industrial furnace;

   C) Maximum design capacity in appropriate units;

   D) Description of the feed system for the hazardous waste and, as appropriate, other fuels and industrial furnace feedstocks;

   E) Capacity of hazardous waste feed system;

   F) Description of automatic hazardous waste feed cutoff systems;

   G) Description of any pollution control system; and

   H) Description of stack gas monitoring and any pollution control monitoring systems.

4) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and sample analysis.

5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including dates, duration, quantity of hazardous waste to be burned, and other factors relevant to the Agency's decision pursuant to subsection (b)(2).

6) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 35 Ill. Adm. Code 726.204 through 726.207.

7) A description of and planned operating conditions for any emission control equipment that will be used.

8) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.

9) Such other information as the Agency finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection (c) and the criteria in subsection (b)(2).

d) Trial Burn Procedures

1) A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104 through 726.107.

2) The Agency must approve a trial burn plan if the Agency finds as follows:

A) That the trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of 35 Ill. Adm. Code 726.104 through 726.107;

B) That the trial burn itself will not present an imminent hazard to human health and the environment;

C) That the trial burn will help the Agency to determine operating requirements to be specified pursuant to 35 Ill. Adm. Code 726.102(e); and

D) That the information sought in the trial burn cannot reasonably be developed through other means.

3) The Agency must send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.

A) This notice must be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.

B) This notice must contain the following:

i) The name and telephone number of applicant's contact person;

ii) The name and telephone number of the Agency regional office appropriate for the facility;

iii) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and

iv) An expected time period for commencement and completion of the trial burn.

4) The applicant must submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and submit the results of all the determinations required in subsection (c). The Agency must, in the trial burn plan, require that the submission be made within 90 days after completion of the trial burn, or later if the Agency determines that a later date is acceptable.

5) All data collected during any trial burn must be submitted to the Agency following completion of the trial burn.

6) All submissions required by this subsection (d) must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report pursuant to 35 Ill. Adm. Code 702.126.

e) Special Procedures for DRE Trial Burns. When a DRE trial burn is required pursuant to 35 Ill. Adm. Code 726.104, the Agency must specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial Principal Organic Hazardous Constituents (POHCs) those compounds for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on information including the Agency's estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, their concentrations or mass in the hazardous waste feed, and, for hazardous waste containing or derived from wastes listed in Subpart D of 35 Ill. Adm. Code 721, the hazardous waste organic constituents identified in Appendix G to 35 Ill. Adm. Code 721 as the basis for listing.

f) Determinations Based on Trial Burn. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

1) A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);

2) When a DRE trial burn is required pursuant to 35 Ill. Adm. Code 726.204(a), the following determinations:

A) A quantitative analysis of the trial POHCs in the hazardous waste feed;

B) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and

C) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 726.204(a);

3) When a trial burn for chlorinated dioxins and furans is required pursuant to 35 Ill. Adm. Code 726.204(e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra- through octa-congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard;

4) When a trial burn for PM, metals, or HCl and chlorine gas is required pursuant to 35 Ill. Adm. Code 726.205, 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of PM, metals, or HCl and chlorine gas, and computations showing conformance with the applicable emission performance standards;

5) When a trial burn for DRE, metals, and HCl and chlorine gas is required pursuant to 35 Ill. Adm. Code 726.204(a), 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine and chloride;

6) An identification of sources of fugitive emissions and their means of control;

7) A continuous measurement of carbon monoxide (CO), oxygen, and, where required, hydrocarbons (HC) in the stack gas; and

8) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards 35 Ill. Adm. Code 726.204 through 726.207 and to establish the operating conditions required by 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions pursuant to 35 Ill. Adm. Code 726.203, and to establish the operating conditions required by 35 Ill. Adm. Code 726.202(e) as necessary to meet those performance standards.

g) Interim Status Boilers and Industrial Furnaces. For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions pursuant to 35 Ill. Adm. Code 726.203, an applicant that owns or operates an existing boiler or industrial furnace that is operated under the interim status standards of 35 Ill. Adm. Code 726.203 must either prepare and submit a trial burn plan and perform a trial burn in accordance with this Section or submit other information as specified in Section 703.208(a)(6). The Agency must announce its intention to approve of the trial burn plan in accordance with the timing and distribution requirements of subsection (d)(3). The contents of the notice must

include all of the following information: the name and telephone number of a contact person at the facility; the name and telephone number of the Agency regional office appropriate for the facility; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Agency approval of the plan, and the time periods during which the trial burn would be conducted. Applicants that submit a trial burn plan and receive approval before submission of the Part B permit application must complete the trial burn and submit the results specified in subsection (f) with the Part B permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant must contact the Agency to establish a later date for submission of the Part B application or the trial burn results. If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the Agency.

BOARD NOTE: Derived from 40 CFR 270.66 (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.234 Remedial Action Plans

Remedial Action Plans (RAPs) are special forms of permits that are regulated under Subpart H of this Part.

BOARD NOTE: Derived from 40 CFR 270.68 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.238 RCRA Standardized Permits for Storage and Treatment Units

A RCRA standardized permit is a special form of permit for the owner or operator of a TSD that engages in either of the following activities:

a) It generates hazardous waste and then non-thermally treats or stores the hazardous waste on-site in tanks, containers, or containment buildings; or

b) It receives hazardous waste generated off-site by a generator under the same ownership as the receiving facility, and then it stores or non-thermally treats the hazardous waste in containers, tanks, or containment buildings. The owner or operator of a facility operating under a RCRA standardized permit is regulated pursuant to Subpart J of this Part, Subpart G of 35 Ill. Adm. Code 705, and 35 Ill. Adm. Code 727.

BOARD NOTE: Derived from 40 CFR 270.67, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Added at 31 Ill. Reg. 487, effective December 20, 2006)

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section 703.240 Permit Denial

The Agency may, pursuant to the procedures of 35 Ill. Adm. Code 705, deny the permit application either in its entirety or only as to the active life of a HWM facility or unit.

BOARD NOTE: Derived from 40 CFR 270.29 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.241 Establishing Permit Conditions

a) General conditions:

1) In addition to the conditions established pursuant to 35 Ill. Adm. Code 702.160(a), each RCRA permit must include permit conditions necessary to achieve compliance with each of the applicable requirements specified in 35 Ill. Adm. Code 724 and 726 through 728. In satisfying this provision, the Agency may incorporate applicable requirements of 35 Ill. Adm. Code 724 and 726 through 728 directly into the permit or establish other permit conditions that are based on these Parts;

2) Each RCRA permit issued pursuant to Section 39(d) of the Environmental Protection Act [415 ILCS 5/39(d)] must contain terms and conditions that the Agency determines are necessary to adequately protect human health and the environment; and

3) If, as the result of an assessments or other information, the Agency determines that conditions, in addition to those required under subpart EEE of 40 CFR 63 or 35 Ill. Adm. Code 724 or 726, are necessary to ensure adequate protection of human health and the environment, the Agency must include those terms and conditions in a RCRA permit for a hazardous waste combustion unit.

BOARD NOTE: Subsection (a) derived from 270.32(b) (2012).

b) The conditions specified in this Subpart F, in addition to those set forth in 35 Ill. Adm. Code 702.140 through 702.152, apply to all RCRA permits.

BOARD NOTE: Subsection (b) derived from 40 CFR 270.30 preamble (2012).

(Source: Amended at 37 Ill. Reg. 17659, effective October 24, 2013)

Section 703.242 Noncompliance Pursuant to Emergency Permit

In addition to 35 Ill. Adm. Code 702.141 (duty to comply), the permittee need not comply with the conditions of its permit to the extent and for the duration such noncompliance is authorized in an emergency permit. (See Section 703.221).

BOARD NOTE: Derived from 40 CFR 270.30(a) (1992).

(Source: Amended at 18 Ill. Reg. 18316, effective December 20, 1994)

Section 703.243 Monitoring

In addition to 35 Ill. Adm. Code 702.150 (monitoring) the following apply:

a) The permittee must retain records of all monitoring information, including the certification required by 35 Ill. Adm. Code 724.173(b)(3), for a period of at least three years from the date of the certification.

b) The permittee must maintain records from all groundwater monitoring wells and associated groundwater surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.

BOARD NOTE: Derived from 40 CFR 270.30(j)(2) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.244 Notice of Planned Changes (Repealed)

(Source: Repealed at 18 Ill. Reg. 18316, effective December 20, 1994)

Section 703.245 Twenty-four Hour Reporting

a) The permittee must report any non-compliance that may endanger health or the environment orally within 24 hours after the permittee becomes aware of the circumstances, including the following:

1) Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies;

2) Any information of a release or discharge of hazardous waste, or of a fire or explosion from a HWM facility, that could threaten the environment or human health outside the facility.

b) The description of the occurrence and its cause must include the following:

1) Name, address, and telephone number of the owner or operator;

2) Name, address, and telephone number of the facility;

3) Date, time, and type of incident;

4) Name and quantity of materials involved;

5) The extent of injuries, if any;

6) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

7) Estimated quantity and disposition of recovered material that resulted from the incident.

c) A written submission must also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain a description of the non-compliance and its cause; the period of noncompliance including exact dates, times, and, if the noncompliance has not been corrected, the anticipated time the noncompliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Agency may waive the five-day written notice requirement in favor of a written report within 15 days.

BOARD NOTE: Derived from 40 CFR 270.30(l)(6) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.246 Reporting Requirements

The following reports required by 35 Ill. Adm. Code 724 must be submitted in addition to those required by 35 Ill. Adm. Code 702.152 (reporting requirements):

a) Manifest discrepancy report: if a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within 15 days, the permittee must submit a letter report including a copy of the manifest to the Agency (see 35 Ill. Adm. Code 724.172).

b) Unmanifested waste report: if hazardous waste is received without an accompanying manifest, the permittee must submit an unmanifested waste report to the Agency within 15 days of receipt of unmanifested waste. (see 35 Ill. Adm. Code 724.176)

c) Facility activities report: a facility activities report must be submitted covering facility activities as described in 35 Ill. Adm. Code 724.175.

BOARD NOTE: Derived from 40 CFR 270.30(l)(7) through (l)(9) (2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.247 Anticipated Noncompliance

In addition to 35 Ill. Adm. Code 702.152(b), for a new facility, the permittee must not treat, store, or dispose of hazardous waste; and for a facility being modified, the permittee must not treat, store, or dispose of hazardous waste in the modified portion of the facility, except as provided in Section 703.280, until one of the following has occurred:

a) The permittee has submitted to the Agency by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and

b) Either:

1) The Agency has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or

2) Within 15 days after the date of submission of the letter in subsection (a) of this Section, the permittee has not received notice from the Agency of its intent to inspect, the permittee may commence treatment, storage, or disposal of hazardous waste.

BOARD NOTE: Derived from 40 CFR 270.30(l)(2) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.248 Information Repository

The Agency may require the permittee to establish and maintain an information repository at any time, based on the factors set forth in Section 703.193(b). The information repository must be governed by the provisions in Section 703.193(c) through (f).

BOARD NOTE: Derived from 40 CFR 270.30(m) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

SUBPART G: CHANGES TO PERMITS

Section 703.260 Transfer

a) A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or reissued (pursuant to subsection (b) of this Section or Section 703.272) to identify the new permittee and incorporate such other requirements as are necessary under the appropriate Act. The new owner or operator to whom the permit is transferred must comply with all the terms and conditions specified in such permit.

b) Changes in the ownership or operational control of a facility must be made as a Class 1 modification with the prior written approval of the Agency in accordance

with Section 703.281 or as a routine change with prior Agency approval pursuant to 35 Ill. Adm. Code 705.304(c). The new owner or operator must submit a revised permit application no later than 90 days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees must also be submitted to the Agency. When a transfer of ownership or operational control occurs, the old owner or operator must comply with Subpart H of 35 Ill. Adm. Code 724 (Financial Requirements), until the new owner or operator has demonstrated compliance with that Subpart. The new owner or operator must demonstrate compliance with that Subpart within six months after the date of change of operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with that Subpart, the Agency must notify the old owner or operator that the old owner or operator no longer needs to comply with that Subpart as of the date of demonstration.

BOARD NOTE: Derived from 40 CFR 270.40 (2005), as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005).

BOARD NOTE: The new operator may be required to employ a chief operator that is certified pursuant to 35 Ill. Adm. Code 745.

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.270 Modification or Reissuance

When the Agency receives any information (for example, inspects the facility, receives information submitted by the permittee, as required in the permit (see 35 Ill. Adm. Code 702.140 through 702.152 and Section 703.241 et seq.), receives a request for reissuance pursuant to 35 Ill. Adm. Code 705.128, or conducts a review of the permit file) it may determine whether or not one or more of the causes, listed in Sections 703.271 or 703.272, for modification, reissuance, or both, exist. If cause exists, the Agency must modify or reissue the permit accordingly, subject to the limitations of Section 703.273, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. (See 35 Ill. Adm. Code 705.128(c)(2).) If cause does not exist pursuant to Section 703.271 or 703.272, the Agency must not modify or reissue the permit, except on the request of the permittee. If a permit modification is requested by the permittee, the Agency must approve or deny the request according to the procedures of Section 703.280 through 703.283 or Section 703.353 and Subpart G of 35 Ill. Adm. Code 705. Otherwise, a draft permit must be prepared and other procedures in 35 Ill. Adm. Code 705 must be followed.

BOARD NOTE: Derived from the preamble to 40 CFR 270.41 (2017). The Board has chosen to use "reissue" where the corresponding federal provisions use "revoke and reissue". Revocation is a remedy in the context of an enforcement action that is reserved to the Board. See 415 ILCS 5/33(b); 35 Ill. Adm. Code 702.186. The Board intends that a reissued permit completely supercede the earlier version of that permit.

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.271 Causes for Modification

The following are cause for modification, but not reissuance, of permits; the following are cause for reissuance as well as modification when the permittee requests or agrees:

a) Alterations. There are material and substantial alterations or additions to the permitted facility or activity that occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

b) Information. The Agency has received information. Permits will be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance.

c) New statutory requirements or regulations. The standards or regulations on which the permit was based have been changed by statute, through promulgation of new or amended standards or regulations, or by judicial decision after the permit was issued.

d) Compliance schedules. The Agency determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, materials shortage, or other events over which the permittee has little or no control and for which there is no reasonably available remedy.

e) The Agency must also modify a permit as follows:

1) When modification of a closure plan is required under 35 Ill. Adm. Code 724.212(b) or 724.218(b).

2) After the Agency receives the notification of expected closure under 35 Ill. Adm. Code 724.213, when the Agency determines that extension of the 90 or 180 day periods under 35 Ill. Adm. Code 724.213, modification of the 30-year post-closure period under 35 Ill. Adm. Code 724.217(a), continuation of security requirements under 35 Ill. Adm. Code 724.217(b), or permission to disturb the integrity of the containment system under 35 Ill. Adm. Code 724.217(c) are unwarranted.

3) When the permittee has filed a request under 35 Ill. Adm. Code 724.247(c) for a modification to the level of financial responsibility or when the Agency demonstrates under 35 Ill. Adm. Code 724.247(d) that an upward adjustment of the level of financial responsibility is required.

4) When the corrective action program specified in the permit under 35 Ill. Adm. Code 724.200 has not brought the regulated unit into compliance

with the groundwater protection standard within a reasonable period of time.

5) To include a detection monitoring program meeting the requirements of 35 Ill. Adm. Code 724.198, when the owner or operator has been conducting a compliance monitoring program under 35 Ill. Adm. Code 724.199 or a corrective action program under 35 Ill. Adm. Code 724.200, and the compliance period ends before the end of the post-closure care period for the unit.

6) When a permit requires a compliance monitoring program under 35 Ill. Adm. Code 724.199, but monitoring data collected prior to permit issuance indicate that the facility is exceeding the groundwater protection standard.

7) To include conditions applicable to units at a facility that were not previously included in the facility's permit.

8) When a land treatment unit is not achieving complete treatment of hazardous constituents under its current permit conditions.

f) Notwithstanding any other provision of this Section, when a permit for a land disposal facility is reviewed under 35 Ill. Adm. Code 702.161(d), the Agency must modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in this Part and 35 Ill. Adm. Code 702, 703, and 720 through 727.

BOARD NOTE: Derived from 40 CFR 270.41(a) (2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.272 Causes for Modification or Reissuance

The following are causes to modify or, alternatively, reissue a permit:

a) This subsection (a) corresponds with 40 CFR 270.41(b)(1), which pertains to termination of a permit, which is not possible through an administrative action of the Agency. This statement maintains structural consistency with the corresponding federal rules.

b) The Agency has received notification (as required in the permit, see 35 Ill. Adm. Code 702.152(c)) of a proposed transfer of the permit; or

c) The Agency has received notification under 35 Ill. Adm. Code 705.301(a)(2) of a facility owner's or operator's intent to be covered by a RCRA standardized permit.

BOARD NOTE: Derived from 40 CFR 270.41(b) (2005), as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.273 Facility Siting

Suitability of the facility location will not be considered at the time of permit modification or reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance or unless required under the Environmental Protection Act. However, certain modifications require site location suitability approval pursuant to Section 39.2 of the Environmental Protection Act [415 ILCS 5/39.2].

BOARD NOTE: Derived from 40 CFR 270.41(c) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.280 Permit Modification at the Request of the Permittee

a) Class 1 Modifications. See Section 703.281.

b) Class 2 Modifications. See Section 703.282.

c) Class 3 Modifications. See Section 703.283.

d) Other Modifications

1) In the case of modifications not explicitly listed in Appendix A, the permittee may submit a Class 3 modification request to the Agency, or the permittee may request a determination by the Agency that the modification be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee must provide the Agency with the necessary information to support the requested classification.

2) The Agency must make the determination described in subsection (d)(1) as promptly as practicable. In determining the appropriate class for a specific modification, the Agency must consider the similarity of the modification to other modifications codified in Appendix A and the following criteria:

A) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to adequately protect human health or the environment. In the case of Class 1 modifications, the Agency may require prior approval.

B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to any of the following:

i) Common variations in the types and quantities of the wastes managed under the facility permit;

ii) Technological advances; and

iii) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

C) Class 3 modifications substantially alter the facility or its operation.

e) Temporary Authorizations

1) Upon request of the permittee, the Agency must, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection (e). Temporary authorizations have a term of not more than 180 days.

2) Procedures

A) The permittee may request a temporary authorization for the following:

i) Any Class 2 modification meeting the criteria in subsection (e)(3)(B); and

ii) Any Class 3 modification that meets the criteria in subsection (e)(3)(B)(i) or that meets the criteria in subsections (e)(3)(B)(iii) through (e)(3)(B)(v) and provides improved management or treatment of a hazardous waste already listed in the facility permit.

B) The temporary authorization request must include the following:

i) A description of the activities to be conducted under the temporary authorization;

ii) An explanation of why the temporary authorization is necessary; and

iii) Sufficient information to ensure compliance with 35 Ill. Adm. Code 724 standards.

C) The permittee must send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Agency and to appropriate units of State and local governments, as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within seven days after submission of the authorization request.

3) The Agency must approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Agency must find as follows:

A) That the authorized activities are in compliance with the standards of 35 Ill. Adm. Code 724.

B) That the temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:

i) To facilitate timely implementation of closure or corrective action activities;

ii) To allow treatment or storage in tanks, containers, or containment buildings, in accordance with 35 Ill. Adm. Code 728;

iii) To prevent disruption of ongoing waste management activities;

iv) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or

v) To facilitate other changes to adequately protect human health and the environment.

4) A temporary authorization must be reissued for one additional term of up to 180 days, provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and either of the following is true:

A) The reissued temporary authorization constitutes the Agency's decision on a Class 2 permit modification in accordance with Section 703.282(f)(1)(D) or (f)(2)(D); or

B) The Agency determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of 35 Ill. Adm. Code 703.283 are conducted.

f) Public Notice and Appeals of Permit Modification Decisions

1) The Agency must notify persons on the facility mailing list and appropriate units of State and local government within 10 days after any decision to grant or deny a Class 2 or 3 permit modification request. The Agency must also notify such persons within 10 days after an automatic authorization for a Class 2 modification goes into effect pursuant to Section 703.282(f)(3) or (f)(5).

2) The Agency's decision to grant or deny a Class 2 or 3 permit modification request may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212.

3) An automatic authorization that goes into effect pursuant to Section 703.282(f)(3) or (f)(5) may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the Board enters a final order on the appeal notwithstanding the provisions of 35 Ill. Adm. Code 705.204.

g) Newly Regulated Wastes and Units

1) The permittee is authorized to continue to manage wastes listed or identified as hazardous pursuant to 35 Ill. Adm. Code 721, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if each of the following is true:

A) The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;

B) The permittee submits a Class 1 modification request on or before the date on which the waste becomes subject to the new requirements;

C) The permittee is in compliance with the applicable standards of 35 Ill. Adm. Code 725 and 726;

D) The permittee also submits a complete Class 2 or 3 modification request within 180 days after the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards pursuant to 35 Ill. Adm. Code 724, 725, or 726; and

E) In the case of land disposal units, the permittee certifies that such unit is in compliance with all applicable requirements of 35 Ill. Adm. Code 725 for groundwater monitoring and financial responsibility requirements on the date 12 months after the

effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with all these requirements, the owner or operator loses authority to operate pursuant to this Section.

2) New wastes or units added to a facility's permit pursuant to this subsection (g) do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.

h) Military Hazardous Waste Munitions Treatment and Disposal. The permittee is authorized to continue to accept waste military munitions notwithstanding any permit conditions barring the permittee from accepting off-site wastes, if each of the following is true:

1) The facility was in existence as a hazardous waste facility and the facility was already permitted to handle the waste military munitions on the date when the waste military munitions became subject to hazardous waste regulatory requirements;

2) On or before the date when the waste military munitions become subject to hazardous waste regulatory requirements, the permittee submits a Class 1 modification request to remove or amend the permit provision restricting the receipt of off-site waste munitions; and

3) The permittee submits a complete Class 2 modification request within 180 days after the date when the waste military munitions became subject to hazardous waste regulatory requirements.

i) Permit Modification List. The Agency must maintain a list of all approved permit modifications and must publish a notice once a year in a State-wide newspaper that an updated list is available for review.

j) Combustion Facility Changes to Meet 40 CFR 63 MACT Standards. The following procedures apply to hazardous waste combustion facility permit modifications requested pursuant to Appendix A, paragraph L(9).

1) A facility owner or operator must have complied with the federal notification of intent to comply (NIC) requirements of 40 CFR 63.1210 that was in effect prior to October 11, 2000, (see subpart EEE of 40 CFR 63 (2000), incorporated by reference in 35 Ill. Adm. Code 720.111(b)) in order to request a permit modification pursuant to this Section for the purpose of technology changes needed to meet the standards of 40 CFR 63.1203, 63.1204, and 63.1205, incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) If the Agency does not act to either approve or deny the request within 90 days of receiving it, the request must be deemed approved. The Agency

may, at its discretion, extend this 90-day deadline one time for up to 30 days by notifying the facility owner or operator in writing before the 90 days has expired. A facility owner or operator must comply with the NIC requirements of 40 CFR 63.1210(b) and 63.1212(a) before a permit modification can be requested under this Section for the purpose of technology changes needed to meet the 40 CFR 63.1215, 63.1216, 63.1217, 63.1218, 63.1219, 63.1220, and 63.1221 standards as added on October 12, 2005, incorporated by reference in 35 Ill. Adm. Code 720.111(b).

k) Waiver of RCRA Permit Conditions in Support of Transition to the 40 CFR 63 MACT Standards

1) The facility owner or operator may request to have specific RCRA operating and emissions limits waived by submitting a Class 1 permit modification request under Appendix A, paragraph L.10. The owner or operator must provide the information described in subsections (k)(1)(A) though (k)(1)(C), with Agency review subject to the conditions of subsection (k)(1)(D):

A) It must identify the specific RCRA permit operating and emissions limits that the owner or operator is requesting to waive;

B) It must provide an explanation of why the changes are necessary in order to minimize or eliminate conflicts between the RCRA permit and MACT compliance; and

C) It must discuss how the revised provisions will be sufficiently protective.

D) The Agency must approve or deny the request within 30 days after receipt of the request. The Agency may, at its discretion, extend this 30-day deadline one time for up to 30 days by notifying the facility owner or operator in writing.

2) To request this modification in conjunction with MACT performance testing, where permit limits may only be waived during actual test events and pretesting, as defined under 40 CFR 63.1207(h)(2)(i) and (h)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for an aggregate time not to exceed 720 hours of operation (renewable at the discretion of the Agency) the owner or operator must fulfill the conditions of subsection (k)(2)(A), subject to the conditions of subsection (k)(2)(B):

A) It must submit its modification request to the Agency at the same time it submits its test plans to the Agency.

B) The Agency may elect to approve or deny the request contingent upon approval of the test plans.

l) This subsection (l) corresponds with 40 CFR 270.42(l), which USEPA removed and marked reserved at 81 Fed. Reg. 85732 (November 28, 2016). This statement maintains structural consistency with the corresponding federal requirements.

BOARD NOTE: Derived from 40 CFR 270.42(d) through (k) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.281 Class 1 Modifications

a) Except as provided in subsection (a)(2) of this Section, the permittee may put into effect Class I modifications listed in Appendix A under the following conditions:

1) The permittee must notify the Agency concerning the modification by certified mail or other means that establish proof of delivery within 7 calendar days after the change is put into effect. This notice must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the notice, the permittee must provide the applicable information required by Section 703.181 through 703.185, 703.201 through 703.207, 703.221 through 703.225, and 703.230.

2) The permittee must send a notice of the modification to all persons on the facility mailing list, maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163(a)(4), and the appropriate units of State and local government, as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within 90 calendar days after the change is put into effect. For the Class 1 modifications that require prior Agency approval, the notification must be made within 90 calendar days after the Agency approves the request.

3) Any person may request the Agency to review, and the Agency must for cause reject, any Class 1 modification. The Agency must inform the permittee by certified mail that a Class 1 modification has been rejected, explaining the reasons for the rejection. If a Class 1 modification has been rejected, the permittee must comply with the original permit conditions.

b) Class 1 permit modifications identified in Appendix A by an asterisk must be made only with the prior written approval of the Agency.

c) For a Class 1 permit modification, the permittee may elect to follow the procedures in Section 703.282 for Class 2 modifications instead of the Class 1 procedures. The permittee must inform the Agency of this decision in the notice required in Section 703.282(b)(1).

BOARD NOTE: Derived from 40 CFR 270.42(a) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.282 Class 2 Modifications

a) For Class 2 modifications, listed in Appendix A, the permittee must submit a modification request to the Agency that does the following:

1) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

2) Identifies that the modification is a Class 2 modification;

3) Explains why the modification is needed; and

4) Provides the applicable information required by Section 703.181 through 703.185, 703.201 through 703.207, 703.221 through 703.225, and 703.230.

b) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the Agency and to the appropriate units of State and local government as specified in 35 Ill. Adm. Code 705.163(a)(5) and must, to the extent practicable, publish this notice in a newspaper of general circulation published in the County in which the facility is located. If no such newspaper exists, the permittee must publish the notice in a newspaper of general circulation in the vicinity of the facility. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the Agency evidence of the mailing and publication. The notice must include:

1) Announcement of a 60-day comment period, in accordance with subsection (e), and the name and address of an Agency contact to whom comments must be sent;

2) Announcement of the date, time and place for a public meeting held in accordance with subsection (d);

3) Name and telephone number of the permittee's contact person;

4) Name and telephone number of an Agency contact person;

5) Locations where copies of the modification request and any supporting documents can be viewed and copied; and

6) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person".

c) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

d) The permittee must hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) and no later than 15 days before the close of the 60-day comment period. The meeting must be held in the County in which the permitted facility is located, unless it is impracticable to do so, in which case the hearing must be held in the vicinity of the facility.

e) The public must be provided 60 days to comment on the modification request. The comment period begins on the date that the permittee publishes the notice in the local newspaper. Comments must be submitted to the Agency contact identified in the public notice.

f) Agency Decision

1) No later than 90 days after receipt of the notification request, the Agency must:

A) Approve the modification request, with or without changes, and modify the permit accordingly;

B) Deny the request;

C) Determine that the modification request must follow the procedures in Section 703.283 for Class 3 modifications for either of the following reasons:

i) There is significant public concern about the proposed modification; or

ii) The complex nature of the change requires the more extensive procedures of Class 3;

D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days; or

E) Notify the permittee that the Agency will decide on the request within the next 30 days.

2) If the Agency notifies the permittee of a 30-day extension for a decision, the Agency must, no later than 120 days after receipt of the modification request, do the following:

A) Approve the modification request, with or without changes, and modify the permit accordingly;

B) Deny the request;

C) Determine that the modification request must follow the procedures in Section 703.283 for Class 3 modifications for the following reasons:

i) There is significant public concern about the proposed modification; or

ii) The complex nature of the change requires the more extensive procedures of Class 3; or

D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days.

3) If the Agency fails to make one of the decisions specified in subsection (f)(2) by the 120th day after receipt of the modification request, the permittee is automatically authorized to conduct the activities described in the modification request for up to 180 days, without formal Agency action. The authorized activities must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 35 Ill. Adm. Code 725. If the Agency approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in subsections (f)(1), (f)(2), or (f)(3), such action cancels the temporary or automatic authorization.

4) Notification by Permittee

A) In the case of an automatic authorization under subsection (f)(3), or a temporary authorization under subsection (f)(1)(D) or (f)(2)(D), if the Agency has not made a final approval or denial of the modification request by the date 50 days prior to the end of the temporary or automatic authorization, the permittee must, within seven days after that time, send a notification to persons on the facility mailing list, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that informs them as follows:

i) That the permittee has been authorized temporarily to conduct the activities described in the permit modification request; and

ii) That, unless the Agency acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit.

B) If the owner or operator fails to notify the public by the date specified in subsection (f)(4)(A), the effective date of the

permanent authorization will be deferred until 50 days after the owner or operator notifies the public.

5) Except as provided in subsection (f)(7), if the Agency does not finally approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as a Class 3 modification, the permittee is authorized to conduct the activities described in the permit modification request for the life of the permit unless modified later under Section 703.270 or Section 703.280. The activities authorized under this subsection must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 35 Ill. Adm. Code 725.

6) In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as a Class 3, the Agency must consider all written comments submitted to the Agency during the public comment period and must respond in writing to all significant comments in the Agency's decision.

7) With the written consent of the permittee, the Agency may extend indefinitely or for a specified period the time periods for final approval or denial of a modification request or for reclassifying a modification as a Class 3.

g) The Agency must deny or change the terms of a Class 2 permit modification request under subsections (f)(1) through (f)(3) for the following reasons:

1) The modification request is incomplete;

2) The requested modification does not comply with the appropriate requirements of 35 Ill. Adm. Code 724 or other applicable requirements; or

3) The conditions of the modification fail to protect human health and the environment.

h) The permittee may perform any construction associated with a Class 2 permit modification request beginning 60 days after the submission of the request unless the Agency establishes a later date for commencing construction and informs the permittee in writing before day 60.

BOARD NOTE: Derived from 40 CFR 270.42(b) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.283 Class 3 Modifications

a) For Class 3 modifications, listed in Appendix A, the permittee must submit a modification request to the Agency that does the following:

1) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

2) Identifies that the modification is a Class 3 modification;

3) Explains why the modification is needed; and

4) Provides the applicable information required by Section 703.181 through 703.187, 703.201 through 703.209, 703.221 through 703.225, 703.230, and 703.232.

b) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the Agency and to the appropriate units of State and local government, as specified in 35 Ill. Adm. Code 705.163(a)(5), and must publish this notice in a newspaper of general circulation in the county in which the facility is located. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the Agency evidence of the mailing and publication. The notice must include the following:

1) Announcement of a 60-day comment period, in accordance with subsection (e), and the name and address of an Agency contact to whom comments must be sent;

2) Announcement of the date, time, and place for a public meeting held in accordance with subsection (d);

3) Name and telephone number of the permittee's contact person;

4) Name and telephone number of an Agency contact person;

5) Locations where copies of the modification request and any supporting documents can be viewed and copied; and

6) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person".

c) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

d) The permittee must hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.

e) The public must be provided 60 days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments must be submitted to the Agency contact identified in the public notice.

f) After the conclusion of the 60-day comment period, the Agency must grant or deny the permit modification request, according to the permit modification procedures of 35 Ill. Adm. Code 705. In addition, the Agency must consider and respond to all significant written comments received during the 60-day comment period.

BOARD NOTE: Derived from 40 CFR 270.42(c) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

SUBPART H: REMEDIAL ACTION PLANS

Section 703.300 Special Regulatory Format

USEPA wrote the federal counterpart to this Subpart H, subpart H of 40 CFR 270, in a special format to make it easier to understand the regulatory requirements. The Board has adapted the substance of the corresponding federal regulations in this Subpart H to use a more conventional regulatory format, rather than the question-and-answer format used by USEPA.

BOARD NOTE: Derived from 40 CFR 270.79 (2005).

(Source: Amended at 30 Ill. Reg. 2845, effective February 23, 2006)

Section 703.301 General Information

a) Definition of a RAP.

1) A RAP is a special form of RCRA permit that an owner or operator may obtain, instead of a permit issued under 35 Ill. Adm. Code 702 and this Part, to authorize the owner or operator to treat, store, or dispose of hazardous remediation waste (as defined in 35 Ill. Adm. Code 720.110) at a remediation waste management site. A RAP may only be issued for the area of contamination where the remediation wastes to be managed under the RAP originated, or areas in close proximity to the contaminated area, except as allowed in limited circumstances under Section 703.306.

2) The requirements in 35 Ill. Adm. Code 702 and this Part do not apply to RAPs unless those requirements for traditional RCRA permits are

specifically required under this Subpart H. The definitions in 35 Ill. Adm. Code 702.110 apply to RAPs.

3) Notwithstanding any other provision of 35 Ill. Adm. Code 702 or this Part, any document that meets the requirements in this Section constitutes a RCRA permit, as defined in 35 Ill. Adm. Code 702.110.

4) A RAP may be either of the following:

A) A stand-alone document that includes only the information and conditions required by this Subpart H; or

B) A part (or parts) of another document that includes information or conditions for other activities at the remediation waste management site, in addition to the information and conditions required by this Subpart H.

5) If an owner or operator is treating, storing, or disposing of hazardous remediation wastes as part of a cleanup compelled by authorities issued by USEPA or the State of Illinois, a RAP does not affect the obligations under those authorities in any way.

6) If an owner or operator receives a RAP at a facility operating under interim status, the RAP does not terminate the facility's interim status.

BOARD NOTE: Subsection (a) is derived from 40 CFR 270.80 (2002).

b) When an owner or operator needs a RAP.

1) Whenever an owner or operator treats, stores, or disposes of hazardous remediation wastes in a manner that requires a RCRA permit under Section 703.121, an owner or operator must obtain either of the following:

A) A RCRA permit according to 35 Ill. Adm. Code 702 and this Part; or

B) A RAP according to this Subpart H.

2) Treatment units that use combustion of hazardous remediation wastes at a remediation waste management site are not eligible for RAPs under this Subpart H.

3) An owner or operator may obtain a RAP for managing hazardous remediation waste at an already permitted RCRA facility. An owner or operator must have the RAP approved as a modification to the owner's or operator's existing permit according to the requirements of Sections 703.270 through 703.273 or Sections 703.280 through 703.283 instead of the requirements in this Subpart H. However, when an owner or operator

submits an application for such a modification, the information requirements in Sections 703.281(a)(1), 703.282(a)(4), and 703.283(a)(4) do not apply. Instead, an owner or operator must submit the information required under Section 703.302(d). When the owner's or operator's RCRA permit is modified, the RAP becomes part of the RCRA permit. Therefore, when the owner's or operator's RCRA permit (including the RAP portion) is modified or reissued, or terminated, or when it expires, the permit will be modified, according to the applicable requirements in Sections 703.270 through 703.273 or 703.280 through 703.283, it will be reissued, according to the applicable requirements in 35 Ill. Adm. Code 702.186 and Sections 703.270 through 703.273, or it will be terminated, according to the applicable requirements in 35 Ill. Adm. Code 702.186, or the permit will expire, according to the applicable requirements in 35 Ill. Adm. Code 702.125 and 702.161.

BOARD NOTE: Subsection (b) is derived from 40 CFR 270.85 (2002).

c) The provisions of 35 Ill. Adm. Code 702.181 apply to RAPs.

BOARD NOTE: Subsection (c) is derived from 40 CFR 270.90 (2002). The corresponding federal provision includes an explanation that 40 CFR 270.4 provides that compliance with a permit constitutes compliance with RCRA. This is contrary to Illinois law, under which compliance with a permit does not constitute an absolute defense to a charge of violation of a substantive standard other than a failure to operate in accordance with the terms of a permit. See 35 Ill. Adm. Code 702.181(a) and accompanying Board Note.

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.302 Applying for a RAP

a) Applying for a RAP. To apply for a RAP, an owner or operator must complete an application, sign it, and submit it to the Agency according to the requirements in this Subpart H.

BOARD NOTE: Subsection (a) is derived from 40 CFR 270.95 (2012).

b) The person who must obtain a RAP. When a facility or remediation waste management site is owned by one person, but the treatment, storage, or disposal activities are operated by another person, it is the operator's duty to obtain a RAP, except that the owner must also sign the RAP application.

BOARD NOTE: Subsection (b) is derived from 40 CFR 270.100 (2012).

c) The person who must sign the application and any required reports for a RAP. Both the owner and the operator must sign the RAP application and any required reports according to 35 Ill. Adm. Code 702.126(a), (b), and (c). In the application, both the owner and the operator must also make the certification required pursuant

to 35 Ill. Adm. Code 702.126(d)(1). However, the owner may choose the alternative certification pursuant to 35 Ill. Adm. Code 702.126(d)(2) if the operator certifies pursuant to 35 Ill. Adm. Code 702.126(d)(1).

BOARD NOTE: Subsection (c) is derived from 40 CFR 270.105 (2012).

d) What an owner or operator must include in its application for a RAP. An owner or operator must include the following information in its application for a RAP:

1) The name, address, and USEPA identification number of the remediation waste management site;

2) The name, address, and telephone number of the owner and operator;

3) The latitude and longitude of the site;

4) The United States Geological Survey (USGS) or county map showing the location of the remediation waste management site;

5) A scaled drawing of the remediation waste management site showing the following:

A) The remediation waste management site boundaries;

B) Any significant physical structures; and

C) The boundary of all areas on-site where remediation waste is to be treated, stored, or disposed of;

6) A specification of the hazardous remediation waste to be treated, stored, or disposed of at the facility or remediation waste management site. This must include information on the following:

A) Constituent concentrations and other properties of the hazardous remediation wastes that may affect how such materials should be treated or otherwise managed;

B) An estimate of the quantity of these wastes; and

C) A description of the processes an owner or operator will use to treat, store, or dispose of this waste, including technologies, handling systems, design, and operating parameters an owner or operator will use to treat hazardous remediation wastes before disposing of them according to the land disposal restrictions of 35 Ill. Adm. Code 728, as applicable;

7) Enough information to demonstrate that operations that follow the provisions in the owner's or operator's RAP application will ensure

compliance with applicable requirements of 35 Ill. Adm. Code 724, 726, and 728;

8) Such information as may be necessary to enable the Agency to carry out its duties under other federal laws as is required for traditional RCRA permits pursuant to Section 703.183(t);

9) Any other information the Agency decides is necessary for demonstrating compliance with this Subpart H or for determining any additional RAP conditions that are necessary to adequately protect human health and the environment.

BOARD NOTE: Subsection (d) is derived from 40 CFR 270.110 (2012).

e) If an owner or operator wants to keep this information confidential. 35 Ill. Adm. Code 130 allows an owner or operator to claim as confidential any or all of the information an owner or operator submits to the Agency pursuant to this Subpart H. An owner or operator must assert any such claim at the time that the owner or operator submits its RAP application or other submissions by stamping the words "trade secret" in red ink, as provided in 35 Ill. Adm. Code 130.302. If an owner or operator asserts a claim in compliance with 35 Ill. Adm. Code 130.200 at the time it submits the information, the Agency must treat the information according to the procedures in 35 Ill. Adm. Code 130. If an owner or operator does not assert a claim at the time it submits the information, the Agency must make the information available to the public without further notice to the owner or operator. The Agency must deny any requests for confidentiality of an owner's or operator's name or address.

BOARD NOTE: Subsection (e) is derived from 40 CFR 270.115 (2012).

f) To whom the owner or operator must submit its RAP application. An owner or operator must submit its application for a RAP to the Agency for approval.

BOARD NOTE: Subsection (f) is derived from 40 CFR 270.120 (2012).

g) If an owner or operator submits its RAP application as part of another document, what the owner or operator must do. If an owner or operator submits its application for a RAP as a part of another document, an owner or operator must clearly identify the components of that document that constitute its RAP application.

BOARD NOTE: Subsection (g) is derived from 40 CFR 270.125 (2012).

(Source: Amended at 37 Ill. Reg. 17659, effective October 24, 2013)

Section 703.303 Getting a RAP Approved

a) The process for approving or denying an application for a RAP.

1) If the Agency tentatively finds that an owner's or operator's RAP application includes all of the information required by Section 703.302(d) and that the proposed remediation waste management activities meet the regulatory standards, the Agency must make a tentative decision to approve the RAP application. The Agency must then prepare a draft RAP and provide an opportunity for public comment before making a final decision on the RAP application, according to this Subpart H.

2) If the Agency tentatively finds that the owner's or operator's RAP application does not include all of the information required by Section 703.302(d) or that the proposed remediation waste management activities do not meet the regulatory standards, the Agency may request additional information from an owner or operator or ask an owner or operator to correct deficiencies in the owner's or operator's application. If an owner or operator fails or refuses to provide any additional information the Agency requests, or to correct any deficiencies in its RAP application, the Agency may either make a tentative decision to deny that owner's or operator's RAP application or to approve that application with certain changes, as allowed pursuant to Section 39 of the Act [415 ILCS 5/39]. After making this tentative decision, the Agency must prepare a notice of intent to deny the RAP application ("notice of intent to deny") or to approve that application with certain changes and provide an opportunity for public comment before making a final decision on the RAP application, according to the requirements in this Subpart H.

BOARD NOTE: Subsection (a) is derived from 40 CFR 270.130 (2005).

b) What the Agency must include in a draft RAP. If the Agency prepares a draft RAP, the draft must include the following information:

1) The information required pursuant to Section 703.302(d)(1) through (d)(6);

2) The following terms and conditions:

A) Terms and conditions necessary to ensure that the operating requirements specified in the RAP comply with applicable requirements of 35 Ill. Adm. Code 724, 726, and 728 (including any recordkeeping and reporting requirements). In satisfying this provision, the Agency may incorporate, expressly or by reference, applicable requirements of 35 Ill. Adm. Code 724, 726, and 728 into the RAP or establish site-specific conditions, as required or allowed by 35 Ill. Adm. Code 724, 726, and 728;

B) The terms and conditions in Subpart F of this Part;

C) The terms and conditions for modifying, reissuing, and terminating the RAP, as provided in Section 703.304(a); and

D) Any additional terms or conditions that the Agency determines are necessary to adequately protect human health and the environment, including any terms and conditions necessary to respond to spills and leaks during use of any units permitted under the RAP; and

3) If the draft RAP is part of another document, as described in Section 703.301(a)(4)(B), the Agency must clearly identify the components of that document that constitute the draft RAP.

BOARD NOTE: Subsection (b) is derived from 40 CFR 270.135 (2005).

c) What else the Agency must prepare in addition to the draft RAP or notice of intent to deny. Once the Agency has prepared the draft RAP or notice of intent to deny, it must then do the following:

1) Prepare a statement of basis that briefly describes the derivation of the conditions of the draft RAP and the reasons for them, or the rationale for the notice of intent to deny;

2) Compile an administrative record, including the following information:

A) The RAP application, and any supporting data furnished by the applicant;

B) The draft RAP or notice of intent to deny;

C) The statement of basis and all documents cited therein (material readily available at the applicable Agency office or published material that is generally available need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis); and

D) Any other documents that support the decision to approve or deny the RAP; and

3) Make information contained in the administrative record available for review by the public upon request.

BOARD NOTE: Subsection (c) is derived from 40 CFR 270.140 (2005).

d) The procedures for public comment on the draft RAP or notice of intent to deny.

1) The Agency must publish notice of its intent as follows:

A) Send notice to an owner or operator of its intention to approve or deny the owner's or operator's RAP application, and send an owner or operator a copy of the statement of basis;

B) Publish a notice of its intention to approve or deny the owner's or operator's RAP application in a major local newspaper of general circulation;

C) Broadcast its intention to approve or deny the owner's or operator's RAP application over a local radio station; and

D) Send a notice of its intention to approve or deny the owner's or operator's RAP application to each unit of local government having jurisdiction over the area in which the owner's or operator's site is located, and to each State agency having any authority under State law with respect to any construction or operations at the site.

2) The notice required by subsection (d)(1) of this Section must provide an opportunity for the public to submit written comments on the draft RAP or notice of intent to deny within at least 45 days.

3) The notice required by subsection (d)(1) of this Section must include the following information:

A) The name and address of the Agency office processing the RAP application;

B) The name and address of the RAP applicant, and if different, the remediation waste management site or activity the RAP will regulate;

C) A brief description of the activity the RAP will regulate;

D) The name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft RAP or notice of intent to deny, statement of basis, and the RAP application;

E) A brief description of the comment procedures in this Section, and any other procedures by which the public may participate in the RAP decision;

F) If a hearing is scheduled, the date, time, location, and purpose of the hearing;

G) If a hearing is not scheduled, a statement of procedures to request a hearing;

H) The location of the administrative record, and times when it will be open for public inspection; and

I) Any additional information that the Agency considers necessary or proper.

4) If, within the comment period, the Agency receives written notice of opposition to its intention to approve or deny the owner's or operator's RAP application and a request for a hearing, the Agency must hold an informal public hearing to discuss issues relating to the approval or denial of the owner's or operator's RAP application. The Agency may also determine on its own initiative that an informal hearing is appropriate. The hearing must include an opportunity for any person to present written or oral comments. Whenever possible, the Agency must schedule this hearing at a location convenient to the nearest population center to the remediation waste management site and give notice according to the requirements in subsection (d)(1) of this Section. This notice must, at a minimum, include the information required by subsection (d)(3) of this Section and the following additional information:

A) A reference to the date of any previous public notices relating to the RAP application;

B) The date, time, and place of the hearing; and

C) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

BOARD NOTE: Subsection (d) is derived from 40 CFR 270.145 (2005).

e) How the Agency must make a final decision on a RAP application.

1) The Agency must consider and respond to any significant comments raised during the public comment period or during any hearing on the draft RAP or notice of intent to deny, and the Agency may revise the draft RAP based on those comments, as appropriate.

2) If the Agency determines that the owner's or operator's RAP includes the information and terms and conditions required in subsection (b) of this Section, then it will issue a final decision approving the owner's or operator's RAP and, in writing, notify the owner or operator and all commenters on the owner's or operator's draft RAP that the RAP application has been approved.

3) If the Agency determines that the owner's or operator's RAP does not include the information required in subsection (b) of this Section, then it will issue a final decision denying the RAP and, in writing, notify the owner

or operator and all commenters on the owner's or operator's draft RAP that the RAP application has been denied.

4) If the Agency's final decision is that the tentative decision to deny the RAP application was incorrect, it must withdraw the notice of intent to deny and proceed to prepare a draft RAP, according to the requirements in this Subpart H.

5) When the Agency issues its final RAP decision, it must refer to the procedures for appealing the decision pursuant to subsection (f) of this Section.

6) Before issuing the final RAP decision, the Agency must compile an administrative record. Material readily available at the applicable Agency office or published materials that are generally available and which are included in the administrative record need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis or the response to comments. The administrative record for the final RAP must include information in the administrative record for the draft RAP (see subsection (c)(2) of this Section) and the following items:

A) All comments received during the public comment period;

B) Tapes or transcripts of any hearings;

C) Any written materials submitted at these hearings;

D) The responses to comments;

E) Any new material placed in the record since the draft RAP was issued;

F) Any other documents supporting the RAP; and

G) A copy of the final RAP.

7) The Agency must make information contained in the administrative record available for review by the public upon request.

BOARD NOTE: Subsection (e) is derived from 40 CFR 270.150 (2005).

f) Administrative appeal of a decision to approve or deny a RAP application.

1) Any commenter on the draft RAP or notice of intent to deny, or any participant in any public hearing on the draft RAP, may appeal the Agency's decision to approve or deny the owner's or operator's RAP application to the Board pursuant to 35 Ill. Adm. Code 705.212. Any person that did not file comments, or did not participate in any public

hearings on the draft RAP, may petition for administrative review only to the extent of the changes from the draft to the final RAP decision. Appeals of RAPs may be made to the same extent as for final permit decisions pursuant to 35 Ill. Adm. Code 705.201 (or a decision pursuant to Section 703.240 to deny a permit for the active life of a RCRA hazardous waste management facility or unit). Instead of the notice required pursuant to Subpart D of 35 Ill. Adm. Code 705 and 705.212(c), the Agency must give public notice of any grant of review of a RAP through the same means used to provide notice pursuant to subsection (d) of this Section. The notice will include the following information:

A) The public hearing and any briefing schedule for the appeal, as provided by the Board;

B) A statement that any interested person may participate in the public hearing or file public comments or an amicus brief with the Board; and

C) The information specified in subsection (d)(3) of this Section, as appropriate.

2) This appeal is a prerequisite to seeking judicial review of these Agency actions.

BOARD NOTE: Subsection (f) is derived from 40 CFR 270.155 (2005).

g) When a RAP becomes effective. A RAP becomes effective 35 days after the Agency notifies the owner or operator and all commenters that the RAP is approved, unless any of the following is true:

1) The Agency specifies a later effective date in its decision;

2) An owner or operator or another person has appealed the RAP pursuant to subsection (f) of this Section (if the RAP is appealed, and the request for review is granted pursuant to subsection (f), conditions of the RAP are stayed according to 35 Ill. Adm. Code 705.202 through 705.204); or

3) No commenters requested a change in the draft RAP, in which case the RAP becomes effective immediately when it is issued.

BOARD NOTE: Subsection (g) is derived from 40 CFR 270.160 (2005). The corresponding federal provision provides that a RAP is effective 30 days after the Agency notice of approval. The Board has used 35 days to be consistent with the 35 days within which a permit appeal must be filed pursuant to Section 40(a)(1) of the Act [415 ILCS 5/40(a)(1)].

h) When an owner or operator may begin physical construction of new units permitted under the RAP. An owner or operator must not begin physical construction of new

units permitted under the RAP for treating, storing, or disposing of hazardous remediation waste before receiving a final, effective RAP.

BOARD NOTE: Subsection (h) is derived from 40 CFR 270.165 (2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.304 How a RAP May Be Modified, Reissued, or Terminated

a) After a RAP is issued, how it may be modified, reissued, or terminated. In a RAP, the Agency must specify, either directly or by reference, procedures for any future modification, reissuance, or termination of the RAP. These procedures must provide adequate opportunities for public review and comment on any modification, reissuance, or termination that would significantly change the owner's or operator's management of its remediation waste, or that otherwise merits public review and comment. If the RAP has been incorporated into a traditional RCRA permit, as allowed pursuant to Section 703.301(b)(3), then the RAP will be modified according to the applicable requirements in Sections 703.260 through 703.283, reissued according to the applicable requirements in 35 Ill. Adm. Code 702.186 and Sections 703.270 through 703.273, or terminated according to the applicable requirements of 35 Ill. Adm. Code 702.186.

BOARD NOTE: Subsection (a) is derived from 40 CFR 270.170 (2005).

b) Reasons for which the Agency may choose to modify a final RAP.

1) The Agency may modify the owner's or operator's final RAP on its own initiative only if one or more of the following reasons listed in this Section exist. If one or more of these reasons do not exist, then the Agency must not modify a final RAP, except at the request of the owner or operator. Reasons for modification are the following:

A) The owner or operator made material and substantial alterations or additions to the activity that justify applying different conditions;

B) The Agency finds new information that was not available at the time of RAP issuance and would have justified applying different RAP conditions at the time of issuance;

C) The standards or regulations on which the RAP was based have changed because of new or amended statutes, standards, or regulations or by judicial decision after the RAP was issued;

D) If the RAP includes any schedules of compliance, the Agency may find reasons to modify the owner's or operator's compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which an owner or operator has little or no control and for which there is no reasonably available remedy;

E) The owner or operator is not in compliance with conditions of its RAP;

F) The owner or operator failed in the application or during the RAP issuance process to disclose fully all relevant facts, or an owner or operator misrepresented any relevant facts at the time;

G) The Agency has determined that the activity authorized by the owner's or operator's RAP endangers human health or the environment and can only be remedied by modifying the RAP; or

H) The owner or operator has notified the Agency (as required in the RAP and pursuant to 35 Ill. Adm. Code 702.152(c)) of a proposed transfer of a RAP.

2) Notwithstanding any other provision in this Section, when the Agency reviews a RAP for a land disposal facility pursuant to Section 703.304(f), it may modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in 35 Ill. Adm. Code 702, 703, and 720 through 727.

3) The Agency must not reevaluate the suitability of the facility location at the time of RAP modification unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

BOARD NOTE: Subsection (b) is derived from 40 CFR 270.175 (2005).

c) Reasons for which the Agency may choose to reissue a final RAP.

1) The Agency may reissue a final RAP on its own initiative only if one or more reasons for reissuance exist. If one or more reasons do not exist, then the Agency must not modify or reissue a final RAP, except at the owner's or operator's request. Reasons for modification or reissuance are the same as the reasons listed for RAP modifications in subsections (b)(1)(E) through (b)(1)(H) of this Section if the Agency determines that reissuance of the RAP is appropriate.

2) The Agency must not reevaluate the suitability of the facility location at the time of RAP reissuance, unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

BOARD NOTE: Subsection (c) is derived from 40 CFR 270.180 (2005).

d) Reasons for which the Agency may choose to terminate a final RAP, or deny a renewal application. The Agency may terminate a final RAP on its own initiative or deny a renewal application for the same reasons as those listed for RAP

modifications in subsections (b)(1)(E) through (b)(1)(G) of this Section if the Agency determines that termination of the RAP or denial of the RAP renewal application is appropriate.

BOARD NOTE: Subsection (d) is derived from 40 CFR 270.185 (2005).

e) Administrative appeal of an Agency decision to approve or deny a modification, reissuance, or termination of a RAP.

1) Any commenter on the modification, reissuance, or termination, or any person that participated in any hearing on these actions, may appeal the Agency's decision to approve a modification, reissuance, or termination of a RAP, according to Section 703.303(f). Any person that did not file comments or did not participate in any public hearing on the modification, reissuance, or termination may petition for administrative review only of the changes from the draft to the final RAP decision.

2) Any commenter on the modification, reissuance, or termination, or any person that participated in any hearing on these actions, may appeal the Agency's decision to deny a request for modification, reissuance, or termination to the Board. Any person that did not file comments or who did not participate in any public hearing on the modification, reissuance, or termination may petition for administrative review only of the changes from the draft to the final RAP decision.

3) The procedure for appeals of RAPs is as follows:

A) The person appealing the decision must send a petition to the Board pursuant to 35 Ill. Adm. Code 101 and 105. The petition must briefly set forth the relevant facts, state the defect or fault that serves as the basis for the appeal, and explain the basis for the petitioner's legal standing to pursue the appeal.

B) The Board has 120 days after receiving the petition to act on it.

C) If the Board does not take action on the petition within 120 days after receiving it, the appeal must be considered denied.

BOARD NOTE: Corresponding 40 CFR 270.190(c)(2) and (c)(3) (2002) allow 60 days for administrative review, which is too short a time for the Board to publish the appropriate notices, conduct public hearings, and conduct its review. Rather, the Board has borrowed the 120 days allowed as adequate time for Board review of permit appeals provided in Section 40(a)(2) of the Act [415 ILCS 5/40(a)(2)].

4) This appeal is a prerequisite to seeking judicial review of the Agency action on the RAP.

BOARD NOTE: Subsection (e) is derived from 40 CFR 270.190 (2005). The corresponding federal provisions provide for informal appeal of an Agency RAP decision. There is no comparable informal procedure pursuant to Sections 39 and 40 of the Act [415 ILCS 5/39 and 40].

f) Expiration of a RAP. RAPs must be issued for a fixed term, not to exceed ten years, although they may be renewed upon approval by the Agency in fixed increments of no more than ten years. In addition, the Agency must review any RAP for hazardous waste land disposal five years after the date of issuance or reissuance and the owner or operator or the Agency must follow the requirements for modifying the RAP as necessary to assure that the owner or operator continues to comply with currently applicable requirements in the Act and federal RCRA sections 3004 and 3005 (42 USC 6904 and 6905).

BOARD NOTE: Subsection (f) is derived from 40 CFR 270.195 (2005).

g) How an owner or operator may renew a RAP that is expiring. If an owner or operator wishes to renew an expiring RAP, the owner or operator must follow the process for application for and issuance of RAPs in this Subpart H.

BOARD NOTE: Subsection (g) is derived from 40 CFR 270.200 (2005).

h) What happens if the owner or operator has applied correctly for a RAP renewal but has not received approval by the time its old RAP expires. If the owner or operator has submitted a timely and complete application for a RAP renewal, but the Agency, through no fault of the owner or operator, has not issued a new RAP with an effective date on or before the expiration date of the previous RAP, the previous RAP conditions continue in force until the effective date of the new RAP or RAP denial.

BOARD NOTE: Subsection (h) is derived from 40 CFR 270.205 (2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.305 Operating Under a RAP

a) The records an owner or operator must maintain concerning its RAP. An owner or operator is required to keep records of the following:

1) All data used to complete RAP applications and any supplemental information that an owner or operator submits for a period of at least three years from the date the application is signed; and

2) Any operating or other records the Agency requires an owner or operator to maintain as a condition of the RAP.

BOARD NOTE: Subsection (a) is derived from 40 CFR 270.210 (2002).

b) How time periods in the requirements in Subpart H of this Part and the RAP are computed.

1) Any time period scheduled to begin on the occurrence of an act or event must begin on the day after the act or event. (For example, if a RAP specifies that the owner or operator must close a staging pile within 180 days after the operating term for that staging pile expires, and the operating term expires on June 1, then June 2 counts as day one of the 180 days, and the owner or operator would have to complete closure by November 28.)

2) Any time period scheduled to begin before the occurrence of an act or event must be computed so that the period ends on the day before the act or event. (For example, if an owner or operator is transferring ownership or operational control of its site, and the owner or operator wishes to transfer its RAP, the new owner or operator must submit a revised RAP application no later than 90 days before the scheduled change. Therefore, if an owner or operator plans to change ownership on January 1, the new owner or operator must submit the revised RAP application no later than October 3, so that the 90th day would be December 31.)

3) If the final day of any time period falls on a weekend or legal holiday, the time period must be extended to the next working day. (For example, if an owner or operator wishes to appeal the Agency's decision to modify its RAP, then an owner or operator must petition the Board within 35 days after the Agency has issued the final RAP decision. If the 35th day falls on Sunday, then the owner or operator may submit its appeal by the Monday after. If the 35th day falls on July 4th, then the owner or operator may submit its appeal by July 5th.)

4) Whenever a party or interested person has the right to or is required to act within a prescribed period after the service of notice or other paper upon him by mail, four days may not be added to the prescribed term. (For example, if an owner or operator wishes to appeal the Agency's decision to modify its RAP, then the owner or operator must petition the Board within 35 days after the Agency has issued the final RAP decision.)

BOARD NOTE: Subsection (b) is derived from 40 CFR 270.215 (2002). Federal subsections (c) and (d) provide that a RAP is effective 30 days after the Agency notice of approval. The Board has used 35 days to be consistent with the 35 days within which a permit appeal must be filed under Section 40(a)(1) of the Act [415 ILCS 5/40(a)(1)]. Further, federal subsection (d) provides three days for completion of service by mail. The addition of four days (see procedural rule 35 Ill. Adm. Code 101.144(c)) to be consistent with 40 CFR 270.215(d) would exceed the 35 days allowed under Section 40(a)(1) of the Act [415 ILCS 5/40(a)(1)].

c) How an owner or operator may transfer its RAP to a new owner or operator.

1) If an owner or operator wishes to transfer its RAP to a new owner or operator, the owner or operator must follow the requirements specified in its RAP for RAP modification to identify the new owner or operator, and incorporate any other necessary requirements. These modifications do not constitute "significant" modifications for purposes of Section 703.304(a). The new owner or operator must submit a revised RAP application no later than 90 days before the scheduled change along with a written agreement containing a specific date for transfer of RAP responsibility between the owner or operator and the new permittees.

2) When a transfer of ownership or operational control occurs, the old owner or operator must comply with the applicable requirements in Subpart H of 35 Ill. Adm. Code 724 (Financial Requirements) until the new owner or operator has demonstrated that it is complying with the requirements in that Subpart. The new owner or operator must demonstrate compliance with Subpart H of 35 Ill. Adm. Code 724 within six months after the date of the change in ownership or operational control of the facility or remediation waste management site. When the new owner or operator demonstrates compliance with Subpart H of 35 Ill. Adm. Code 724 to the Agency, the Agency must notify the former owner or operator that it no longer needs to comply with Subpart H of 35 Ill. Adm. Code 724 as of the date of demonstration.

BOARD NOTE: Subsection (c) is derived from 40 CFR 270.220 (2002).

d) What the Agency must report about noncompliance with RAPs. The Agency must report noncompliance with RAPs according to the provisions of 40 CFR 270.5 (Noncompliance and Program Reporting by the Director), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

BOARD NOTE: Subsection (d) is derived from 40 CFR 270.225 (2005).

(Source: Amended at 30 Ill. Reg. 2845, effective February 23, 2006)

Section 703.306 Obtaining a RAP for an Off-Site Location

An owner or operator may perform remediation waste management activities under a RAP at a location removed from the area where the remediation wastes originated.

a) An owner or operator may request a RAP for remediation waste management activities at a location removed from the area where the remediation wastes originated if the owner or operator believes such a location would be more protective than the contaminated area or areas in close proximity.

b) If the Agency determines that an alternative location, removed from the area where the remediation waste originated, is more protective than managing remediation waste at the area of contamination or areas in close proximity, then the Agency must approve a RAP for this alternative location.

c) An owner or operator must request the RAP, and the Agency must approve or deny the RAP, according to the procedures and requirements in this Subpart H.

d) A RAP for an alternative location must also meet the following requirements, which the Agency must include in the RAP for such locations:

1) The RAP for the alternative location must be issued to the person responsible for the cleanup from which the remediation wastes originated;

2) The RAP is subject to the expanded public participation requirements in Sections 703.191, 703.192, and 703.193;

3) The RAP is subject to the public notice requirements in 35 Ill. Adm. Code 705.163;

4) The site permitted in the RAP may not be located within 61 meters or 200 feet of a fault that has had displacement in the Holocene time. (The owner or operator must demonstrate compliance with this standard through the requirements in Section 703.183(k).) (See the definitions of terms in 35 Ill. Adm. Code 724.118(a).)

BOARD NOTE: Sites in Illinois are assumed to be in compliance with the requirement of subsection (d)(4) of this Section, since they are not listed in appendix VI to 40 CFR 264 (Political Jurisdictions in Which Compliance with § 264.18(a) Must Be Demonstrated), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

e) These alternative locations are remediation waste management sites, and retain the following benefits of remediation waste management sites:

1) Exclusion from facility-wide corrective action under 35 Ill. Adm. Code 724.201; and

2) Application of 35 Ill. Adm. Code 724.101(j) in lieu of Subparts B, C, and D of 35 Ill. Adm. Code 724.

BOARD NOTE: Derived from 40 CFR 270.230 (2012).

(Source: Amended at 37 Ill. Reg. 17659, effective October 24, 2013)

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

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

a) Facilities with Existing Permits

1) Revisions to permit conditions after documenting compliance with MACT. The owner or operator of a RCRA-permitted incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace, when requesting removal of permit conditions that are no longer applicable according to 35 Ill. Adm. Code 724.440(b) and 726.200(b), may request that the Agency address permit conditions that minimize emissions from startup, shutdown, and malfunction events under any of the following options:

A) Retain Relevant Permit Conditions. Under this option, the Agency must do the following:

i) Retain permit conditions that address releases during startup, shutdown, and malfunction events, including releases from emergency safety vents, as these events are defined in the facility's startup, shutdown, and malfunction plan required pursuant to 40 CFR 63.1206(c)(2) (When and How Must You Comply with the Standards and Operating Requirements?), incorporated by reference in 35 Ill. Adm. Code 720.111(b); and

ii) Limit applicability of those permit conditions only to when the facility is operating under its startup, shutdown, and malfunction plan.

B) Revise Relevant Permit Conditions. Under this option, the following must occur:

i) The Agency must identify a subset of relevant existing permit requirements, or develop alternative permit requirements, that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan, design, and operating history;

ii) The Agency must retain or add these permit requirements to the permit to apply only when the facility is operating under its startup, shutdown, and malfunction plan; and

iii) The owner or operator must comply with subsection (a)(3).

BOARD NOTE: The Board found it necessary to deviate from the structure of corresponding 40 CFR 270.235(a)(1)(ii) in this subsection (a)(1)(B) in order to comport with Illinois Administrative Code codification requirements. The substance of 40 CFR 270.235(a)(1)(ii)(A), (a)(1)(ii)(A)(*1*), and (a)(1)(ii)(A)(*2*) appear as subsections (a)(1)(B), (a)(1)(B)(i), and (a)(1)(B)(ii). The substance of 40 CFR 270.235(a)(1)(ii)(B) has been codified as subsection (a)(3). The Board added subsection (a)(1)(B)(iii) to direct attention to subsection (a)(3).

C) Remove Permit Conditions. Under this option the following are required:

i) The owner or operator must document that the startup, shutdown, and malfunction plan required pursuant to 40 CFR 63.1206(c)(2) has been approved pursuant to 40 CFR 63.1206(c)(2)(ii)(B); and

ii) The Agency must remove permit conditions that are no longer applicable according to 35 Ill. Adm. Code 724.440(b) and 726.200(b).

2) Addressing Permit Conditions upon Permit Reissuance. The owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that has conducted a comprehensive performance test and submitted to the Agency a Notification of Compliance documenting compliance with the standards of subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), may request in the application to reissue the permit for the combustion unit that the Agency control emissions from startup, shutdown, and malfunction events under any of the following options:

A) RCRA Option A. Under this option, the Agency must do the following:

i) Include, in the permit, conditions that ensure compliance with 35 Ill. Adm. Code 724.445(a) and (c) or 726.202(e)(1) and (e)(2)(C) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events, including releases from emergency safety vents; and

ii) Specify that these permit requirements apply only when the facility is operating under its startup, shutdown, and malfunction plan; or

BOARD NOTE: The Board found it necessary to deviate from the structure of corresponding 40 CFR 270.235(a)(2)(i) in this subsection (a)(2)(A) in order to comport with Illinois Administrative Code codification requirements. The substance of 40 CFR 270.235(a)(2)(i)(A), (a)(2)(i)(A)(1), and (a)(2)(i)(A)(2) appear as subsections (a)(2)(A), (a)(2)(A)(i), and (a)(2)(A)(ii).

B) RCRA Option B. Under this option, the following must occur:

i) The Agency must include, in the permit, conditions that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan, design, and operating history;

ii) The Agency must specify that these permit requirements apply only when the facility is operating under its startup, shutdown, and malfunction plan; and

iii) The owner or operator must comply with subsection (a)(3) of this Section; and

BOARD NOTE: The Board found it necessary to deviate from the structure of corresponding 40 CFR 270.235(a)(2)(ii) in this subsection (a)(2)(B) in order to comport with Illinois Administrative Code codification requirements. The substance of 40 CFR 270.235(a)(2)(ii)(A), (a)(2)(ii)(A)(1), and (a)(2)(ii)(A)(2) appear as subsections (a)(2)(B), (a)(2)(B)(i), and (a)(2)(B)(ii). The substance of 40 CFR 270.235(a)(2)(ii)(B) has been codified as subsection (a)(3). The Board added subsection (a)(2)(B)(iii) to direct attention to subsection (a)(3).

C) CAA Option. Under this option the following are required:

i) The owner or operator must document that the startup, shutdown, and malfunction plan required pursuant to 40 CFR 63.1206(c)(2) has been approved pursuant to 40 CFR 63.1206(c)(2)(ii)(B); and

ii) The Agency must omit from the permit conditions that are not applicable pursuant to 35 Ill. Adm. Code 724.440(b) and 726.200(b).

3) Changes That May Significantly Increase Emissions

A) The owner or operator must notify the Agency in writing of changes to the startup, shutdown, and malfunction plan or changes

to the design of the source that may significantly increase emissions of toxic compounds from startup, shutdown, or malfunction events, including releases from emergency safety vents. The owner or operator must notify the Agency of such changes within five days of making such changes. The owner or operator must identify in the notification recommended revisions to permit conditions necessary as a result of the changes to ensure that emissions of toxic compounds are minimized during these events.

B) The Agency may revise permit conditions as a result of these changes to ensure that emissions of toxic compounds are minimized during startup, shutdown, or malfunction events, including releases from emergency safety vents in either of the following ways:

i) Upon permit renewal; or

ii) If warranted, by modifying the permit pursuant to Section 703.270 or 703.280 through 703.283.

BOARD NOTE: The substance of 40 CFR 270.235(a)(1)(ii)(B) and (a)(2)(ii)(B) has been codified as this subsection (a)(3).

b) Interim Status Facilities

1) Interim status operations. In compliance with 35 Ill. Adm. Code 725.440 and 726.200(b), the owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that is operating under the interim status standards of 35 Ill. Adm. Code 725 or 726 may control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options after conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance documenting compliance with the standards of subpart EEE of 40 CFR 63:

A) RCRA Option. Under this option, the owner or operator must continue to comply with the interim status emission standards and operating requirements of 35 Ill. Adm. Code 725 or 726 relevant to control of emissions from startup, shutdown, and malfunction events. Those standards and requirements apply only during startup, shutdown, and malfunction events; or

B) CAA Option. Under this option, the owner or operator is exempt from the interim status standards of 35 Ill. Adm. Code 725 or 726 relevant to control of emissions of toxic compounds during startup, shutdown, and malfunction events upon submission of written

notification and documentation to the Agency that the startup, shutdown, and malfunction plan required pursuant to 40 CFR 63.1206(c)(2) has been approved pursuant to 40 CFR 63.1206(c)(2)(ii)(B).

2) Operations Under a Subsequent RCRA Permit permit. When an owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that is operating under the interim status standards of 35 Ill. Adm. Code 725 or 726 submits a RCRA permit application, the owner or operator may request that the Agency control emissions from startup, shutdown, and malfunction events under any of the options provided by subsection (a)(2)(A), (a)(2)(B), or (a)(2)(C) of this Section.

c) New Units. A hazardous waste incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace unit that becomes subject to RCRA permit requirements must control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options:

1) It may comply with the requirements specified in 40 CFR 63.1206(c)(2), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

2) It may request to include in the RCRA permit, conditions that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information, including the source's startup, shutdown, and malfunction plan and design. The Agency must specify that these permit conditions apply only when the facility is operating under its startup, shutdown, and malfunction plan.

BOARD NOTE: Derived from 40 CFR 270.235 (2017). Operating conditions used to determine effective treatment of hazardous waste remain effective after the owner or operator demonstrates compliance with the standards of subpart EEE of 40 CFR 63.

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

SUBPART J: RCRA STANDARDIZED PERMITS FOR STORAGE AND TREATMENT UNITS

Section 703.350 General Information About RCRA Standardized Permits

a) RCRA Standardized Permit. A RCRA standardized permit (RCRA) is a special type of permit that authorizes the owner or operator of a facility to manage hazardous waste. A RCRA standardized permit is issued pursuant to Subpart G of 35 Ill. Adm. Code 705 and this Subpart J.

BOARD NOTE: Subsection (a) is derived from 40 CFR 270.250 (2017).

b) Eligibility for a RCRA Standardized Permit

1) The facility owner or operator may be eligible for a RCRA standardized permit if the following conditions are fulfilled:

A) The facility generates hazardous waste and then stores or non-thermally treats the hazardous waste on-site in containers, tanks, or containment buildings; or

B) The facility receives hazardous waste generated off-site by a generator under the same ownership as the receiving facility, and the facility stores or non-thermally treats the hazardous waste in containers, tanks, or containment buildings.

C) The Agency must inform the facility owner or operator of its eligibility for a RCRA standardized permit when the Agency makes a decision on its permit application.

2) This subsection (b)(2) corresponds with 40 CFR 270.255(b), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

BOARD NOTE: Subsection (b) is derived from 40 CFR 270.255 (2017).

c) Permit Requirements Applicable to a RCRA Standardized Permit. The following provisions of this Part and 35 Ill. Adm. Code 702 apply to a RCRA standardized permit:

1) General Information: All provisions derived from subpart A of 40 CFR 270 apply: Sections 703.110, 703.121 through 703.124, 703.158 through 703.160, and 703.161(a) and 35 Ill. Adm. Code 702.104, 702.110, 702.181, and 720.111.

2) Permit Application: All provisions derived from 40 CFR 270.10, 270.11, 270.12, 270.13, and 270.29 in subpart B of 40 CFR 270 apply: Sections 703.125, 703.126, 703.150 through 703.152, 703.157, 703.181, 703.186, 703.188, and 703.240 and 35 Ill. Adm. Code 702.103, 702.120 through 702.124, and 702.126.

3) Permit Conditions: All provisions derived from subpart C of 40 CFR 270 apply: Sections 703.241 through 703.248 and 35 Ill. Adm. Code 702.140 through 702.152, 702.160, and 702.162 through 702.164.

4) Changes to Permit: All provisions derived from 40 CFR 270.40, 270.41, and 270.43 in subpart D of 40 CFR 270 apply: Sections 703.260 and 703.270 through 703.273 and 35 Ill. Adm. Code 702.186.

5) Expiration and Continuation of Permits: All provisions derived from subpart E of 40 CFR 270 apply: 35 Ill. Adm. Code 702.125 and 702.161.

6) Special Forms of Permits: The provision derived from 40 CFR 270.67 in subpart F of 40 CFR 270 apply: Section 703.238.

7) Interim Status: All provisions derived from subpart G of 40 CFR 270 apply: Sections 703.153 through 703.157.

8) Remedial Action Plans: No provisions derived from subpart H of 40 CFR 270 apply: no provisions of Subpart H of 35 Ill. Adm. Code 703 apply.

9) RCRA Standardized Permits: All provisions derived from subpart J of 40 CFR 270 apply: this Subpart J.

BOARD NOTE: Subsection (c) is derived from 40 CFR 270.260 (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.351 Applying for a RCRA Standardized Permit

a) Application procedure. The facility owner or operator may apply for a RCRA standardized permit by following the procedures in this Subpart J and Subpart G of 35 Ill. Adm. Code 705.

BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR 270.270, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

b) Information submitted to the Agency to support an application for a RCRA standardized permit. The information in subsections (b)(1) through (b)(10) of this Section will be the basis of an application for a RCRA standardized permit. The facility owner or operator must submit the following information to the Agency when it submits its Notice of Intent pursuant to 35 Ill. Adm. Code 705.301(a)(2) requesting coverage under a RCRA standardized permit:

1) The Part A information described in Section 703.181;

2) A meeting summary and other materials required by 35 Ill. Adm. Code 703.191;

3) Documentation of compliance with the location standards of 35 Ill. Adm. Code 727.110(i) and Sections 703.183(k) and 703.184;

4) This subsection (b)(4) corresponds with 40 CFR 270.275(d), which pertains to submission of information to USEPA relating to implementation of various federal laws (such as the Wild and Scenic Rivers Act (16 USC 1273 et seq.), the National Historic Preservation Act of 1966 (16 USC 470 et seq.), the Endangered Species Act (16 USC 1531

et seq.), the Coastal Zone Management Act (16 USC 1451 et seq.), the Fish and Wildlife Coordination Act (16 USC 661 et seq.), and executive orders). The provision is not necessary in Illinois because the Agency does not implement the cited federal laws. This statement maintains structural consistency with the corresponding federal rules;

5) Solid waste management unit information required by Section 703.187;

6) A certification meeting the requirements of subsection (c) of this Section, and an audit of the facility's compliance status with 35 Ill. Adm. Code 727, as required by subsection (c) of this Section;

7) A closure plan prepared in accordance with 35 Ill. Adm. Code 727.210;

8) The most recent closure cost estimate for the facility prepared pursuant to 35 Ill. Adm. Code 727.240(c) and a copy of the documentation required to demonstrate financial assurance pursuant to 35 Ill. Adm. Code 727.240(d). For a new facility, the owner or operator may gather the required documentation 60 days before the initial receipt of hazardous wastes;

9) If the owner or operator manages wastes generated offsite, the waste analysis plan; and

10) If the owner or operator manages waste generated from off-site, documentation showing that the waste generator and the off-site facility are under the same ownership.

BOARD NOTE: Subsection (b) of this Section is derived from 40 CFR 270.275, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

c) Certification requirements. The facility owner or operator must submit a signed certification based on an audit of its facility's compliance with 35 Ill. Adm. Code 727.

1) The owner's or operator's certification must read as follows:

I certify under penalty of law that:

1. I have personally examined and am familiar with the report containing the results of an audit conducted of my facility's compliance status with 35 Ill. Adm. Code 727, which supports this certification. Based on my inquiry of those individuals immediately responsible for conducting the audit and preparing the report, I believe that my [include here the language of the applicable of the following two paragraphs:]

existing facility complies with all applicable requirements of 35 Ill. Adm. Code 727 and will continue to comply until the expiration of the permit;

facility has been designed, and will be constructed and operated to comply with all applicable requirements of 35 Ill. Adm. Code 727, and will continue to comply until expiration of the permit;

2. I will make all information that I am required to maintain at my facility by 35 Ill. Adm. Code 703.352 readily available for review by the permitting agency and the public; and

3. I will continue to make all information required by 35 Ill. Adm. Code 703.352 available until the permit expires. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violation.

2) The owner or operator must sign the certification of subsection (c)(1) of this Section following the requirements of 35 Ill. Adm. Code 702.126(a)(1) through (a)(3).

3) The certification must be based upon an audit that the owner or operator conducted of its facility's compliance status with 35 Ill. Adm. Code 727. A written audit report, signed and certified as accurate by the auditor, must be submitted to the Agency with the 35 Ill. Adm. Code 705.301(a)(2) (Notice of Intent).

BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR 270.280, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Added at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.352 Information That Must Be Kept at the Facility

a) General Types of Information to Be Maintained at the Facility. The facility owner or operator must keep the following information at its facility:

1) A general description of the facility;

2) Results of chemical and physical analyses of the hazardous waste and hazardous debris handled at the facility. At a minimum, these results of analyses must contain all the information that the owner or operator must know to treat or store the wastes properly pursuant to 35 Ill. Adm. Code 727;

3) A copy of the waste analysis plan required by 35 Ill. Adm. Code 727.110(d)(2);

4) A description of the security procedures and equipment required by 35 Ill. Adm. Code 727.110(e);

5) A copy of the general inspection schedule required by 35 Ill. Adm. Code 727.110(f)(2). The owner or operator must include in the inspection schedule applicable requirements of 35 Ill. Adm. Code 724.933, 724.952, 724.953, 724.958, 724.988, 727.270(e), and 727.290(d) and (f);

6) A justification of any modification of the preparedness and prevention requirements of 35 Ill. Adm. Code 727.130(a) through (f);

7) A copy of the contingency plan required by 35 Ill. Adm. Code 727.150;

8) A description of procedures, structures, or equipment used at the facility to accomplish each of the following:

   A) Prevent hazards in unloading operations (for example, use ramps, special forklifts);

   B) Prevent run-off from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, with berms, dikes, trenches, etc.);

   C) Prevent contamination of water supplies;

   D) Mitigate effects of equipment failure and power outages;

   E) Prevent undue exposure of personnel to hazardous waste (for example, requiring protective clothing); and

   F) Prevent releases to atmosphere;

9) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required by 35 Ill. Adm. Code 727.110(h);

10) The traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes; describe access road surfacing and load bearing capacity; show traffic control signals, etc.);

11) This subsection (a)(11) corresponds with 40 CFR 270.290(k), which USEPA has marked “Reserved”. This statement maintains structural consistency with the corresponding federal rules;

12) An outline of both the introductory and continuing training programs that the owner or operator will use to prepare employees to operate or maintain its facility safely as required by 35 Ill. Adm. Code 727.110(g). A brief description of how training will be designed to meet actual job tasks pursuant to 35 Ill. Adm. Code 727.110(g)(1)(B) requirements;

13) A copy of the closure plan required by 35 Ill. Adm. Code 727.210(c). Include, where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 727.270(g), 727.290(l), and 727.900(i);

14) This subsection (a)(14) corresponds with 40 CFR 270.290(n), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules;

15) The most recent closure cost estimate for the facility prepared pursuant to 35 Ill. Adm. Code 727.240(c) and a copy of the documentation required to demonstrate financial assurance pursuant to 35 Ill. Adm. Code 727.240(d). For a new facility, the owner or operator may gather the required documentation 60 days before the initial receipt of hazardous wastes;

16) This subsection (a)(16) corresponds with 40 CFR 270.290(p), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules;

17) Where applicable, a copy of the insurance policy or other documentation that complies with the liability requirements of 35 Ill. Adm. Code 727.240(h). For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 727.240(h)(1) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment or storage;

18) Where appropriate, proof of coverage by a State financial mechanism, as required by 35 Ill. Adm. Code 727.240(j) or 727.240(k);

19) A topographic map showing 305 meters (1,000 feet) around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). The map must show elevation contours. The contour interval must show the pattern of surface water flow near and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). If the facility is in a mountainous area, the owner or operator should use large contour intervals to adequately show topographic profiles of the facility. The map must clearly show each of the following:

A) The map scale and date;

B) Any 100-year flood plain area;

C) All surface waters including intermittent streams;

D) The surrounding land uses (residential, commercial, agricultural, recreational, etc.);

E) A wind rose (*i.e.,* prevailing windspeed and direction);

F) The orientation of the map (north arrow);

G) Legal boundaries of the facility site;

H) Facility access control (fences, gates);

I) All injection and withdrawal wells both on-site and off-site;

J) All buildings; treatment, storage, or disposal operations; and other structures (recreation areas, run-off control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.);

K) Barriers for drainage or flood control; and

L) The location of operational units within the facility where hazardous waste is (or will be) treated or stored (including equipment cleanup areas).

BOARD NOTE: Subsection (a) is derived from 40 CFR 270.290.

b) Container Information to Be Maintained at the Facility. If the facility owner or operator stores or treats hazardous waste in containers, it must keep the following information at its facility:

1) A description of the containment system to demonstrate compliance with the container storage area provisions of 35 Ill. Adm. Code 727.270(d). This description must show the following information:

A) The basic design parameters, dimensions, and materials of construction;

B) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system;

C) The capacity of the containment system relative to the number and volume of containers to be stored;

D) The provisions for preventing or managing run-on; and

E) How accumulated liquids can be analyzed and removed to prevent overflow;

2) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with 35 Ill. Adm. Code 727.270(d)(3), including the following:

A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

B) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;

3) Sketches, drawings, or data demonstrating compliance with 35 Ill. Adm. Code 727.270(e) (location of buffer zone (15m or 50ft) and containers holding ignitable or reactive wastes) and 35 Ill. Adm. Code 727.270(f)(3) (location of incompatible wastes in relation to each other), where applicable;

4) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with 35 Ill. Adm. Code 727.270(f)(1) and (f)(2), and 35 Ill. Adm. Code 727.110(h)(2) and (h)(3); and

5) Information on air emission control equipment as required by Section 703.352(e).

BOARD NOTE: Subsection (b) is derived from 40 CFR 270.300.

c) Tank Information to Be Maintained at the Facility. If the facility owner or operator uses tanks to store or treat hazardous waste, it must keep the following information at its facility:

1) A written assessment that is reviewed and certified by an independent, qualified, registered professional engineer on the structural integrity and suitability for handling hazardous waste of each tank system, as required pursuant to 35 Ill. Adm. Code 727.290(b) and (c);

2) The dimensions and capacity of each tank;

3) A description of feed systems, safety cutoff, bypass systems, and pressure controls (*e.g.,* vents);

4) A diagram of piping, instrumentation, and process flow for each tank system;

5) A description of materials and equipment used to provide external corrosion protection, as required pursuant to 35 Ill. Adm. Code 727.290(b);

6) For new tank systems, a detailed description of how the tank systems will be installed in compliance with 35 Ill. Adm. Code 727.290(c) and (e);

7) Detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of 35 Ill. Adm. Code 727.290(f) and (g);

8) This subsection (c)(8) corresponds with 40 CFR 270.305(h), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules;

9) A description of controls and practices to prevent spills and overflows, as required pursuant to 35 Ill. Adm. Code 727.290(i);

10) For tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with 35 Ill. Adm. Code 727.290(m) and (n); and

11) Information on air emission control equipment, as required by Section 703.352(e).

BOARD NOTE: Subsection (c) is derived from 40 CFR 270.305.

d) Equipment Information to Be Maintained at the Facility. If the facility has equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies, the facility owner or operator must keep the following information at its facility:

1) For each piece of equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies, the following:

A) The equipment identification number and hazardous waste management unit identification;

B) The approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);

C) The type of equipment (e.g., a pump or a pipeline valve);

D) The percent by weight of total organics in the hazardous waste stream at the equipment;

E) The phase of the hazardous waste at the equipment (e.g., gas or vapor or liquid); and

F) The method of compliance with the standard (e.g., monthly leak detection and repair, or equipped with dual mechanical seals);

2) For a facility that cannot install a closed-vent system and control device to comply with Subpart BB of 35 Ill. Adm. Code 724 on the effective date that the facility becomes subject to the Subpart BB provisions, an implementation schedule as specified in 35 Ill. Adm. Code 724.933(a)(2);

3) Documentation that demonstrates compliance with the equipment standards in 35 Ill. Adm. Code 724.952 and 724.959. This documentation must contain the records required pursuant to 35 Ill. Adm. Code 724.964; and

4) Documentation to demonstrate compliance with 35 Ill. Adm. Code 724.960, which must include the following information:

A) A list of all information references and sources used in preparing the documentation;

B) Records, including the dates, of each compliance test required by 35 Ill. Adm. Code 724.933(j);

C) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions", USEPA publication number EPA-450/2-81-005, incorporated by reference in 35 Ill. Adm. Code 720.111(a) or other engineering texts acceptable to the Agency that present basic control device design information. The design analysis must address the vent stream characteristics and control device operation parameters, as specified in 35 Ill. Adm. Code 724.935(b)(4)(iii);

D) A statement signed and dated by the facility owner or operator that certifies that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonable expected to occur; and

E) A statement signed and dated by the facility owner or operator that certifies that the control device is designed to operate at an efficiency of 95 weight percent or greater.

BOARD NOTE: Subsection (d) is derived from 40 CFR 270.310.

e) Air Emissions Control Information to Be Maintained at the Facility. If the facility owner or operator has air emission control equipment subject to Subpart CC of 35 Ill. Adm. Code 724, it must keep the following information at its facility:

1) Documentation for each floating roof cover installed on a tank subject to 35 Ill. Adm. Code 724.984(d)(1) or (d)(2) that includes information that the owner or operator prepared or the cover manufacturer or vendor

provided describing the cover design, and the owner's or operator's certification that the cover meets applicable design specifications listed in 35 Ill. Adm. Code 724.984(e)(1) or (f)(1);

2) Identification of each container area subject to Subpart CC of 35 Ill. Adm. Code 724 and the owner's or operator's certification that the requirements of this Subpart J are met;

3) Documentation for each enclosure used to control air pollutant emissions from tanks or containers pursuant to requirements of 35 Ill. Adm. Code 724.984(d)(5) or 724.986(e)(1)(B). The owner or operator must include records for the most recent set of calculations and measurements that it performed to verify that the enclosure meets the criteria of a permanent total enclosure as specified in appendix B to 40 CFR 52.741 (Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

4) This subsection (e)(4) corresponds with 40 CFR 270.315(d), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules;

5) Documentation for each closed-vent system and control device installed pursuant to 35 Ill. Adm. Code 724.987 that includes design and performance information, as specified in Section 703.210(c) and (d); and

6) An emission monitoring plan for both Method 21 in appendix A to 40 CFR 60 (Determination of Volatile Organic Compound Leaks), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and control device monitoring methods. This plan must include the following information: monitoring points, monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliances.

BOARD NOTE: Subsection (e) is derived from 40 CFR 270.315.

(Source: Amended at 43 Ill. Reg. 5777, May 2, 2019)

Section 703.353 Modifying a RCRA Standardized Permit

A facility owner or operator can modify its RCRA standardized permit by following the procedures found in 35 Ill. Adm. Code 705.304.

BOARD NOTE: Derived from 40 CFR 270.320, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Added at 31 Ill. Reg. 487, effective December 20, 2006)

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.
1	3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).
	4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:
1	a. To provide for more frequent monitoring, reporting, or maintenance.
2	b. Other changes.
	5. Schedule of compliance:
1*	a. Changes in interim compliance dates, with prior approval of the Agency.
3	b. Extension of final compliance date.
1*	6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.
1*	7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.
1*	8. Changes to remove permit conditions that are no longer applicable (i.e., because the standards upon which they are based are no longer applicable to the facility).
1*	9. Changes to remove permit conditions applicable to a unit excluded pursuant to the provisions of 35 Ill. Adm. Code 721.104.
1*	10. Changes in the expiration date of a permit issued to a facility at which all units are excluded pursuant to the provisions of 35 Ill. Adm. Code 721.104.
	B. General Facility Standards
	1. Changes to waste sampling or analysis methods:

1		a.	To conform with Agency guidance or Board regulations.
1*		b.	To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.
1*		c.	To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes.
2		d.	Other changes.
	2.	Changes to analytical quality assurance or quality control plan:	
1		a.	To conform with agency guidance or 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 must 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(h), 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(g)(4) and 724.199.

2		b.	Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(j), 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.		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 in paragraph D(3)(f) below).
1*		f.	Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the Agency.
2		g.	Staging piles.
	E.	Post-Closure	
1	1.		Changes in name, address, or phone number of the contact in the 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.		Modification or addition of container units:
3		a.	Resulting in greater than 25 percent 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 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).

1 c. Modification or addition of container units or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards, with prior approval of the Agency. This modification may also involve the addition of new USEPA hazardous waste numbers or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

2. Modification of container units without an increased capacity or alteration of the system:

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. 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. Modification of a tank unit, secondary containment system, or treatment process that increases tank capacity, adds a new tank, or alters treatment, specified as follows:

3 a. Modification or addition of tank units resulting in greater than 25 percent 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 percent 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, with prior approval of the Agency. This modification may also involve the addition of new USEPA hazardous waste numbers. 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 ±10 percent of the replaced tank provided:

a. The capacity difference is no more than 1,500 gallons (5,680 ℓ),

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 or 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. 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. 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) (Procedures for Case-by-Case Extensions to an Effective Date), incorporated by reference in 35 Ill. Adm. Code 720.111(b), 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 percent increase in the facility's waste pile storage or treatment capacity.

2 b. Resulting in up to 25 percent 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. 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) (Procedures for Case-by-Case Extensions to an Effective Date), incorporated by reference in 35 Ill. Adm. Code 720.111(b), 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 that result in a change to the location, depth, or number of sampling points or which 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, or number of sampling points or which 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 percent 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 must 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 percent 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 must 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/Cl_2, 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 must 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 must 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 must 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. 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 alternative type of non-hazardous waste fuel that is not specified in the permit.	
1*	9.	Technology changes needed to meet standards under federal subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), provided the procedures of Section 703.280(j) are followed.	

1* 10. Changes to RCRA Permit provisions needed to support transition to federal subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), provided the procedures of Section 703.280(k) are followed.

M. Containment Buildings

1. Modification or addition of containment building units:

3 a. Resulting in greater than 25 percent increase in the facility's containment building storage or treatment capacity.

2 b. Resulting in up to 25 percent 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.

2 3. Approval of a staging pile or staging pile operating term extension pursuant to 35 Ill. Adm. Code 724.654.

Note: * indicates modifications requiring prior Agency approval.

BOARD NOTE: Derived from appendix I to 40 CFR 270.42.

(Source: Amended at 43 Ill. Reg. 5777, May 2, 2019)