

ILLINOIS POLLUTION CONTROL BOARD

January 9, 2003

IN THE MATTER OF:)
)
RCRA SUBTITLE C UPDATE, USEPA) R03-7
) (Identical-in-Substance
AMENDMENTS (January 1, 2002 through) Rulemaking - Land
June 30, 2002))

Adopted Rule. Final Order.

ORDER OF THE BOARD (by M.E. Tristano):

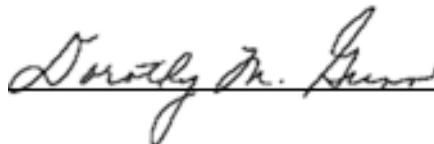
The Board adopts amendments to the Illinois regulations that are “identical in substance” to cover hazardous waste rules adopted by the United States Environmental Protection Agency (USEPA) under its authority under Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2000)). Sections 7.2 and 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 22.4(a) (2000)) require the Board to adopt regulations that are “identical in substance” to hazardous waste regulations adopted by USEPA to implement RCRA Subtitle C. The Board adopts this order that includes federal RCRA Subtitle C amendments that USEPA adopted in the period January 1, 2002 through June 30, 2002.

Sections 7.2 and 22.4(a) provide for quick adoption of regulations that are identical in substance to federal regulations that USEPA adopts to implement Sections 3001 through 3005 of RCRA (42 U.S.C. §§ 6921-6925 (2000)). Section 22.4(a) also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 and 5-40 (2000)) do not apply to the Board’s adoption of identical-in-substance regulations. The federal RCRA Subtitle C regulations are found at 40 C.F.R. 260 through 266, 268, 270, 271, 273, and 279.

This order is supported by an opinion that the Board also adopts today. The Board will cause the proposed amendments to be published in the *Illinois Register* and will hold the docket open to receive public comments for 45 days after the date of publication.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 9, 2003, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
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SUBCHAPTER b: PERMITS

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RCRA PERMIT PROGRAM

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

SOURCE: Adopted in 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. _____, effective _____.

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) 35 Ill. Adm. Code 702 contains general provisions on applications for and issuance of RCRA permits. 35 Ill. Adm. Code 705 contains 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, ~~and~~ 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. 35 Ill. Adm. Code 722 and 723 contain standards applicable to generators and transporters of hazardous waste.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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 U.S.C: 6901).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.110 References

35 Ill. Adm. Code 720.111 ~~includes lists all sources 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. _____, effective _____)

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 [415 ILCS 5];
- b) This Subpart B serves the following functions:
 - 1) ~~Prohibits-It prohibits~~ the conduct of hazardous waste management operations without a RCRA permit (Sections 703.121 and 703.122);
 - 2) ~~Specifies-It specifies~~ exclusions from the permit requirement (Section 703.123);
 - 3) ~~Sets-It sets~~ times for the filing of applications and reapplications (Sections 703.125 and 703.126);
 - 4) ~~Prohibits-It prohibits~~ violation of the conditions of RCRA permits (Section 703.122);
- c) Subpart C of this Part grants permits by rule, and sets the conditions for interim status, which allows operation of certain facilities prior to permit issuance. Subpart C of this Part 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 27 Ill. Reg. _____, effective _____)

Section 703.121 RCRA Permits

- a) No person ~~shall~~ 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) ~~Owners and operators~~ An owner or operator of a HWM-unit shall unit must have permits during the active life (including the closure period) of the unit. ~~Owners and operators~~ An owner or operator of a surface-impoundment, impoundment, landfill, landfill, land treatment-unit, unit, and or a waste pile-unit-unit that received wastes after July 26, 1982, or that certified closure (according to 35 Ill. Adm. Code 725.215) after January 26, 1983, ~~shall~~ must have a post-closure care ~~permits permit~~, unless ~~they demonstrate~~ it demonstrates closure by removal or decontamination, as provided under Sections 703.159 and 703.160, or ~~obtain~~ 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)-(1998), as amended at 63 Fed. Reg. 56735 (Oct. 22, 1998) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.123 Specific Exclusions from Permit Program

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

- a) Generators that accumulate hazardous waste on-site for less than the time periods provided in 35 Ill. Adm. Code 722.134;
- b) Farmers that dispose of hazardous waste pesticides from their own use as provided in 35 Ill. Adm. Code 722.170;
- c) Persons that own or operate facilities solely for the treatment, storage, or disposal of hazardous waste excluded from regulations under this Part by 35 Ill. Adm. Code 721.104 or 721.105 (small generator exemption);

- d) ~~Owners or operators~~ An owner or operator of a totally enclosed treatment facilities facility, as defined in 35 Ill. Adm. Code 720.110;
- e) ~~Owners and operators~~ An owner or operator of an elementary neutralization units unit or wastewater treatment units unit, as defined in 35 Ill. Adm. Code 720.110;
- f) ~~Transporters storing~~ A transporter that stores manifested shipments of hazardous waste in containers meeting that meet the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;
- g) ~~Persons adding~~ A person who adds absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) and persons adding or a person who 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 ~~below~~ in subsections (h)(1) through (h)(4) of this Section. 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) Thermostats, as described in 35 Ill. Adm. Code 733.104; and
 - 4) Lamps, as described in 35 Ill. Adm. Code 733.105.

BOARD NOTE: Derived from 40 CFR 270.1(c)(2) (1999), as amended at 64 Fed. Reg. 36488 (July 6, 1999) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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 ~~which~~ 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 ~~shall~~ 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)-(1997) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.125 Reapplications

Any HWM facility with an effective permit ~~shall~~ must submit a new application at least 180 days before the expiration date of the effective permit, unless permission for a later date has been granted by the Agency. (The Agency ~~shall~~ must not grant permission for applications to be submitted later than the expiration date of the existing permit.)

BOARD NOTE: Derived from 40 CFR 270.10(h)-(1992) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.126 Initial Applications

Except as provided in ~~703.~~ Subpart C of this Part, no person ~~shall~~ 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)-(1992) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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 40 CFR 270, Subpart G, which relates to interim status. Other portions of the federal rules may be found in ~~703~~-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 27 Ill. Reg. _____, effective _____)

Section 703.141 Permits by Rule

Notwithstanding any other provision of this Part or 35 Ill. Adm. Code 705, the following ~~shall~~ 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 ~~which that~~ that accepts hazardous waste for ocean disposal, if the owner or operator does the following:
 - 1) ~~Has-It has~~ has a permit for ocean dumping issued under 40 CFR 220, incorporated by reference in 35 Ill. Adm. Code 720.111;
 - 2) ~~Complies-It complies~~ complies with the conditions of that permit; and
 - 3) ~~Complies-It complies~~ complies with the following hazardous waste regulations, incorporated by reference in 35 Ill. Adm. Code 720.111:

- A) 40 CFR 264.11, Identification number;
 - B) 40 CFR 264.71, Use of manifest system;
 - C) 40 CFR 264.72, Manifest discrepancies;
 - D) 40 CFR 264.73(a) and (b)(1), Operating record;
 - E) 40 CFR 264.75, Biennial report; and
 - F) 40 CFR 264.76, 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) ~~Has-It has~~ a permit for underground injection issued under 35 Ill. Adm. Code 704; and
 - 2) ~~Complies-It complies~~ with the conditions of that permit and the requirements of Subpart F of 35 Ill. Adm. Code 704.~~Subpart F~~ (requirements for wells managing hazardous waste); and
 - 3) For UIC permits issued after November 8, 1984, the following:
 - A) ~~Complies-It complies~~ with 35 Ill. Adm. Code 724.201; and
 - B) Where the UIC well is the only unit at the facility ~~which that~~ requires a RCRA permit, it complies with Section 703.187.
- c) Publicly owned treatment works (POTW). The owner or operator of a POTW ~~which that~~ accepts for treatment hazardous waste, if the owner or operator fulfills the following conditions:
- 1) ~~Has-It has~~ an NPDES permit;
 - 2) ~~Complies-It complies~~ with the conditions of that permit; and

- 3) ~~Complies~~ 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; and
- 4) If the waste meets all ~~Federal~~ federal, it complies with State and local pretreatment requirements ~~which 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 (1987), as amended at 52 Fed. Reg. 45787, December 1, 1987.) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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 ~~which~~ 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; or
- 3) For generators ~~which~~ that generate greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and treat, store or dispose of these wastes on-site, by March 24, 1987.

~~BOARD NOTE: Derived from 40 CFR 270.10(e)(1) (1994).~~

- b) In granting a variance under subsection (c), ~~below,~~ of this Section 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.

~~BOARD NOTE: Derived from 40 CFR 270.10(e)(2) (1994).~~

- 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.

~~BOARD NOTE: Derived from 40 CFR 270.10(e)(3) (1994).~~

- 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 may 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 ~~which~~ 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.

BOARD NOTE: ~~Derived from 40 CFR 270.10(e)(4) (1994), as amended at 60 Fed. Reg. 33914 (June 29, 1995).~~

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

BOARD NOTE: Derived from 40 CFR 270.10(e)(~~5~~) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.151 Application by New HWM Facilities

- a) Except as provided in subsection (c) of this Section, no person ~~shall~~ 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) of this Section, all applications must be submitted to the Agency at least 180 days before physical construction is expected to commence;
- c) Notwithstanding subsection (a) of this Section, 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 ~~U.S.C.~~ USC 9601 et seq.) and any person owning or operating such facility may, at any time after construction of 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) (1994), as amended at 60 Fed. Reg. 33914 (June 29, 1995) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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 ~~shall~~ 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) (1994), as amended at 60 Fed. Reg. 33914 (June 29, 1995) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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 ~~which that~~ render the facility subject to the requirement to have a RCRA permit ~~shall~~ must

have interim status and ~~shall~~ must be treated as having been issued a permit to the extent he or she has:

- 1) 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:—~~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) 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 it fails to meet the requirements of 35 Ill. Adm. Code 702.123 or 703.181, it ~~shall~~ must notify the owner or operator in writing of the apparent deficiency. Such notice ~~shall~~ must specify the grounds for the Agency's belief that the application is deficient. The owner or operator ~~shall~~ 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) ~~shall~~ must not apply to any facility ~~which~~ 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:—~~See BOARD NOTE: Derived from 40 CFR 270.70- (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.154 Prohibitions During Interim Status

During the interim status period the facility ~~shall~~ 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)-(1992) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.155 Changes During Interim Status

- a) Except as provided in subsection (b), ~~below~~, of this Section the owner or operator of an interim status facility may make the following changes at the facility:
 - 1) Treatment, storage₂ 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, store₂ 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, storage₂ 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, storage₂ or disposal capacity at other hazardous waste management facilities; or
 - B) The change is necessary to comply with a federal, State₂ or local requirement, including 35 Ill. Adm. Code 725, 728₂ or 729;
 - 3) Changes in the processes for the treatment, storage₂ 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 ~~shall~~ must comply with the requirements of Subpart H of 35 Ill. Adm. Code 725 ~~Subpart H~~ (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 ~~shall~~ 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 ~~shall~~ 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 ~~Subpart H~~ 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), ~~above,~~ 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 fifty 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, 728₂ 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 ~~owners or operators~~ 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, storage₂ or disposal of solid waste from releases that originate within the boundary of the facility.
- 6) Changes to treat or store, in tanks, containers₂ 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), ~~above of this~~ Section.
- 8) Changes necessary to comply with the federal Clean Air Act (CAA) Maximum Achievable Control Technology (MACT) emissions standards of 40 CFR 63, Subpart EEE--National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors.

BOARD NOTE: Derived from 40 CFR 270.72-(1997), as amended at 63 Fed. Reg. 33829 (June 19, 1998) (2002). 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 27 Ill. Reg. _____, effective _____)

Section 703.156 Interim Status Standards

During interim status, ~~owners and operators shall~~ an owner or operator must comply with the interim status standards ~~at~~ of 35 Ill. Adm. Code 725.

BOARD NOTE: Derived from 40 CFR 270.71(b)-(1992) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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 of this Part; 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 ~~shall~~ 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) For ~~owners or operators~~ an owner or operator of ~~each~~ a land disposal facility ~~which~~ that has been granted interim status prior to November 8, 1984, on November 8, 1985, unless the following conditions are fulfilled:
 - 1) The owner or operator submits a Part B application for a permit for such facility prior to that date; and
 - 2) The owner or operator certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.

- d) For ~~owners or operators~~an owner or operator of ~~each a~~ land disposal facility ~~which 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) ~~Submits~~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) ~~Certifies~~It certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.
- e) For ~~owners~~an owner or ~~operators~~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 725.190 et seq. and 725.240 et seq.).
- f) For ~~owners~~an owner or ~~operators~~operator of each incinerator facility ~~which that~~ achieved interim status prior to November 8, 1984, on November 8, 1989, unless the owner or operator of the facility submits a Part B application for a RCRA permit for an incinerator facility by November 8, 1986.
- g) For ~~owners~~an owner or ~~operators~~operator of any facility (other than a land disposal or an incinerator facility) ~~which that~~ achieved interim status prior to November 8, 1984, on November 8, 1992, unless the owner or operator of the facility submits a Part B application for a RCRA permit for the facility by November 8, 1988.

BOARD NOTE: Derived from 40 CFR 270.10(e)(5)~~(1998)~~(2002) and 270.73~~(1998)~~, as amended at 63 Fed. Reg. 65941 (Nov. 30, 1998) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.159 Closure by Removal

~~Owners and operators~~ An owner or operator of a surface ~~impoundments~~ impoundment, a land treatment ~~units~~ unit, ~~and or a waste piles~~ pile that is closing by removal or decontamination under 35 Ill. Adm. Code 725 standards must obtain a post-closure permit, unless ~~they demonstrate 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 ~~shall~~ must approve or deny the petition according to the procedures outlined in Section 703.160.

(BOARD NOTE: ~~See Derived from~~ 40 CFR 270.1(c)(5), ~~as adopted at 52 Fed. Reg. 45787, December 1, 1987.)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.160 Procedures for Closure Determination

- a) If a facility owner or operator seeks an equivalency determination under Section 703.159, the Agency ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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), as adopted at 52 Fed. Reg. 45787, December 1, 1987, (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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) of this Section. 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)-(1999) (2002).

- 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) ~~shall~~ 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 [415 ILCS 5].

BOARD NOTE: Derived from 40 CFR 271.16(e)-(1999) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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 ~~consists~~ 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. _____, effective _____)

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 ~~shall~~ must include the following information:

- a) The latitude and longitude of the facility;

(~~BOARD NOTE: Derived from 40 CFR 270.13(b).~~)
- b) The name, address, and telephone number of the owner of the facility;

(~~BOARD NOTE: Derived from 40 CFR 270.13(e).~~)
- c) An indication of whether the facility is new or existing and whether it is a first or revised application;

(~~BOARD NOTE: Derived from 40 CFR 270.13(g).~~)

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

~~(BOARD NOTE: Derived from 40 CFR 270.13(h)(1).)~~

- 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;

~~(BOARD NOTE: Derived from 40 CFR 270.13(h)(2).)~~

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

~~(BOARD NOTE: Derived from 40 CFR 270.13(i).)~~

- 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.

~~(BOARD NOTE: Derived from 40 CFR 270.13(j).)~~

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

~~(BOARD NOTE: Derived from 40 CFR 270.13(n).~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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 ~~owners and operators~~ an owner or operator of a HWM facilities 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 ~~shall~~ must be submitted to the Agency and signed in accordance with requirements in 35 Ill. Adm. Code 702.126. Certain technical data, such as design drawings and specifications and engineering studies, ~~shall~~ must be certified by a registered 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)-(1998), ~~as amended at 63 Fed. Reg. 56734 (Oct. 22, 1998)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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

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 ~~to~~ as follows:
 - 1) ~~Prevent~~ To prevent hazards in unloading operations (for example, ramps, or special forklifts);
 - 2) ~~Prevent~~ To prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, or trenches);
 - 3) ~~Prevent~~ To prevent contamination of water supplies;
 - 4) ~~Mitigate~~ To mitigate effects of equipment failure and power outages;
 - 5) ~~Prevent~~ To prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and
 - 6) ~~Prevent~~ 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;
- 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 ~~which~~ 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 a distance of 1000 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 in the vicinity of 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). ~~Owners and operators~~ An owner or operator of a HWM facilities-facility located in a mountainous areas shall 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, runoff 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 ~~shall~~ must allow the use of other scales on a case-by-case basis.

- t) Applicants ~~shall~~ 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) ~~(1999)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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 ~~shall~~ must include the following information, or a demonstration that Section 21(l) does not apply:
 - 1) Location of any active or inactive shaft or tunneled mine below the facility;
 - 2) Location of any active faults in the earth's crust within ~~2~~ two miles of the facility boundary;
 - 3) Location of existing private wells or existing sources of a public water supply within 1000 feet of any disposal unit boundary;

- 4) 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) ~~above~~ of this Section request information necessary to allow the Agency to determine the applicability of Section 21(1) of the Environmental Protection Act [415 ILCS 5/21(1)] 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(1) of the Environmental Protection Act [415 ILCS 5/21(1)];

- c) ~~Owners and operators~~ An owner or operator of all facilities ~~shall~~ 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 ~~shall~~ 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 ~~is~~.

- d) ~~Owners and operators~~ An owner or operator of facilities located in the 100-year floodplain ~~shall~~ 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) ~~above of this Section~~, 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, 724, and 725;
 - 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) ~~Owners and operators~~ An owner or operator of existing facilities not in compliance with 35 Ill. Adm. Code 724.118(b) ~~shall~~ must provide a plan showing how the facility will be brought into compliance and a schedule for compliance.

Such ~~owners and operators shall~~ an owner or operator must file a concurrent variance petition with the Board; and

- f) ~~Owners~~ An owner or operators ~~operator of a~~ new regional pollution control facilities facility, as defined in Section 3 of the Environmental Protection Act [415 ILCS 5/3], ~~shall~~ 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: Subsections (b) through (e) of this Section are derived from 40 CFR 270.14(b)(11)(iii) through (b)(11)(v) ~~(1992)~~ (2002). 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 27 Ill. Reg. _____, effective _____)

Section 703.185 Groundwater Protection Information

The following additional information regarding protection of groundwater is required from ~~owners or operators~~ an owner or operator of a hazardous waste facilities 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) ~~Delineates~~ It delineates the extent of the plume on the topographic map required under Section 703.183(s);
 - 2) ~~Identifies~~ It identifies the concentration of each Appendix I to 35 Ill. Adm. Code 724. Appendix I constituent throughout the plume or identifies the maximum concentrations of each Appendix I to 35 Ill. Adm. Code 724. Appendix I 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 ~~shall~~ must submit sufficient information, supporting data and analyses to establish a detection monitoring program ~~which that~~ 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

~~shall~~ must submit sufficient information, supporting data and analyses to establish a compliance monitoring program ~~which 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 ~~shall~~ 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 ~~shall~~ 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 ~~which 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 ~~shall~~ must submit sufficient information, supporting data, and analyses to establish a corrective action program ~~which 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 ~~shall~~ must instead submit sufficient information to establish a compliance monitoring program ~~which that~~ that meets the requirements of subsection (f) and 35 Ill. Adm. Code 724.199. To demonstrate compliance with 35 Ill. Adm. Code 724.200, the owner or operator ~~shall~~ must address, at a minimum, the following items:

- 1) A characterization of the contaminated groundwater, including concentrations of hazardous constituents;
- 2) The concentration limit for each hazardous constituent found in the groundwater, as set forth in 35 Ill. Adm. Code 724.194;
- 3) Detailed plans and an engineering report describing the corrective action to be taken; and
- 4) A description of how the groundwater monitoring program will assess the adequacy of the corrective action.
- 5) The permit may contain a schedule for submittal of the information required in subsections (h)(3) and (h)(4) of this Section, provided the owner or operator obtains written authorization from the Agency prior to submittal of the complete permit application.

(BOARD NOTE: See 40 CFR 270.14(c) ~~(1987)~~, as amended at 52 Fed. Reg. 25942, July 9, 1987, 52 Fed. Reg. 33936, September 9, 1987 and 52 Fed. Reg. 45787, December 1, 1987.) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.186 Exposure Information

- a) 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:

- 1) Reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;
 - 2) The potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under subsection (a)(1) ~~above~~ of this Section; and
 - 3) The potential magnitude and nature of the human exposure resulting from such releases.
- b) By August 8, 1985, ~~owners and operators~~ an owner or operator of a landfill or a surface impoundment ~~who that have had~~ that have had already submitted a Part B application must ~~submit~~ have submitted the exposure information required in subsection (a) of this Section.

BOARD NOTE: Derived from 40 CFR 270.10(j) ~~(1992)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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
 - 2) Designation of the type of unit;₂
 - 3) General dimensions and structural description (supply any available drawings);₂

- 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~~ 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: ~~See Derived from 40 CFR 270.14(d) (1987), as adopted at 52 Fed. Reg. 45787, December 1, 1987.) (2002).~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.188 Other Information

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

(BOARD NOTE: ~~See Derived from 40 CFR 270.10(k) (1987), as adopted at 52 Fed. Reg. 45787, December 1, 1987.) (2002).~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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

- a) **Applicability.** The requirements of this Section ~~shall~~ must apply to any RCRA Part B application seeking an initial permit for a hazardous waste management unit. The requirements of this Section ~~shall~~ must also apply 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 under ~~Sections~~ Section 703.283 and 703-Appendix A to this Part. The requirements of this Section do not apply to permit modifications under Sections 703.280 through 703.283 or to applications that are 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 for a facility, 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 ~~shall~~ must post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide their names and addresses.
- c) The applicant ~~shall~~ must submit to the Agency, as part of its RCRA Part B permit application, a summary of the meeting, along with the list of attendees and their addresses developed under 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 ~~shall~~ must provide public notice in each of the following forms:
 - A) A newspaper advertisement. The applicant ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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 under 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-(1996) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.192 Public Participation: Public Notice of Application

- a) Applicability. The requirements of this Section ~~shall~~ must apply to any RCRA Part B application seeking an initial permit for a hazardous waste management unit. The requirements of this Section ~~shall~~ must also apply to any RCRA Part B application seeking renewal of a permit for such a unit under 35 Ill. Adm. Code 702.125. The requirements of this Section do not apply to permit modifications under 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 ~~shall~~ 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 ~~shall~~ 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 under subsection (b) of this Section, the Agency ~~shall~~ 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-(1996) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.193 Public Participation: Information Repository

- a) Applicability. The requirements of this Section ~~shall~~ must apply to any application seeking a RCRA permit for a hazardous waste management unit.
- b) The Agency ~~shall~~ must assess the need for an information repository on a case-by-case basis. When assessing the need for an information repository, the Agency ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ must specify a more appropriate site.
- e) The Agency ~~shall~~ must specify requirements for the applicant for informing the public about the information repository. At a minimum, the Agency ~~shall~~ 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 ~~shall~~ 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 ~~(1996)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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) ~~(1992)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.201 Containers

For ~~facilities~~ a facility that store-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 ~~Section 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 (1994), as amended at 59 Fed. Reg. 62952 (Dec. 6, 1994) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.202 Tank Systems

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

- a) A written assessment that is reviewed and certified by an independent, qualified, registered 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 ~~system(s)-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, ~~or~~

- 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~~ 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: See Derived from 40 CFR 270.16 (1994), as amended at 59 Fed. Reg. 62952 (Dec. 6, 1994) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.203 Surface Impoundments

For ~~facilities~~ a facility that ~~store~~ stores, ~~treat~~ treats, or ~~dispose~~ 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; ~~and~~
 - 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 ~~which~~ 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 ~~shall~~ 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 ~~shall~~ 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 (1994), as amended at 59 Fed. Reg. 62952 (Dec. 6, 1994) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.204 Waste Piles

For ~~facilities~~ a facility that ~~store~~ stores or ~~treat~~ 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 ~~724.~~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 ~~shall~~ 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 ~~of~~ 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 requirements of 35 Ill. Adm. Code 724.356 will be complied with;
- g) If incompatible wastes, or incompatible wastes and materials, will be placed in a waste pile, an explanation of how 35 Ill. Adm. Code 724.357 will be complied with;
- 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 ~~shall~~ 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); 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 (1991), as amended at 57 Fed. Reg. 3486, January 29, 1992 (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.205 Incinerators that Burn Hazardous Waste

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

- a) When seeking exemption under 35 Ill. Adm. Code 724.440(b) or (c) (ignitable, corrosive, or reactive wastes only), the following requirements:
 - 1) Documentation that the waste is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721. ~~Subpart D~~ solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both; ~~or~~
 - 2) Documentation that the waste is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721. ~~Subpart D~~ 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; ~~or~~
 - 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 under Subpart C of 35 Ill. Adm. Code 721. ~~Subpart C~~; 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; ~~or~~.

- b) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.222 et seq. ~~or~~
- 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 ~~Appendix H~~ 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 ~~Appendix H~~ 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 analytical techniques specified in “Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods,”; USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 ~~and Section 703.110~~, or their equivalent;
 - D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in “Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods,”; USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 ~~and Section 703.110~~; 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;

- 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) of this Section. 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) of this Section;
- 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 724.445 and what conditions are required by that Subpart and Section 39(d) of the Environmental Protection Act [415 ILCS 5/39(d)]; and
 - 8) Waste analysis data, including that submitted in subsection (c)(1) of this Section, 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 ~~shall~~ must approve a permit application without a trial burn if it finds ~~that~~ 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 (under 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 an owner or operator demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of this Section 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 this Section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).

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 40 CFR 63, subpart EEE.

BOARD NOTE: Derived from 40 CFR 270.19 ~~(1999)~~, as amended at 64 Fed. Reg. 53076 ~~(September 30, 1999)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.206 Land Treatment

For ~~facilities~~ a facility that ~~use~~ uses land treatment to dispose of hazardous waste, except as otherwise provided in 35 Ill. Adm. ~~code~~ 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 ~~(1992)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.207 Landfills

For ~~facilities~~ a facility that ~~dispose~~ 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 ~~which~~ 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.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.208 Boilers and Industrial Furnaces Burning Hazardous Waste

When ~~an~~the owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of this Section do not apply, except those provisions that the Agency determines 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 703.310(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 and 703.241(a)(2).

- a) Trial burns.
 - 1) General. Except as provided below, ~~owners and operators~~an owner or operator that ~~are~~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 ~~shall~~must conduct a trial burn to demonstrate conformance with those standards and ~~shall~~must submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.232.
 - A) Under subsections (a)(2) through (a)(5) of this Section 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) of this Section.

- 2) Waiver of trial burn of DRE (destruction removal efficiency).
- A) Boilers operated under special operating requirements. When seeking to be permitted under 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 ~~shall~~ 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 ~~shall~~ must submit the following:
- i) Documentation that the device is operated in conformance with the requirements of 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. ~~Appendix H~~, 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 analytical techniques specified in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 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) of this Section 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) of this Section using modeling procedures prescribed by 35 Ill. Adm. Code 726.206(h). The Agency ~~shall~~ must review the emission modeling conducted by the applicant to determine conformance with these procedures. The Agency ~~shall~~ 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) of this Section quantified in conformance with subsection (a)(2)(B)(iv) of this Section does not exceed the allowable ambient level established in Appendix D or E to 35 Ill. Adm. Code 726.~~Appendix D or E.~~ 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.~~Appendix D~~ or risk-specific doses has not been established in Appendix E to 35 Ill. Adm. Code 726.~~Appendix E~~ is 0.1 micrograms per cubic meter, as noted in the footnote to Appendix D to 35 Ill. Adm. Code 726.~~Appendix D.~~
- 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 ~~shall~~ 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 (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 ~~shall~~ must submit documentation supporting conformance with subsections (a)(2)(B) and (a)(3) of this Section.
- 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 ~~shall~~ 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 ~~shall~~ 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 (under 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 ~~shall~~ 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 ~~which~~ 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. ~~Appendix H~~ 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. ~~Owners and operators~~ An owner or operator of industrial furnaces requesting an

alternative HC limit under 35 Ill. Adm. Code 726.204(f) ~~shall~~ 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:
 - A) Demonstrate when burning hazardous waste that flue gas HC (and CO) concentrations ~~when burning hazardous waste~~ do not exceed the baseline HC (and CO) level; and
 - B) 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-Appendix H 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 under 35 Ill. Adm. Code 726.206(f), the owner or operator ~~shall~~ 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 ~~shall~~ must provide such other information that the Agency finds necessary to achieve the purposes of this subsection (c).
- d) Automatic waste feed cutoff system. ~~Owners and operators~~ An owner or operator shall must submit information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.
- e) Direct transfer. ~~Owners and operators~~ An owner or operator that use 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 ~~shall~~ must submit information supporting conformance with the standards for direct transfer provided by 35 Ill. Adm. Code 726.211.
- f) Residues. ~~Owners and operators~~ An owner or operator that claim claims that ~~their~~ its residues are excluded from regulation under the provisions of 35 Ill. Adm. Code 726.212 ~~shall~~ must submit information adequate to demonstrate conformance with those provisions.

BOARD NOTE: Derived from 40 CFR 270.22 (1999), as amended at 64 Fed. Reg. 53077 (September 30, 1999) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.209 Miscellaneous Units

Except as otherwise provided in 35 Ill. Adm. Code 724.700, ~~owners and operators~~ the owner or operator of facilities a facility that treat treats, store stores, or dispose disposes of hazardous waste in miscellaneous units ~~shall~~ 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 ~~shall~~ 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 ~~which that~~ which 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-(1988) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.210 Process Vents

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

- a) For facilities ~~which that~~ that cannot install a closed-vent system and control device to comply with Subpart AA of 35 Ill. Adm. Code 724. ~~Subpart AA~~ on the effective date on which the facility becomes subject to that Subpart or Subpart AA of 35 Ill. Adm. Code 725. ~~Subpart AA~~, 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, ~~and~~ piping, and instrumentation diagrams based on the appropriate sections of APTI Course 415, incorporated by reference in 35 Ill. Adm. Code 720.111, or other engineering texts approved by the Agency ~~which~~ that present basic control device design 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 ~~which~~ 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-(1992) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.211 Equipment

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

- a) For each piece of equipment to which Subpart BB of 35 Ill. Adm. Code 724.~~Subpart BB~~ 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 ~~which~~ that cannot install a closed-vent system and control device to comply with Subpart BB of 35 Ill. Adm. Code 724.~~Subpart BB~~ on the effective date that facility becomes subject to this Subpart or Subpart BB of 35 Ill. Adm. Code 724.~~Subpart BB~~, 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 ~~which~~ that demonstrates compliance with the equipment standards in 35 Ill. Adm. Code 724.952 or 724.959. This documentation must contain the records required under 35 Ill. Adm. Code 724.964. The Agency ~~shall~~ 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, incorporated by reference in 35 Ill. Adm. Code 720.111, or other engineering texts approved by the Agency ~~which~~ that present basic control device design 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 ~~which~~ 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 ~~(1992)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.212 Drip Pads

Except as otherwise provided by 35 Ill. Adm. Code 724.101, ~~owners and operators~~ the owner or operator of a hazardous waste treatment, storage, or disposal facility that collect collects, store stores, or treat treats hazardous waste on drip pads ~~shall~~ 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.~~Subpart F~~, 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; 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 an independent qualified, registered professional engineer, stating that the drip pad design meets the requirements of 35 Ill. Adm. Code ~~724.673(a)-(f)~~; 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 ~~shall~~ 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 270.22, adopted at 55 Fed. Reg. 50489, December 6, 1990; renumbered to 270.26 and amended at 56 Fed. Reg. 30192, July 1, 1991 (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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

Except as otherwise provided in 35 Ill. Adm. Code 724.101, ~~owners and operators~~ the owner or operator of tanks, a tank, a surface impoundment, impoundment, or containers-a container that use-uses air emission controls in accordance with the requirements of Subpart CC of 35 Ill. Adm. Code 724. ~~Subpart CC shall~~ 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. ~~Subpart CC~~ 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” under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.

- 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 in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, 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 725.982 cannot comply with Subpart CC of 35 Ill. Adm. Code 724.982 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(a) ~~(1997)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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, as added at ~~63 Fed. Reg. 56735 (Oct. 22, 1998)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART E: SHORT TERM AND PHASED 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) May be oral or written. If oral, it must be followed in five days by a written emergency permit.
 - 2) Shall not exceed 90 days in duration.
 - 3) Shall clearly specify the hazardous wastes to be received and the manner and location of their treatment, storage, or disposal.
 - 4) May be terminated by the Agency at any time without process if it determines that termination is appropriate to protect human health and the environment.
 - 5) Shall be accompanied by a public notice published under 35 Ill. Adm. Code 705.162 including the following:
 - A) Name and address of the office granting the emergency authorization;
 - B) 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) Duration of the emergency permit.
- 6) Shall 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) Emergency permits that would authorize actions not in compliance with Board rules, other than procedural requirements, require a variance or provisional variance pursuant to Title IX of the Environmental Protection Act and 35 Ill. Adm. Code 104.

BOARD NOTE: Derived from 40 CFR 270.61-~~(1999)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.221 Alternative Compliance with the Federal NESHAPS

When an owner or operator demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of 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 703.310(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 and 703.241(a)(2).

BOARD NOTE: Derived from 40 CFR 270.62 preamble-~~(1999)~~, as added at 64 Fed. Reg. 53077 ~~(September 30, 1999)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.222 Incinerator Conditions Prior to Trial Burn

For the purposes of determining operational readiness following completion of physical construction, the Agency ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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) ~~(1988)~~, as amended at 53 Fed. Reg. 37934, ~~September 28, 1988~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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 ~~shall~~ must establish conditions in the permit to a new hazardous waste incinerator to be effective during the trial burn.

- a) Applicants ~~shall~~ must propose a trial burn plan, prepared under subsection (b) of this Section 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. Appendix H, 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. Appendix H 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 analytical techniques specified in “Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods,”; USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent;
- D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in “Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods,”; USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent;
- 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 ~~system(s)~~ 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~~ 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 ~~date(s)~~ dates, duration, quantity of waste to be burned, and other factors relevant to the Agency's decision under subsection (e) of this Section;
- 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) of this Section. 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, ~~shall~~ must evaluate the sufficiency of the information provided and ~~shall~~ 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 ~~shall~~ 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, ~~Subpart D~~, the hazardous waste organic constituent of constituents identified in Appendix G or H to 35 Ill. Adm. Code 721, ~~Appendix G or H~~ as the basis for listing;

- e) The Agency ~~shall~~ must approve a trial burn plan if it finds ~~that~~ the following:
- 1) ~~The~~ 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) ~~The~~ That the trial burn itself will not present an imminent hazard to human health or the environment;
 - 3) ~~The~~ That the trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 724.445; and
 - 4) ~~The~~ That the information sought in subsections (e)(1) and (e)(3) of this Section cannot reasonably be developed through other means;
- f) The Agency ~~shall~~ 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 ~~shall~~ 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 of HCl per hour (4 pounds 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 ~~shall~~ must submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and ~~shall~~ must submit the results of all the determinations required in subsection (g) of this Section. This submission must be made within 90 days ~~of~~ 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 ~~shall~~ 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)-(1996) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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)-(1992) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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) ~~(1996)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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~~ 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 ~~shall~~ must issue a two-phase facility permit if it finds ~~that~~, based on information submitted in Part B of the application, that substantial information already exists, although incomplete or inconclusive, ~~information already exists~~ 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 724.372, ~~Subpart M~~, it ~~shall~~ 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 ~~shall~~ 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~~ post-demonstration cleanup activities, and any other conditions ~~which that~~ that the Agency finds necessary under 35 Ill. Adm. Code 724.372(c). The Agency ~~shall~~ must include conditions in the second phase of the facility permit to attempt to meet all Subpart M of 35 Ill. Adm. Code 724.372 requirements pertaining to unit design, construction, operation and maintenance. The Agency ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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. ~~Subpart M~~, 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 ~~shall~~ 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 (1988), as amended at 53 Fed. Reg. 37934, September 28, 1988 (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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 ~~which~~ 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 under 35 Ill. Adm. Code 724 or 726. Any such permit ~~shall~~ must include such terms

and conditions as will assure protection of human health and the environment. Such ~~permits~~ a permit must provide as follows:

- 1) ~~Shall~~ 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 ~~and~~;
 - 2) ~~Shall~~ 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) ~~Shall~~ It must include such requirements as necessary to 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 under this Section, the Agency may, consistent with the 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 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 under this Section may be renewed not more than three times. Each such renewal ~~shall~~ must be for a period of not more than one year.

(Board Note: ~~See~~ BOARD NOTE: Derived from 40 CFR 270.65 (2002)).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

When ~~an~~the owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of this Section do not apply, except those provisions that the Agency determines 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 703.310(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 and 703.241(a)(2).

- a) ~~General. Owners and operators~~The owner or operator of a new boilers-boiler and or industrial furnaces-furnace (those one not operating under the interim status standards of 35 Ill. Adm. Code 726.203) are-is subject to subsections (b) through (f) of this Section. ~~Boilers and~~A boiler or industrial furnaces-furnace operating under the interim status standards of 35 Ill. Adm. Code 726.203 ~~are-is~~ subject to subsection (g) of this Section.
- b) Permit operating periods for ~~a new boilers and-boiler or industrial-furnaces~~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 ~~Section~~Sections 703.280 et seq 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 under 35 Ill. Adm. Code 726.202(e). Applicants must propose a trial burn plan, prepared under subsection (c) of this Section, 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 ~~Section~~ Sections 703.280-et seq 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/chloride~~ 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-Appendix H~~ that are present in the feed stream, except that the applicant need not analyze for constituents listed in ~~721-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 analytical techniques specified in “Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods,”; USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent;
 - B) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the analytical methods specified in “Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods,”; USEPA

Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or other equivalent; 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.
- 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 under subsection (b)(2) of this Section.
- 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) of this Section.
- 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 under 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) of this Section. The Agency ~~shall~~ 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 under 35 Ill. Adm. Code 702.126.
- e) Special procedures for DRE trial burns. When a DRE trial burn is required under 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. ~~Subpart D~~, the hazardous waste organic constituents identified in Appendix G to 35 Ill. Adm. Code 721. ~~Appendix G~~ 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 under 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 under 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 under 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 under 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 under 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 under 35 Ill. Adm. Code 726.203, ~~applicants owning or operating an~~ applicant that owns or operates an existing boiler or industrial furnace which 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 the requirements of 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) of this Section. 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~~ 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) of this Section 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-~~(2000)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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, as added at 63 Fed. Reg. 65941 (Nov. 30, 1998) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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 (1999) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.241 Establishing Permit Conditions

a) General conditions:

- 1) In addition to the conditions established under 35 Ill. Adm. Code 702.160(a), each RCRA permit ~~shall~~ 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 under Section 39(d) of the Environmental Protection Act [415 ILCS 5/39(d)] ~~shall~~ must contain terms and conditions that the Agency determines are necessary to protect human health and the environment.

BOARD NOTE: ~~Derived~~ Subsection (a) derived from 270.32(b) (1992) (2002).

- b) The conditions specified in this Subpart, in addition to those set forth in 35 Ill. Adm. Code 702.140 through 702.152, apply to all RCRA permits.

BOARD NOTE: ~~Derived-Subsection (b) derived from 40 CFR 270.30 preamble (1992) (2002).~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.243 Monitoring

In addition to 35 Ill. Adm. Code 702.150 (monitoring) the following apply:

- a) The permittee ~~shall~~ 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 ~~shall~~ 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: See BOARD NOTE: Derived from 40 CFR 270.30(j)(2) (2002).~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.245 Twenty-four Hour Reporting

- a) The permittee ~~shall~~ must report any non-compliance ~~which that~~ 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, ~~which that~~ that could threaten the environment or human health outside the facility.
- b) The description of the occurrence and its cause ~~shall~~ 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 ~~material(s)~~ 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 ~~shall~~ must also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission ~~shall~~ 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~~ five-day written notice requirement in favor of a written report within ~~fifteen~~ 15 days.

BOARD NOTE: Derived from 40 CFR 270.30(1)(6) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.246 Reporting Requirements

The following reports required by 35 Ill. Adm. Code 724 ~~shall~~ 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 ~~fifteen~~ 15 days, the permittee must submit a letter report including a copy of the manifest to the Agency (~~See 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 see~~ 35 Ill. Adm. Code 724.176)
- c) Annual report: an annual report must be submitted covering facility activities during the previous calendar year (~~See see~~ 35 Ill. Adm. Code 724.175).

BOARD NOTE: Derived from 40 CFR 270.30(l)(7) through (l)(9)-(1992) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.247 Anticipated Noncompliance

In addition to 35 Ill. Adm. Code 702.152(b), for a new facility, the permittee ~~shall~~ must not treat, store, or dispose of hazardous waste; and for a facility being modified, the permittee ~~shall~~ 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)-(1992) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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 ~~shall~~ must be governed by the provisions in Section 703.193(c) through (f).

BOARD NOTE: Derived from 40 CFR 270.30(m)-(1996) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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 (under 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 ~~shall~~ 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. The new owner or operator ~~shall~~ 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 ~~shall~~ must comply with the requirements of Subpart H of 35 Ill. Adm. Code 724. ~~Subpart H~~ (Financial Requirements), until the new owner or operator has demonstrated compliance with that Subpart. The new owner or operator ~~shall~~ 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 ~~shall~~ 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, -(1996) (2002).

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 27 Ill. Reg. _____, effective _____)

Section 703.270 Modification

When the Agency receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (~~See see~~ 35 Ill. Adm. Code 702.140 through 702.152 and Section 703.241 et seq.), receives a request for reissuance under 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 ~~shall~~ 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 see~~ 35 Ill. Adm. Code 705.128(c)(2)) If cause does not exist under Section 703.271 or 703.272, the Agency ~~shall~~ 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 ~~shall~~ must approve or deny the request according to the procedures of Section 703.280 et seq. 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, ~~as amended at 53 Fed. Reg. 37934, September 28, 1988 (2002).~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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 ~~which~~ 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, or 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 ~~shall~~ 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 ~~shall~~ 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 and 720 through 726.

BOARD NOTE: Derived from 40 CFR 270.41(a), ~~as amended at 53 Fed. Reg. 37934, September 28, 1988 (2002).~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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), ~~as amended at 53 Fed. Reg. 37934, September 28, 1988 (2002).~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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) of this Section 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 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. 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) of this Section; and
 - ii) Any Class 3 modification that meets the criteria in subsection (e)(3)(B)(i) of this Section or that meets the criteria in subsections (e)(3)(B)(iii) through (e)(3)(B)(v) of this Section 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 ~~in~~ 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 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 under 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 under 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 under 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 under 35 Ill. Adm. Code 724, 725₂ 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 under this Section.
- 2) New wastes or units added to a facility's permit under 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 federal 40 CFR 63 MACT standards. The following procedures apply to hazardous waste combustion facility permit modifications requested under ~~Section 703.~~Appendix A, paragraph L(9) of this Part.
 - 1) ~~Facility A facility owners owner or operators 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 ~~May 14, 2001~~ October 11, 2000, (see 40 CFR 63 (2000)) in order to request a permit modification under this Section.
 - 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.

BOARD NOTE: Derived from 40 CFR 270.42(d) through (j) ~~(2000)~~, as amended at ~~65 Fed. Reg. 42302 (July 10, 2000)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ must for cause reject, any Class 1 modification. The Agency ~~shall~~ 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 ~~shall~~ must comply with the original permit conditions.
- b) Class 1 permit modifications identified in Appendix A by an asterisk ~~shall~~ 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 ~~shall~~ 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), ~~as amended at 53 Fed. Reg. 37934, September 28, 1988~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.282 Class 2 Modifications

- a) For Class 2 modifications, listed in Appendix A, the permittee ~~shall~~ must submit a modification request to the Agency ~~which~~ 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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ must publish the notice in a newspaper of general circulation in the vicinity of the facility. This notice must be mailed and published within ~~7~~ seven days before or after the date of submission of the modification request, and the permittee ~~shall~~ 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) of this Section, 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) of this Section;
 - 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 ~~shall~~ 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 ~~shall~~ must hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) of this Section 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 ~~shall~~ 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 ~~shall~~ 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) of this Section 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) of this Section, such action cancels the temporary or automatic authorization.

- 4) Notification by permittee.
 - A) In the case of an automatic authorization under subsection (f)(3) of this Section, or a temporary authorization under subsection (f)(1)(D) or (f)(2)(D) of this Section, 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 ~~shall~~ 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) ~~The~~ That the permittee has been authorized temporarily to conduct the activities described in the permit modification request; and
 - ii) ~~Unless~~ 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) of this Section, 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) of this Section, 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 ~~shall~~ must consider all written comments submitted to the Agency during the public comment period and ~~shall~~ 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 ~~shall~~ must deny or change the terms of a Class 2 permit modification request under ~~subsection~~ subsections (f)(1) through (f)(3) of this Section 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), ~~as amended at 53 Fed. Reg. 37934, September 28, 1988~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.283 Class 3 Modifications

- a) For Class 3 modifications, listed in Appendix A, the permittee ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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 ~~7~~ seven days before or after the date of submission of the modification request, and the permittee ~~shall~~ 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) ~~below~~ of this Section, 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) ~~below~~ of this Section;
 - 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 ~~shall~~ 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 ~~shall~~ must hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) ~~above of this Section~~ 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 ~~shall~~ 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 ~~shall~~ must grant or deny the permit modification request, according to the permit modification procedures of 35 Ill. Adm. Code 705. In addition, the Agency ~~shall~~ 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) ~~(1992)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART H: REMEDIAL ACTION PLANS

Section 703.300 ~~Why This Subpart Is Written in a Special~~ Regulatory Format

USEPA wrote the federal counterpart to this Subpart H, 40 CFR 270, Subpart H, 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 essentially the same a more

~~conventional regulatory format, rather than the question-and-answer format used by USEPA. Like all other regulations, this Subpart establishes enforceable legal requirements.~~

BOARD NOTE: Derived from 40 CFR 270.79, added at 63 Fed. Reg. 65941 (Nov. 30, 1998) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.301 General Information

a) ~~What is~~ 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: ~~Derived~~ Subsection (a) is derived from 40 CFR 270.80 ~~(1999)~~ (2002).

- b) When ~~does~~ an owner or operator ~~need~~ 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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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, revoked and 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 revoked and 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: ~~Derived~~ Subsection (b) is derived from 40 CFR 270.85 ~~(1999)~~ (2002).

- c) ~~Does a RAP grant an owner or operator any rights or relieve it of any obligations?~~
The provisions of 35 Ill. Adm. Code 702.181 apply to RAPs.

BOARD NOTE: ~~Derived Subsection (c) is derived from 40 CFR 270.90 (1999) (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. _____, effective _____)

Section 703.302 Applying for a RAP

- a) Applying for a RAP. To apply for a RAP, an owner or operator ~~shall~~ must complete an application, sign it, and submit it to the Agency according to the requirements in this Subpart H.

BOARD NOTE: ~~Derived Subsection (a) is derived from 40 CFR 270.95, added at 63 Fed. Reg. 65942 (Nov. 30, 1998) (2002).~~

- b) ~~Who~~ 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 ~~shall~~ must also sign the RAP application.

BOARD NOTE: ~~Derived Subsection (b) is derived from 40 CFR 270.100, added at 63 Fed. Reg. 65942 (Nov. 30, 1998) (2002).~~

- c) ~~Who~~ The person who must sign the application and any required reports for a RAP?. Both the owner and the operator ~~shall~~ 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 ~~shall~~ must also make the certification required under 35 Ill. Adm. Code 702.126(d)(1). However, the owner may choose the alternative certification under 35 Ill. Adm. Code 702.126(d)(2) if the operator certifies under 35 Ill. Adm. Code 702.126(d)(1).

BOARD NOTE: ~~Derived Subsection (c) is derived from 40 CFR 270.105, added at 63 Fed. Reg. 65942 (Nov. 30, 1998) (2002).~~

- d) What ~~must~~ an owner or operator must include in its application for a RAP? An owner or operator ~~shall~~ 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 under 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 protect human health and the environment.

BOARD NOTE: ~~Derived Subsection (d) is derived from 40 CFR 270.110, added at 63 Fed. Reg. 65942 (Nov. 30, 1998) (2002).~~

- e) ~~What if~~ If an owner or operator wants to keep this information confidential?, 35 Ill. Adm. Code 120 allows an owner or operator to claim as confidential any or all of the information an owner or operator submits to the Agency under this Subpart H. An owner or operator ~~shall~~ 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 120.305. If an owner or operator asserts a claim in compliance with 35 Ill. Adm. Code 120.201 at the time it submits the information, the Agency ~~shall~~ must treat the information according to the procedures in 35 Ill. Adm. Code 120. If an owner or operator does not assert a claim at the time it submits the information, the Agency ~~shall~~ 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: ~~Derived Subsection (e) is derived from 40 CFR 270.115, added at 63 Fed. Reg. 65942 (Nov. 30, 1998) (2002).~~

- f) To whom ~~must~~ the owner or operator must submit its RAP application?. An owner or operator ~~shall~~ must submit its application for a RAP to the Agency for approval.

BOARD NOTE: ~~Derived Subsection (f) is derived from 40 CFR 270.120, added at 63 Fed. Reg. 65942 (Nov. 30, 1998) (2002).~~

- g) If an owner or operator submits its RAP application as part of another document, what ~~must~~ 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 ~~shall~~ must clearly identify the components of that document that constitute its RAP application.

BOARD NOTE: ~~Derived Subsection (g) is derived from 40 CFR 270.125, added at 63 Fed. Reg. 65942 (Nov. 30, 1998) (2002).~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.303 Getting a RAP Approved

- a) ~~What is the~~ 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 ~~shall~~ must make a tentative decision to approve the RAP application. The Agency ~~shall~~ 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 under Section 39 of the Act [415 ILCS 5/39]. After making this tentative decision, the Agency ~~shall~~ 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: ~~Derived Subsection (a) is derived from 40 CFR 270.130 (1999) (2002).~~

- b) ~~What must~~ 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 under 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, revoking and 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 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 ~~shall~~ must clearly identify the components of that document that constitute the draft RAP.

BOARD NOTE: ~~Derived~~ Subsection (b) is derived from 40 CFR 270.135-(1999) (2002).

- c) What else ~~must~~ 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 ~~shall~~ 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: ~~Derived-Subsection (c) is derived from 40 CFR 270.140-(1999)~~ (2002).

- d) ~~What are the~~ The procedures for public comment on the draft RAP or notice of intent to deny².
- 1) The Agency ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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: ~~Derived~~ Subsection (d) is derived from 40 CFR 270.145-(1999) (2002).

- e) How ~~must~~ the Agency must make a final decision on a RAP application?
 - 1) The Agency ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ must refer to the procedures for appealing the decision under subsection (f) of this Section.
 - 6) Before issuing the final RAP decision, the Agency ~~shall~~ 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 ~~shall~~ must make information contained in the administrative record available for review by the public upon request.

BOARD NOTE: ~~Derived~~ Subsection (e) is derived from 40 CFR 270.150 ~~(1999)~~ (2002).

- f) ~~May the Administrative appeal of a decision to approve or deny a RAP application be administratively appealed?~~
- 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 under 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 under 35 Ill. Adm. Code 705.201 (or a decision under 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 under Subpart D of 35 Ill. Adm. Code 705.212 and 705.212(c), the Agency ~~shall~~ must give public notice of any grant of review of a RAP through the same means used to provide notice under 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: ~~Derived~~ Subsection (f) is derived from 40 CFR 270.155-(1999) (2002).

- g) When ~~does a RAP become~~ 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 under subsection (f) of this Section (if the RAP is appealed, and the request for review is granted under 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: ~~Derived~~ Subsection (g) is derived from 40 CFR 270.160-(1999) (2002). 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 under Section 40(a)(1) of the Act [415 ILCS 5/40(a)(1)].

- h) When ~~may~~ an owner or operator may begin physical construction of new units permitted under the RAP? An owner or operator ~~shall~~ 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: ~~Derived~~ Subsection (h) is derived from 40 CFR 270.165-(1999) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.304 How a RAP May Be Modified, Revoked and Reissued, or Terminated

- a) After a RAP is issued, how ~~may~~ it may be modified, revoked and reissued, or terminated? In a RAP, the Agency ~~shall~~ must specify, either directly or by reference, procedures for any future modification, revocation and reissuance, or termination of the RAP. These procedures must provide adequate opportunities for public review and comment on any modification, revocation and 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 under Section 703.301(b)(3), then the RAP will be modified according to the applicable requirements in Sections 703.260 through 703.283, revoked and 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: ~~Derived~~ Subsection (a) is derived from 40 CFR 270.170 ~~(1999)~~ (2002).

- b) ~~For what reasons may~~ 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 ~~shall~~ 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 under 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 under 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, 705, and 720 through 726.
 - 3) The Agency ~~shall~~ 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: ~~Derived Subsection (b) is derived from 40 CFR 270.175-(1999)~~
(2002).

- c) ~~For what reasons may~~ Reasons for which the Agency may choose to revoke and reissue a final RAP?
 - 1) The Agency may revoke and reissue a final RAP on its own initiative only if one or more reasons for revocation and reissuance exist. If one or more reasons do not exist, then the Agency ~~shall~~ must not modify or revoke and reissue a final RAP, except at the owner's or operator's request. Reasons for modification or revocation and 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 revocation and reissuance of the RAP is appropriate.
 - 2) The Agency ~~shall~~ must not reevaluate the suitability of the facility location at the time of RAP revocation and 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: ~~Derived Subsection (c) is derived from 40 CFR 270.180 (1999) (2002).~~

- d) ~~For what reasons may~~ 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: ~~Derived Subsection (d) is derived from 40 CFR 270.185 (1999) (2002).~~

- e) ~~May the Administrative appeal of an Agency decision to approve or deny a modification, revocation and reissuance, or termination of a RAP be administratively appealed?.~~
- 1) Any commenter on the modification, ~~revocation and~~ reissuance, or termination, or any person that participated in any hearing on these actions, may appeal the Agency's decision to approve a modification, ~~revocation and~~ 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, ~~revocation and~~ 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, ~~revocation and~~ 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, ~~revocation and~~ reissuance, or termination to the Board. Any person that did not file comments or ~~which~~ who did not participate in any public hearing on the modification, ~~revocation and~~ 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 ~~shall~~ 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 ~~shall~~ must be considered denied.

BOARD NOTE: Corresponding 40 CFR 270.190(c)(2) and (c)(3) ~~(1999)~~ (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: ~~Derived~~ Subsection (e) is derived from 40 CFR 270.190 ~~(1999)~~ (2002). The corresponding federal provisions provide for informal appeal of an Agency RAP decision. There is no comparable informal procedure under Sections 39 and 40 of the Act [415 ILCS 5/39 and 40].

- f) ~~When will Expiration of a RAP expire?~~ RAPs must be issued for a fixed term, not to exceed 10-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 shall 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 shall 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: ~~Derived~~ Subsection (f) is derived from 40 CFR 270.195 ~~(1999)~~ (2002).

- g) How ~~may~~ 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 ~~shall~~ must follow the process for application for and issuance of RAPs in this Subpart H.

BOARD NOTE: ~~Derived~~ Subsection (g) is derived from 40 CFR 270.200 ~~(1999)~~ (2002).

- 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: ~~Derived~~ Subsection (h) is derived from 40 CFR 270.205-(1999) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.305 Operating Under a RAP

- a) ~~What records must~~ 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: ~~Derived~~ Subsection (a) is derived from 40 CFR 270.210, ~~added at 63 Fed. Reg. 65945 (Nov. 30, 1998)~~ (2002).

- b) How ~~are~~ 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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ must petition the Board within 35 days after the Agency has issued the final RAP decision.)

BOARD NOTE: ~~Derived Subsection (b) is derived from 40 CFR 270.215, added at 63 Fed. Reg. 65945 (Nov. 30, 1998) (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 ~~may~~ 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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ must comply with the applicable requirements in Subpart H of 35 Ill. Adm. Code 724.Subpart H (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 ~~shall~~ must demonstrate compliance with Subpart H of 35 Ill. Adm. Code 724.Subpart H 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.Subpart H to the Agency, the Agency ~~shall~~ must notify the former owner or operator that it no longer needs to comply with Subpart H of 35 Ill. Adm. Code 724.Subpart H as of the date of demonstration.

BOARD NOTE: ~~Derived Subsection (c) is derived from 40 CFR 270.220, added at 63 Fed. Reg. 65946 (Nov. 30, 1998) (2002).~~

- d) What ~~must~~ the Agency must report about noncompliance with RAPs? The Agency ~~shall~~ must report noncompliance with RAPs according to the provisions of 40 CFR 270.5, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: ~~Derived Subsection (d) is derived from 40 CFR 270.225, added at 63 Fed. Reg. 65946 (Nov. 30, 1998) (2002).~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 703.306 Obtaining a RAP for an Off-Site Location

~~May an~~ 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 ~~shall~~ must approve a RAP for this alternative location.
- c) An owner or operator ~~shall~~ must request the RAP, and the Agency ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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 40 CFR 264, Appendix VI.

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. ~~Subparts B, C, and D.~~

BOARD NOTE: Derived from 40 CFR 270.230 ~~(1999)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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, or lightweight aggregate kiln, 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 under 40 CFR 63.1206(c)(2), incorporated by reference in 35 Ill. Adm. Code 720.111; 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 Agency must do the following:

- i) 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; and
- ii) Retain or add these permit requirements to the permit to apply only when the facility is operating under its startup, shutdown, and malfunction plan.
- iii) The owner or operator must comply with subsection (a)(3) of this Section.

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)(I), 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) of this Section. Subsection (a)(1)(B)(iii) of this Section was added 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 under 40 CFR 63.1206(c)(2), incorporated by reference in 35 Ill. Adm. Code 720.111, has been approved by the Administrator under 40 CFR 63.1206(c)(2)(ii)(B), incorporated by reference in 35 Ill. Adm. Code 720.111; 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, or lightweight aggregate kiln that has conducted a comprehensive performance test and submitted to the Agency a Notification of Compliance documenting compliance with the standards of 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111§, 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)(I), 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 Agency must:

- i) 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; and
- ii) Specify that these permit requirements apply only when the facility is operating under its startup, shutdown, and malfunction plan.
- iii) The owner or operator must comply with subsection (a)(3) of this Section.

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)(I), 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) of this Section. Subsection (a)(2)(B)(iii) of this Section was added 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 under 40 CFR 63.1206(c)(2), incorporated by reference in 35 Ill. Adm. Code 720.111, has been approved by the Agency under 40 CFR 63.1206(c)(2)(ii)(B), incorporated by reference in 35 Ill. Adm. Code 720.111; and
- ii) The Agency must omit from the permit conditions that are not applicable under 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 under §§ 270.41(a) or 270.42.

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, or lightweight aggregate kiln 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 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111:

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 under 40 CFR 63.1206(c)(2), incorporated by reference in 35 Ill. Adm. Code 720.111, has been approved by the Agency under 40 CFR 63.1206(c)(2)(ii)(B), incorporated by reference in 35 Ill. Adm. Code 720.111.

2) Operations under a subsequent RCRA permit. When an owner or operator of an incinerator, cement kiln, or lightweight aggregate kiln 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.

BOARD NOTE: Derived from 40 CFR 270.235 (2002). Operating conditions used to determine effective treatment of hazardous waste remain effective after the owner or operator demonstrates compliance with the standards of 40 CFR 63, subpart EEE.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 703.Appendix A Classification of Permit Modifications

Class Modifications

A. General Permit Provisions

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

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 ~~shall~~ 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(j), unless otherwise specified in this Appendix.
- 7. Compliance monitoring program:
 - 3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.
 - 2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.
- 8. Corrective action program:
 - 3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.

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

D. Closure

1. Changes to the closure plan:
- 1* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
- 1* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.
- 1* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
- 1* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.
- 2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
- 2 f. Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).
- 3 2. Creation of a new landfill unit as part of closure.
- 3 3. Addition of the following new units to be used temporarily for closure activities:
- 3 a. Surface impoundments.
- 3 b. Incinerators.
- 3 c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).

- 2 d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c).
- 2 e. Tanks or containers (other than specified 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 contact in post-closure plan.
- 2 2. Extension of post-closure care period.
- 3 3. Reduction in the post-closure care period.
- 1 4. Changes to the expected year of final closure, where other permit conditions are not changed.
- 2 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.

F. Containers

- 1 1. Modification or addition of container units:
 - 3 a. Resulting in greater than 25 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 waste codes 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.

- 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 waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
- 2 2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.
- 1 3. Replacement of a tank with a tank that meets the same design standards and has a capacity within ± 10 percent of the replaced tank provided:
- a. The capacity difference is no more than 1500 gallons,
- b. The facility's permitted tank capacity is not increased, and
- c. The replacement tank meets the same conditions in the permit.
- 2 4. Modification of a tank management practice.
5. Management of different wastes in tanks:
- 3 a. That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).

- 2 b. That do not require additional or different management practices 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, F027₂ 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, F027₂ 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), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

1* 6. Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323, and 724.326(d).

7. Changes in response action plan:

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

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

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

1. Modification or addition of waste pile units:
 - 3 a. Resulting in greater than 25 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, runoff control, or final cover system.
- 2 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, runoff 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), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
- 1* 7. Modification of unconstructed units to comply with 35 Ill. Adm. Code 724.351(c), 724.352, 724.353, 724.354(c), 724.401(c), 724.402, 724.403(c), and 724.404.
- 8. Changes in response action plan:
 - 3 a. Increase in action leakage rate.

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

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

K. Land Treatment

- 3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.
- 2 2. Modification of runoff control system.
- 3 3. Modify runoff 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 ~~shall~~ 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 ~~shall~~ 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/Cl₂, metals, or particulate from the combustion gases; or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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 40 CFR 63 (subpart EEE--National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors), provided the procedures of Section 703.280(j) 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 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 40 CFR 270.42, Appendix I-(1999), as amended at 64 Fed. Reg. 53077 (September 30, 1999) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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

SUBCHAPTER b: PERMITS

PART 705
 PROCEDURES FOR PERMIT ISSUANCE

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

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19, at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9, at 9 Ill. Reg. 11894, effective July 24, 1985; amended in R89-2 at 14 Ill. Reg. 3082, effective February 20, 1990; amended in R94-5 at 18 Ill. Reg. 18265, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9906, effective June 27, 1995; amended in R03-7 at 27 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 705.101 Scope and Applicability

- a) This Part sets forth procedures that the Illinois Environmental Protection Agency (Agency) must follow in issuing RCRA (Resource Conservation and Recovery Act) and UIC (Underground Injection Control) permits. This Part also specifies rules on effective dates of permits and stays of contested permit conditions.
- b) This Part provides for a public comment period and a hearing in some cases. The permit applicant and any other participants must raise issues during this proceeding to preserve issues for effective Board review, as required by Section 705.183.
- c) Board review of permit issuance or denial is pursuant to 35 Ill. Adm. Code 105. Board review is restricted to the record ~~which~~ that was before the Agency when the permit was issued, as required by Sections 40(a) and 40(b) of the Environmental Protection Act.
- d) 35 Ill. Adm. Code 702, 703, and 704 contain rules on UIC and RCRA permit applications, permit conditions, and related matters.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.102 Definitions

The definitions in 35 Ill. Adm. Code 702 apply to this Part.

BOARD NOTE: Derived from 40 CFR 124.2-(1993) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.103 Computation of Time

Any time period allowance schedule or requirement provided under this Part ~~shall~~must be computed in accordance with 35 Ill. Adm. Code ~~101.105~~ 101.300.

BOARD NOTE: This Section corresponds with 40 CFR 124.20 ~~(1993)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART B: PERMIT APPLICATIONS

Section 705.121 Permit Application

- a) Any person who requires a permit under the RCRA (Resource Conservation and Recovery Act) or UIC (Underground Injection Control) program ~~shall~~must complete, sign, and submit to the Agency an application for each permit required under 35 Ill. Adm. Code 703.121 or 35 Ill. Adm. Code 704.101 through 704.105, as appropriate. An application will not be required for a RCRA permit by rule under 35 Ill. Adm. Code 703.141. Applications are not An application will not be required for underground ~~injections~~ injection authorized by rule under Subpart C of 35 Ill. Adm. Code 704.~~Subpart C.~~
- b) The Agency ~~shall~~must not begin the processing of a permit until the applicant has fully complied with the application requirements ~~for~~ applicable to that type of permit.
- c) Permit applications must comply with the signature and certification requirements of 35 Ill. Adm. Code 702.126.

BOARD NOTE: Derived from 40 CFR 124.3(a) ~~(1993)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.122 Completeness

- a) The Agency ~~shall~~must review every application for a RCRA or UIC permit for completeness.
- b) Time limitations on Agency review for application completeness:
 - 1) Each application for a permit submitted by a new HWM (hazardous waste management) facility or new UIC injection well ~~shall~~must be reviewed for completeness within 30 days of its receipt.

- 2) Each application for a permit by an existing HWM facility (both Parts A and B of the application) or existing injection well ~~shall~~must be reviewed for completeness within 60 days of receipt.
- c) Upon completing ~~this~~its review for completeness, the Agency ~~shall~~must notify the applicant in writing whether the application is complete. If the application is incomplete, the Agency ~~shall~~must list the information necessary to make the application complete.
- d) When the application is for an existing HWM (Hazardous Waste Management) facility or an existing UIC injection well, the Agency ~~shall~~must also specify in the notice of deficiency a date for submitting the necessary information.
- e) The Agency shall, within the time limitations specified in subsection (b)~~above~~ of this Section, notify the applicant whether additional information submitted in response to a notice of deficiency is deemed sufficient or insufficient to complete the application.
- f) After the application is deemed ~~completed~~ complete, the Agency may request additional information from an applicant only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

BOARD NOTE: Derived from 40 CFR 124.3(c)~~(1993)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.123 Incomplete Applications

If an applicant fails or refuses to correct Agency-noted deficiencies in its permit application, the Agency may either deny or issue the permit; on the basis of the information available to the Agency; ~~after public notice has been given pursuant to Section 705.161(a)(1)~~; if warranted, appropriate enforcement actions may be taken.

BOARD NOTE: Derived from 40 CFR 124.3(d)~~(1993)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.124 Site Visit

~~In the event that~~ If the Agency decides, pursuant to Section 4(d) of the Act, that a site visit is necessary for any reason in conjunction with the processing of an application, ~~the failure or refusal~~

~~by the Agency must notify the applicant, to permit such an Agency and the Agency and the applicant must schedule a site visit shall be deemed a failure or refusal to correct application deficiencies for purposes of Section 705.123.~~

BOARD NOTE: Derived from 40 CFR 124.3(e)-(1993) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.125 Effective Date

The effective date of a permit application is the date on which the Agency notifies the applicant that the application is complete, as provided in Section 705.122.

BOARD NOTE: Derived from 40 CFR 124.3(f)-(1993) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.126 Decision Schedule

For each permit application from a major new HWM facility or major new UIC injection well, the Agency ~~shall~~ must, no later than the effective date of the application, prepare and mail to the applicant a ~~project~~ projected decision schedule. The schedule ~~shall~~ must specify target dates by which the Agency intends to do the following:

- a) Prepare a draft permit pursuant to ~~705~~.Subpart C of this Part;
- b) Give public notice pursuant to ~~705~~.Subpart D of this Part;
- c) Complete the public comment period, including any public hearing pursuant to ~~705~~.Subpart E of this Part; and
- d) Issue a final permit pursuant to ~~705~~.Subpart F of this Part.

BOARD NOTE: Derived from 40 CFR 124.3(g)-(1993) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.127 Consolidation of Permit Processing

Whenever a facility or activity requires more than one permit under more than one Part of the Board's rules and regulations, processing of two or more applications for those permits the Agency may, in its discretion and consistent the individual requirements for each permit, consolidate the processing of those permit applications in accordance with Agency procedures.

BOARD NOTE: Derived from 40 CFR 124.4 (1993) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.128 Modification or Reissuance of Permits

- a) The Agency may modify or reissue a permit either at the request of any interested person (including the permittee) or on its own initiative. However, the Agency may only modify or reissue a permit for the reasons specified in 35 Ill. Adm. Code 704.261 through 704.263 or 35 Ill. Adm. Code 703.270 through 703.273. A request for permit modification or reissuance must be made in writing, must be addressed to the Agency (Division of Land Pollution Control), and must contain facts or reasons supporting the request.

- b) If the Agency determines that a request for modification or reissuance is not justified, it ~~shall~~must send the requester a brief written response giving a reason for the determination. A denial of a request for modification or reissuance is not subject to public notice, comment, or public hearing requirements. The requester may appeal a denial of a request to modify or reissue a permit to the Board pursuant to 35 Ill. Adm. Code 105.

- c) Agency Modification or Reissuance Procedures.
 - 1) If the Agency tentatively decides to initiate steps to modify or reissue a permit under this Section and 35 Ill. Adm. Code 704.261 through 704.263 or 35 Ill. Adm. Code 703.270 through 703.273, after giving public notice pursuant to Section 705.161(a)(1), as though an application had been received-, it ~~shall~~must prepare a draft permit under Section 705.141 incorporating the proposed changes. The Agency may request additional information and may require the submission of an updated permit application. For reissued permits, the Agency ~~shall~~must require the submission of a new application.

 - 2) In a permit modification proceeding under this Section, only those conditions to be modified ~~shall~~must be reopened when a new draft permit is prepared. When a permit is to be reissued under this Section, the entire permit is reopened just as if it had expired. During any ~~modification-reissuance~~ proceeding, including any appeal to the Board, the permittee ~~shall~~must comply with all conditions of its existing permit until a new final permit is reissued.

 - 3) “Minor modifications,” as defined in 35 Ill. Adm. Code 704.264, and “Class 1 and 2 modifications,” as defined in 35 Ill. Adm. Code 703.281 and

703.282, are not subject to the requirements of this Section. ~~If the Agency makes a minor modification, the modified permit must be accompanied by a letter stating the reasons for the minor modification.~~

- d) To the extent that the Agency has authority to ~~terminate or reissue permits~~ permits a permit, it must prepare a draft permit or notice of intent to deny in accordance with Section 705.141 if it decides to do so.
- e) The Agency or any person may seek the revocation of a permit in accordance with Title VIII of the Environmental Protection Act and the procedure of 35 Ill. Adm. Code 103. Revocation may only be sought for those reasons specified in 35 Ill. Adm. Code 702.186(a) through (d).

BOARD NOTE: Derived from 40 CFR 124.5 ~~(1994)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART C: APPLICATION REVIEW

Section 705.141 Draft Permits

- a) Once an application for permit is complete, the Agency ~~shall~~ must tentatively decide whether to prepare a draft permit or to deny the application.
- b) If the Agency tentatively decides to deny the permit application, it ~~shall~~ must issue a notice of intent to deny. A notice of intent to deny ~~shall~~ must be subject to all of the procedural requirements applicable to draft permits under subsection (d) ~~below of this Section~~. If the Agency's final decision made pursuant to Section 705.201 is that the tentative decision to deny the permit application was incorrect, it ~~shall~~ must withdraw the notice of intent to deny and proceed to prepare a draft permit under subsection (c) ~~below of this Section~~.
- c) If the Agency decides to prepare a draft permit, it ~~shall~~ must prepare a draft permit that contains the following information:
 - 1) All conditions under 35 Ill. Adm. Code 702.140 through 702.152 and 35 Ill. Adm. Code 702.160;
 - 2) All compliance schedules under 35 Ill. Adm. Code 702.162 and 702.163;
 - 3) All monitoring requirements under 35 Ill. Adm. Code 702.164; and
 - 4) ~~Program specific~~ The following program-specific permit conditions:

- A) For RCRA permits, standards for treatment, storage, or disposal and other permit conditions under Subpart F of 35 Ill. Adm. Code 703.Subpart F;
- B) For UIC permits, permit conditions under Subpart E of 35 Ill. Adm. Code 704.Subpart E.
- d) ~~All A draft permits and notices permit~~ or a notice of intent to deny prepared under this Section ~~shall~~must be accompanied by a statement of basis, under Section 705.142, or a fact sheet, under Section 705.143, ~~and shall~~must be based on the administrative record pursuant to Section 705.144, must be publicly noticed pursuant to ~~705.Subpart D of this Part~~, and must be made available for public comment pursuant to Section 705.181. The Agency ~~shall~~must give notice of opportunity for a public hearing pursuant to Section 705.182, issue a final decision pursuant to Section 705.201, and respond to comments pursuant to Section 705.210. An appeal may be taken under Section 705.212.

BOARD NOTE: Derived from 40 CFR 124.6 ~~(1993)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.142 Statement of Basis

The Agency ~~shall~~must prepare a statement of basis for every draft permit or notice of intent to deny for which a fact sheet under Section 705.143 is not prepared. The statement of basis ~~shall~~must briefly describe the derivation of the conditions of the draft permit and the reasons for them or, in the case of notices of intent to deny, reasons supporting the tentative decision. The statement of basis ~~shall~~must be sent to the applicant and to any other person who requests it.

BOARD NOTE: Derived from 40 CFR 124.7 ~~(1993)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.143 Fact Sheet

- a) A fact sheet ~~shall~~must be prepared for every draft permit for a major HWM or a major UIC facility or activity, and for every draft permit or notice of intent to deny ~~which that~~ the Agency finds is the subject of widespread public interest or raises major issues. The fact sheet ~~shall~~must briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The Agency ~~shall~~must send this fact sheet to the applicant and, on request, to any other person.

- b) The fact sheet ~~shall~~must include the following, when applicable:
- 1) A brief description of the type of facility or activity ~~which~~that is the subject of the draft permit;
 - 2) The type and quantity of wastes, fluids or pollutants ~~which~~that are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged;
 - 3) A brief summary of the basis for refusing to grant a permit or for imposing each draft permit condition including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record as defined by Section 705.144;
 - 4) Reasons why any requested schedules of compliance or other alternatives to required standards do or do not appear justified;
 - 5) A description of the procedures for reaching a final decision on the draft permit including the following:
 - A) The beginning and ending dates of the comment period under Subpart D, and the address where comments will be received;
 - B) Procedures for requesting a hearing, and the nature of that hearing; and
 - C) Any other procedures by which the public may participate in the final decision.
 - 6) ~~Name~~The name and telephone number of a person to contact for additional information.

~~(Board Note: See BOARD NOTE: Derived from 40 CFR 124.8 (2002).)~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.144 Administrative Record for Draft Permits or Notices of Intent to Deny

- a) The provisions of a draft permit or notice of intent to deny the application ~~shall~~must be based on the administrative record, as defined in this Section.
- b) The administrative record ~~shall~~must consist of the following:
 - 1) The application and any supporting data furnished by the applicant;

- 2) The draft permit or notice of intent to deny the application;
 - 3) The statement of basis, as provided in Section 705.142, or fact sheet, as provided in Section 705.143;
 - 4) All documents cited in the statement of basis or fact sheet; ~~and~~
 - 5) Other documents contained in the supporting file for the draft permit or notice of intent to deny; and
 - 6) An index of all documents or items included in the record, by location in the record.
- c) Published material that is generally available, and which is included in the administrative record under subsection (b) ~~above~~ of this Section, 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 fact sheet.
- d) This ~~section~~ Section applies to all draft permits or notices of intent to deny for which public notice was first given under ~~705~~ Subpart D of this Part after March 3, 1984, for UIC permits, or January 31, 1986, for RCRA permits.

BOARD NOTE: Derived from 40 CFR 124.9 ~~(1993)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART D: PUBLIC NOTICE

Section 705.161 When Public Notice Must Be Given

- a) The Agency ~~shall~~ must give public notice whenever any of the following actions have occurred:
 - 1) A permit application has been tentatively denied under Section 705.141(b);
 - 2) A draft permit has been prepared under Section 705.141(c); and
 - 3) A hearing has been scheduled under Section 705.182.
- b) No public notice is required when a request for permit modification or reissuance is denied under Section 705.128(b). Written notice of any such denial ~~shall~~ must be given to the requester and to the permittee.

- c) ~~Public notices~~ A public notice may describe more than one permit or permit action.

BOARD NOTE: Derived from 40 CFR 124.10(a) ~~(1993)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.162 Timing of Public Notice

- a) Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under Section 705.161 ~~shall~~ must allow time for public comment, as follows:
- 1) For UIC permits, at least 30 days ~~for public comment; or~~
 - 2) For RCRA permits, at least 45 days ~~for public comment.~~
- b) Public notice of a public hearing ~~shall~~ must be given: at least 30 days in advance of the hearing.
- 1) ~~For UIC permits at least 30 days before the hearing;~~
 - 2) ~~For RCRA permits, at least 45 days before the hearing.~~
- c) Public notice of a hearing may be given at the same time as public notice of the draft permit, and the two notices may be combined.

BOARD NOTE: Derived from 40 CFR 124.10(b) ~~(1993)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.163 Methods of Public Notice

Public notice of activities described in Section 705.161(a) ~~shall~~ must be given by the following methods:

- a) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this paragraph may waive his or her rights to receive notice for any classes and categories of permits):
- 1) The applicant.
 - 2) Any other agency or entity ~~which that~~ the Agency knows is required by ~~state~~ State or federal law to review or approve issuance of a RCRA or UIC permit

for the same facility or activity (including ~~the U.S. Environmental Protection Agency USEPA,~~ other Federal and State agencies with jurisdiction over waterways, wildlife or other natural resources, and other appropriate government authorities, including other affected States and units of local government).

- 3) Federal and State agencies with jurisdiction over fish, shellfish and wildlife resources and over coastal zone management plans, the Advisory Council on Historical Preservation, State Historic Preservation Officers, and other appropriate government authorities, including any affected States;
 - 4) Persons on a mailing list developed by doing as follows:
 - A) Including those who request in writing to be on the list;
 - B) Including participants in past permit proceedings in that area; and
 - C) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in governmental publications. ~~The Agency may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Agency may delete from the list the name of any person who fails to respond to such a request.~~
 - D) The Agency may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Agency may delete from the list the name of any person who fails to respond to such a request.
 - 5) For RCRA permits only to the following entities:
 - A) To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and
 - B) To each State ~~Agency~~ agency having any authority under State law with respect to the construction or operation of such facility.
 - 6) For Class I injection well UIC permits only~~;~~, to the Illinois Department of Mines and Minerals.
 - 7) Any other person or entity ~~which~~ that the Agency has reason to believe would be particularly interested in or affected by the proposed action.
- b) Publication of notice must be made as follows:

- 1) For major UIC permits, publication of a notice in a daily or weekly newspaper of general circulation within the area affected by the facility or activity.
 - 2) For RCRA permits, publication of a notice in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations.
- c) Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it.

BOARD NOTE: See 40 CFR 124.10(c) ~~(1988), amended at 53 Fed. Reg. 28147, July 26, 1988~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.164 Contents of Public Notice

- a) All public notices issued under this Part ~~shall~~ must contain the following minimum information:
 - 1) The name and address of the Agency;
 - 2) The name and address of the permittee or permit applicant and, if different, the name and address of the facility or activity regulated by the permit;
 - 3) A brief description of the business conducted at the facility or the activity described in the permit application or the draft permit;
 - 4) The name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit; a copy of the statement of basis or fact sheet; and a copy of the permit application;
 - 5) A brief description of the comment procedures required by Sections 705.181 and 705.182; the time and place of any hearing that will be held, including a statement of the procedures to request a hearing (unless a hearing has already been scheduled); and the other procedures by which the public may participate in the final permit decision;
 - 6) The location of the administrative record required by Section 705.144, the time at which the record will be open for public inspection, and a statement that all data submitted by the applicant is available as part of the administrative record; and

- 7) Any additional information that the Agency considers necessary or ~~proper~~ appropriate.
- b) Public notices for hearings. In addition to the general public notice described in ~~Section 705.164(a)~~ subsection (a) of this Section, the public notice of a hearing under Section 705.182 ~~shall~~ must contain the following information:
- 1) Reference to the date of previous public notices relating to the permit;
 - 2) The date, time, and place of the hearing; and
 - 3) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

BOARD NOTE: Derived from 40 CFR 124.10(d) ~~(1993)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.165 Distribution of Other Materials

In addition to the general public notice described in Section 705.164(a), all persons identified in Section 705.163(a) ~~shall~~ must be mailed a copy of the fact sheet or statement of basis, the permit application (if any), and the draft permit (if any).

BOARD NOTE: Derived from 40 CFR 124.10(e) ~~(1993)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART E: PUBLIC COMMENT

Section 705.181 Public Comments and Requests for Public Hearings

During the public comment period provided under ~~705.Subpart D~~ of this Part, any interested person may submit written comments on the draft permit to the Agency, and any interested person may request a public hearing. A request for a public hearing ~~shall~~ must be in writing and ~~shall~~ must state the nature of the issues proposed to be raised in the hearing. The Agency ~~shall~~ must consider all comments in making the final decision and ~~shall~~ must answer, as provided in Section 705.210.

BOARD NOTE: Derived from 40 CFR 124.11 ~~(1993)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.182 Public Hearings

- a)- ____ When the Agency holds public hearings.
- 1) The Agency ~~shall~~must hold a public hearing whenever it finds a significant degree of public interest in a draft permit on the basis of requests.
 - 2) The Agency may also ~~may~~ hold a public hearing at its discretion, whenever such a hearing might clarify one or more issues involved in the permit decision.
 - 3) For RCRA permits only the following additional requirements apply:
 - A) The Agency ~~shall~~must hold a public hearing whenever it receives written notice of opposition to a draft permit and a request for a hearing within 45 days of public notice under Section 705.162(a);
 - B) Whenever possible, the Agency ~~shall~~must schedule the hearing at a location convenient to the population center nearest to the proposed facility.
 - 4) Public notice of the hearing ~~shall~~must be given as specified in Section 705.162.
- b) Whenever a public hearing will be held, the Agency ~~shall~~must designate a hearing officer who ~~shall~~must be responsible for its scheduling and orderly conduct. Conduct of the hearing ~~shall~~must be in accordance with Agency rules and procedures, and the hearing ~~shall~~must be held in the county in which the HWM or UIC facility or proposed HWM or UIC facility is located.
- c) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set by the hearing officer on the time allowed at hearing for oral statements, and the submission of statements in writing may be required. Written statements ~~shall~~must be accepted until the close of the public comment period. The public comment period under 705.Subpart D of this Part shall must automatically be extended to a date not later than 30 days after the close of any public hearing under this ~~section~~ Section. The hearing officer may, ~~upon request,~~ also extend the comment period by ~~not more than 30 days if reasonably necessary to assure all parties sufficient opportunity to submit comments entering an appropriate order into the record.~~
- d) A tape recording or written transcript of the hearing ~~shall~~must be made available to the public for inspection during regular business hours at the Agency's office in Springfield. Copies of such recording or transcription ~~shall~~must be made available

on request, upon payment of reasonable costs of duplication pursuant to applicable Agency rules and procedures.

BOARD NOTE: Derived from 40 CFR 124.12-(1993) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.183 Obligation to Raise Issues and Provide Information

All persons, including applicants, who believe any condition of a draft permit is inappropriate, or that the Agency's tentative decision to deny an application or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period (including any public hearing) under 705.Subpart D of this Part. All supporting materials ~~shall~~must be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or they consist of state or federal statutes and regulations, documents of general applicability, or other generally available reference materials. Commenters ~~shall~~must make supporting material not already included in the administrative record available to the Agency, as directed by the Agency. The Agency must extend the public comment period by an appropriate time if a commenter demonstrates that the additional time is necessary to submit supporting materials under this Section.

BOARD NOTE: Derived from 40 CFR 124.13-(1993) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.184 Reopening of Public Comment Period

- a) The Agency may reopen the public comment period under this Section if doing so could expedite the decisionmaking process.
 - 1) If the public comment period is reopened under this subsection (a), any person, including the applicant, who believes any condition of a draft permit is inappropriate or that the Agency's tentative decision to deny an application or prepare a draft permit is inappropriate, must submit all reasonably available factual grounds supporting their position, including all supporting material, before a date, not less than 60 days after public notice given under subsection (a)(2) of this Section, set by the Agency. Thereafter, any person may file a written response to the material filed by any other person, by a date, not less than 20 days after the date set for filing of the material (as set forth in the preceding sentence), set by the Agency.

- 2) Public notice of any comment period under this subsection (a) must identify the issues to which the requirements of this subsection (a) will apply.
 - 3) On its own motion or on the request of any person, the Agency may direct that the requirements of subsection (a)(1) of this Section will apply during the initial public comment period where the Agency determines that issuance of the permit will be contested and that applying the requirements of subsection (a)(1) of this Section will substantially expedite the decisionmaking process. The notice of the draft permit must state whenever this has been done.
 - 4) A comment period of longer than 60 days may be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this Section. A commenter may request a longer comment period, and one must be granted under Subpart D of this Part to the extent that the Agency determines that a longer comment period is necessary.
- ab) If any data, information, or arguments submitted during the public comment period appear to raise substantial new questions concerning a permit, the Agency may undertake one or more of the following actions:
- 1) ~~Prepare~~ It may prepare a new draft permit, appropriately modified, under Section 705.141;
 - 2) ~~Prepare~~ It may prepare a revised statement of basis, a fact sheet, or a revised fact sheet and reopen the comment period under subsection (ab)(3) ~~below of this Section;~~
 - 3) ~~Reopen~~ It may reopen or extend the comment period to give interested persons an opportunity to comment on the information or arguments submitted.
- b) ~~In the alternative, the Agency may reverse its tentative decision to prepare a draft permit or issue a notice of intent to deny pursuant to Section 705.141(b) or 705.141(c).~~
- e) ~~In the alternative, the Agency may revise the draft permit in response to comments and issue a final permit pursuant to Section 705.201.~~
- dc) Comments filed during the reopened comment period ~~shall~~ must be limited to the substantial new questions that caused its reopening. The public notice under 705.Subpart D of this Part shall ~~must~~ define the scope of the reopening.

- d) After an extended comment period, the Agency may undertake final action under Section 705.201 that it deems appropriate based on the record.
- e) Public notice of any of the above actions ~~shall~~ must be issued under ~~705~~.Subpart D of this Part.

BOARD NOTE: Derived from 40 CFR 124.14 ~~(1993)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART F: PERMIT ISSUANCE

Section 705.201 Final Permit Decision

- a) After the close of the public comment period under ~~705~~.Subpart D of this Part or Section 705.182, the Agency ~~shall~~ must issue a final permit decision.
- b) A final permit decision ~~shall~~ must consist of either of the following:
 - 1) A letter of denial that includes each of the following:
 - A) The ~~sections~~ Sections of the appropriate Act that may be violated if the permit were granted;
 - B) The provisions of Board regulations that may be violated if the permit were granted;
 - C) The specific type of information, if any, that the Agency deems the applicant did not provide with its application; and
 - D) A statement of specific reasons why the Act and the regulations might not be met if the permit were granted; or
 - 2) ~~Or issuance~~ Issuance of a permit.
- c) On the date of the final permit decision, the Agency ~~shall~~ must notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice ~~shall~~ must include reference to the procedures for appealing an Agency RCRA or UIC permit decision under Section 705.212.
- d) A final permit ~~shall~~ must become effective 35 days after the final permit decision made under subsection (a) ~~above~~ of this Section, unless:

- 1) A later effective date is specified in the permit; or
- 2) Review is requested under Section 705.212, in which case the effective date and conditions will be stayed as provided in Sections 705.202 through 705.205.

BOARD NOTE: This Section corresponds with and is partially derived from 40 CFR 124.15 ~~(1993)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.202 Stay upon Timely Application for Renewal of Permit Conditions upon Appeal

~~35 Ill. Adm. Code 702.125 provides for continuation of expiring RCRA and UIC permits where a timely application has been filed. In such a case, the Board intends that the old permit should expire at the same time the new permit becomes effective unless the Board orders otherwise.~~

~~BOARD NOTE: Derived in part from 40 CFR 124.16(a)(2) and (c)(2) (1993).~~

An appeal pursuant to Section 705.212 has the following effect on permit conditions:

- a) If a timely application was filed for renewal of an existing permit, the existing permit and all its conditions continue to apply during the pendency of the appeal of the renewal permit application, unless the Board orders otherwise.
- b) If an application was filed for renewal of an existing permit after the expiration date of the existing permit, the effect of the new permit and all its conditions are stayed pending the outcome of the appeal, and the facility is without a permit during that time, unless the Board orders otherwise.
- c) If an application was filed for a permit for a new facility, the effect of the new permit and all its conditions are stayed pending the outcome of the appeal.
- d) Contested permit conditions and all permit conditions that are not separable from contested permit conditions are stayed during the pendency of the appeal. The Board may issue an order that identifies the conditions in a permit that are inseparable from contested permit conditions. Where the Board has issued an order that stays some but not all the conditions of a new permit during the pendency of an appeal, compliance is required with those conditions of the existing permit that correspond with the stayed conditions of the new permit, unless compliance with the existing conditions is technologically incompatible with the conditions of the new permit that are not stayed.

BOARD NOTE: Derived from 40 CFR 124.16 (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.203 Stay for New Application or upon Untimely Application for Renewal
(Repealed)

~~a) — This section applies to:~~

~~1) — New HWM facilities and new injection wells that:~~

~~A) — Have never had a RCRA or UIC permit; or~~

~~B) — Had a RCRA or UIC permit that expired without a timely application for renewal; and~~

~~2) — Existing HWM facilities and existing HWM injection wells that:~~

~~A) — Have never had a RCRA or UIC permit and have failed to file a timely first application; or~~

~~B) — Had a RCRA or UIC permit that expired without a timely application for renewal.~~

~~b) — If an appeal to the Board is filed, the effective date of the permit and all conditions are stayed until the appeal is concluded, unless the Board orders otherwise. During the appeal, the applicant is without a permit unless the Board orders otherwise.~~

~~BOARD NOTE: Derived in part from 40 CFR 124.16(a)(1) (1993).~~

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

Section 705.204 Stay upon Reapplication or for Modification (Repealed)

~~a) — This section applies to new or existing HWM facilities and UIC wells that have a RCRA or UIC permit and which make a timely application for renewal or request for modification.~~

~~b) — If an appeal to the Board is filed, the effective date of the permit and all conditions are stayed until the appeal is concluded or until the Board orders otherwise. During the appeal, the applicant must comply with the conditions of the expired permit, unless the Board orders otherwise (35 Ill. Adm. Code 702.125).~~

- e) ~~The applicant must comply with the conditions of the existing permit during a modification proceeding under Section 705.128.~~

BOARD NOTE: ~~Derived from 40 CFR 124.16(e)(1) (1993).~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.205 Stay Following Interim Status (Repealed)

- a) ~~This Section applies to any facility that has RCRA interim status or permit by rule or a UIC permit by rule and that makes a timely application for its first RCRA or UIC permit.~~
- b) ~~If an appeal to the Board is filed, the effective date of the permit and all conditions are stayed until the appeal is concluded, unless the Board orders otherwise. During the appeal, the applicant must comply with the rules applicable to facilities with RCRA interim status or permit by rule (35 Ill. Adm. Code 703 Subpart C) or UIC permit by rule (35 Ill. Adm. Code 703 Subpart C).~~

BOARD NOTE: ~~Derived from implication from 40 CFR 124.15(b) (1993); 144.31(a) (1993), as amended at 58 Fed. Reg. 63897 (Dec. 3, 1993); and 270.60 and 270.63(a) (1992).~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.210 Agency Response to Comments

- a) At the time that any final permit decision is issued under Section 705.201, the Agency ~~shall~~ must issue a response to comments. This response ~~shall~~ must do the following:
- 1) ~~Specify~~ It must specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and
 - 2) ~~Briefly~~ It must briefly describe and respond to all significant comments on the draft permit raised during the public comment period.
- b) Any documents cited in the response to comments ~~shall~~ must be included in the administrative record for the final permit decision as defined in Section 705.211. If new points are raised or new material supplied during the public comment period, the Agency may document its response to those matters by adding new materials to the administrative record.

- c) The response to comments ~~shall~~must be available to the public in accordance with Agency rules and procedures for access to Agency ~~documents~~ records.

BOARD NOTE: Derived in part from 40 CFR 124.17-(1993) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.211 Administrative Record for Final Permits or Letters of Denial

- a) The Agency ~~shall~~must base final permit decisions under Section 705.201 on the administrative record defined in this Section.
- b) The administrative record for any final permit or letter of denial ~~shall~~must consist of the administrative record for the draft permit ~~and together with the following~~:
- 1) All comments received during the public comment period provided under 705.Subpart D of this Part (including any extension or reopening under Section 705.184);
 - 2) The tape or transcript of any hearing held under Section 705.182;
 - 3) Any written materials submitted at such a hearing;
 - 4) The response to comments required by Section 705.210 and any new material placed in the record under that ~~section~~ Section;
 - 5) Other documents contained in the supporting file for the permit; and
 - 6) The final permit or letter of denial.
- c) The additional documents required under subsection (b) ~~above~~ of this Section should be added to the record as soon as possible after their receipt or publication by the Agency. The record ~~shall~~must be completed on the date ~~which~~ that the final permit or letter of denial is issued.
- d) This ~~section~~ Section applies to all final RCRA permits, UIC permits, and letters of denial, when the draft permit was subject to the administrative record requirements of Section 705.144.

BOARD NOTE: Derived from 40 CFR 124.18-(1993) (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.212 Appeal of Agency Permit Determinations

- a) ~~Within 35 days after a RCRA or UIC final permit decision notification has been issued under Section 705.201, the applicant~~ following persons may petition the Board ~~to contest the final permit decision. If the applicant failed to file comments or failed to participate in the public hearing on the draft permit he or she may petition for administrative review only to the extent of the change from the draft to the final permit decision. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required in this part; in all other respects, the petition shall comport with the requirements for permit appeals generally, as set forth in 35 Ill. Adm. Code 105. Nothing in this paragraph is intended to restrict appeal rights under Section 40(b) of the Environmental Protection Act; review any condition of the permit decision:~~
- 1) The permit applicant, and
 - 2) Any person who filed comments on the draft permit or who participated in the public hearing on the draft permit.
- b) ~~Within 35 days after a final permit decision notification has been issued under Section 705.201 for a RCRA permit for a hazardous waste disposal site, any person who filed comments on that draft permit or participated in the public hearing may petition the Board to contest the issuance of the permit. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required in this part; in all other respects, the petition shall comport with the requirements for permit appeals generally, as set forth in 35 Ill. Adm. Code 105.~~
- c) A petition for review must include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required in this Part; in all other respects, the petition must comport with the requirements for permit appeals generally, as set forth in 35 Ill. Adm. Code 105.
- ed) Except as otherwise provided in this Part, the provisions of 35 Ill. Adm. Code 105 generally ~~shall~~ will govern appeals of RCRA and UIC permits under this ~~section;~~ Section. ~~References~~ References in the procedural rules to the Agency permit application record ~~shall~~ will mean, for purposes of this ~~section~~ Section, the administrative record for the final permit or letter of denial, as defined in Section 705.211.

- d) An appeal under subsection (a) or (b) ~~above of this Section~~ is a prerequisite to the seeking of judicial review of the final agency action under the ~~Administrative Review Act~~ administrative review provisions of Article III of the Code of Civil Procedure [735 ILCS 5/Art. III].

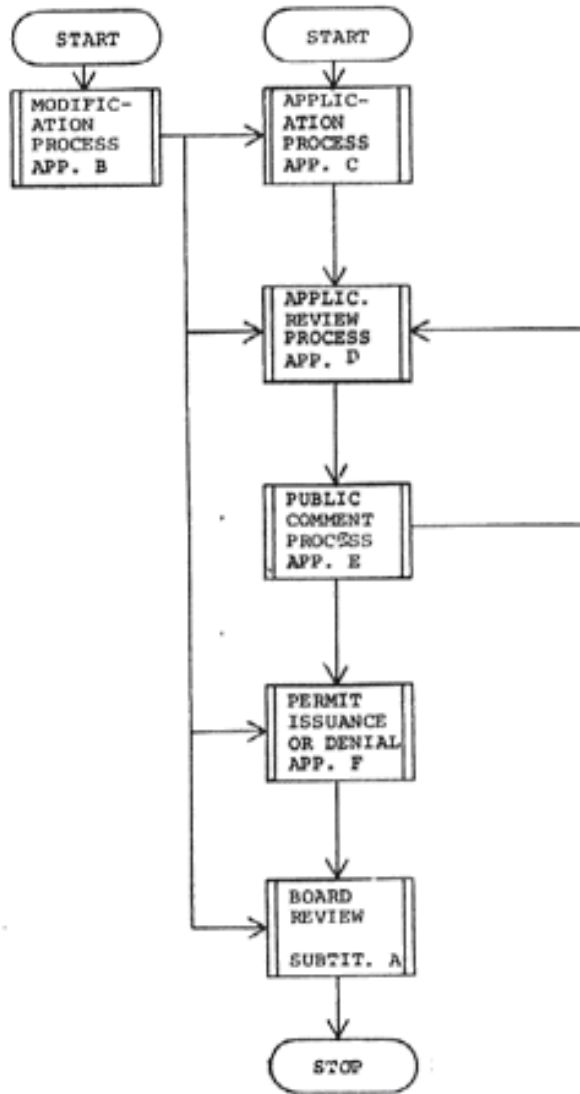
BOARD NOTE: This Section corresponds with 40 CFR 124.19(a) ~~(1993)~~ (2002).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.Appendix A Procedures for Permit Issuance

APPENDIX A

PROCEDURES FOR PERMIT ISSUANCE

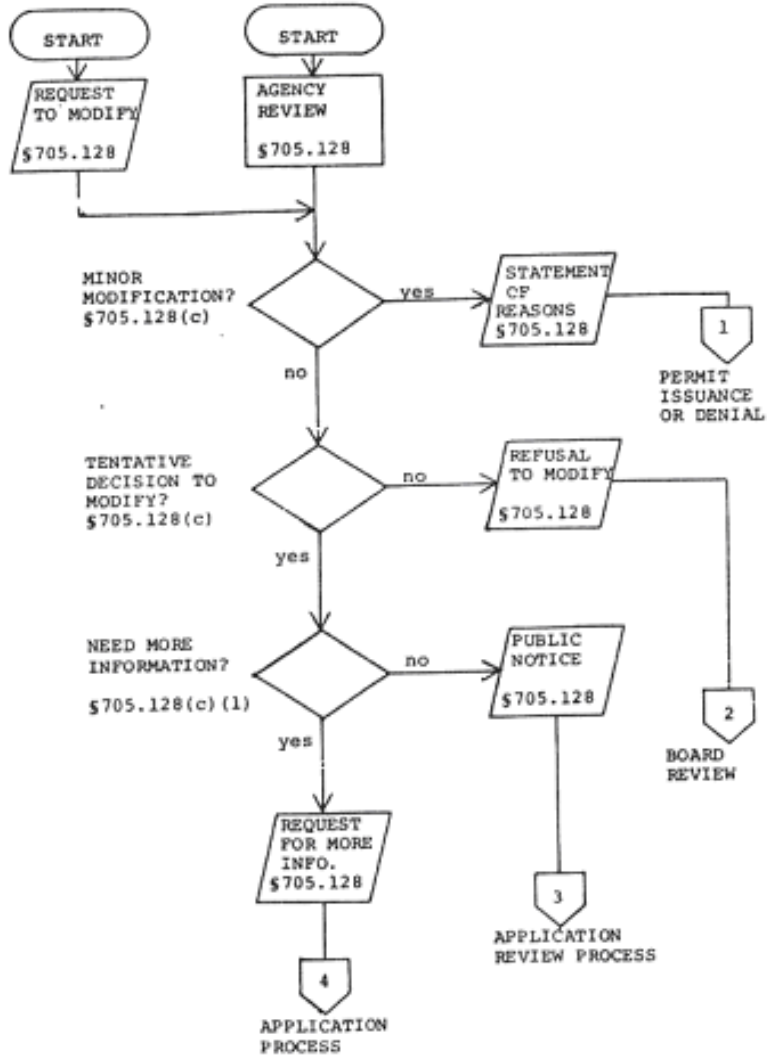


(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.Appendix B Modification Process

APPENDIX B

MODIFICATION PROCESS

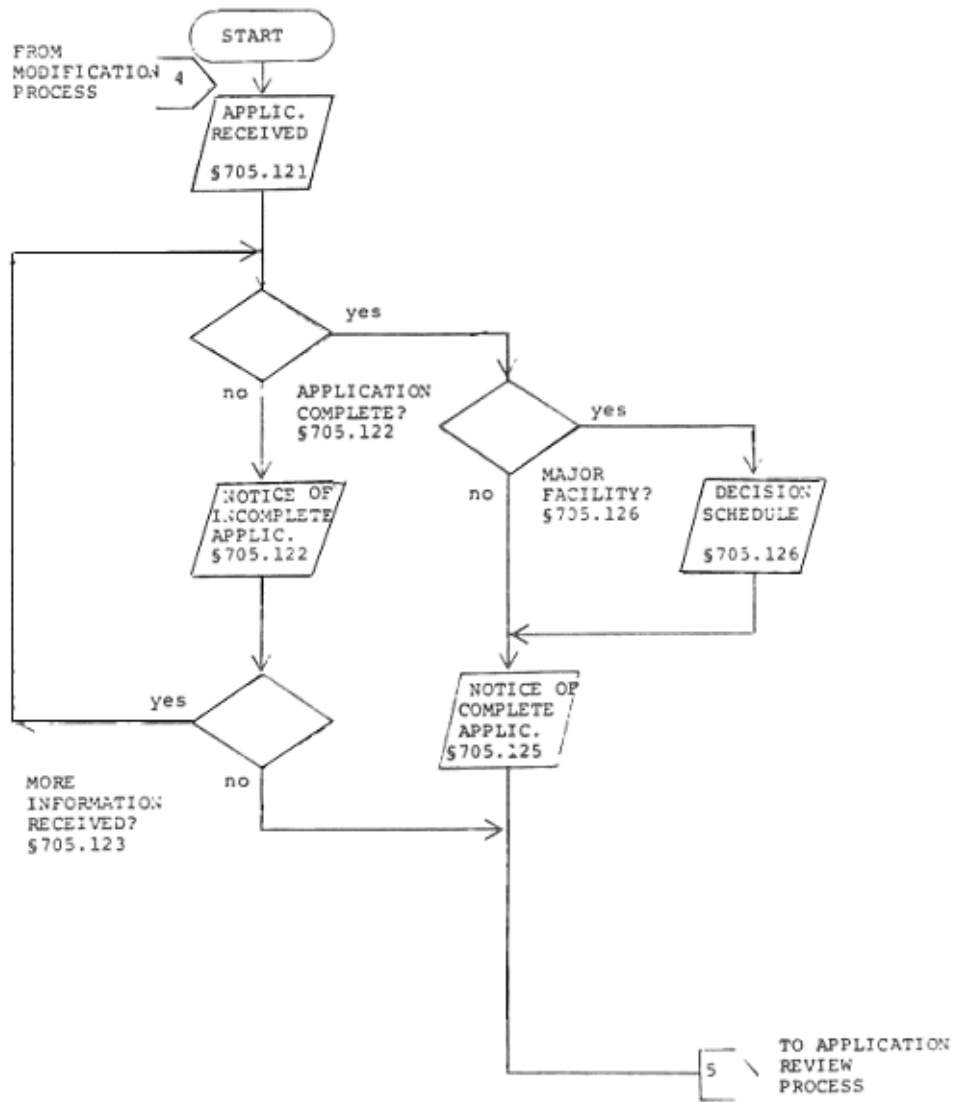


(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.Appendix C Application Process

APPENDIX C

APPLICATION PROCESS

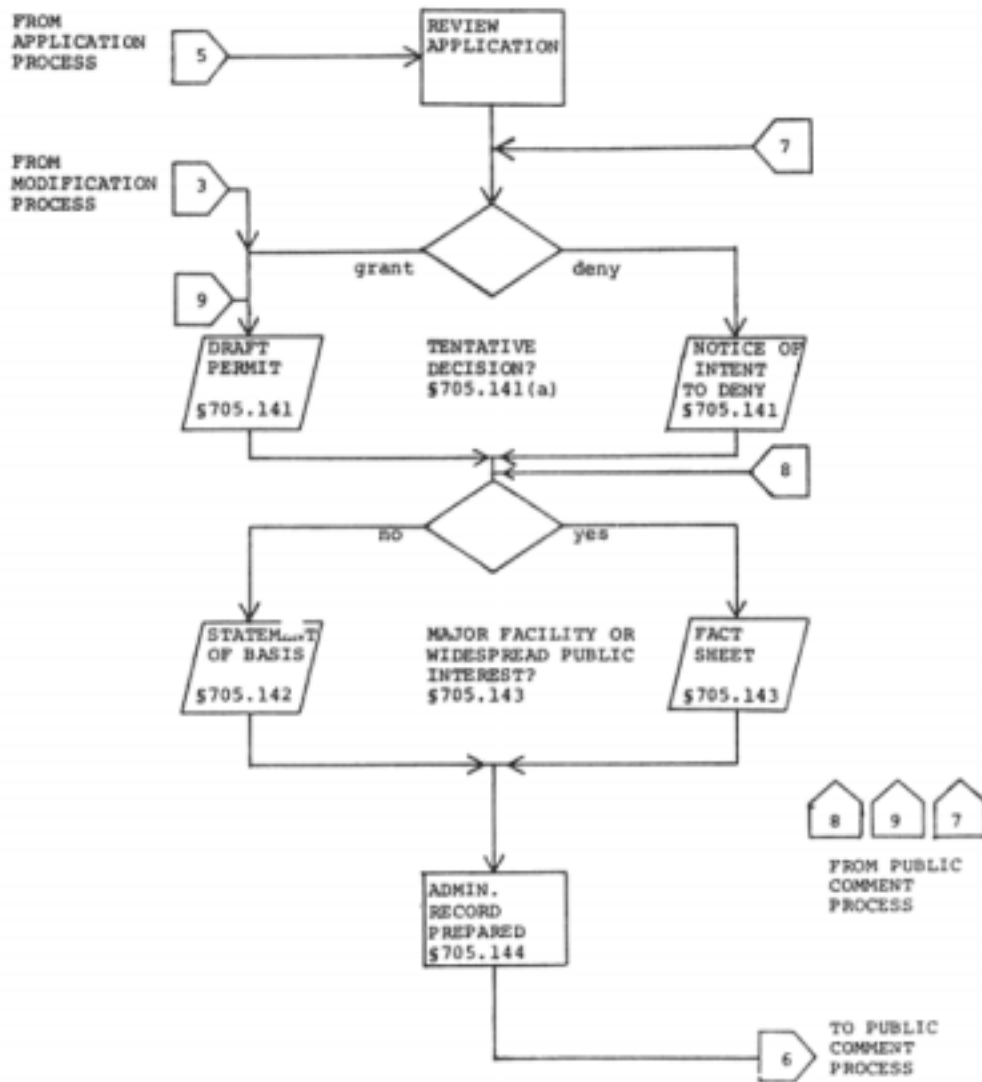


(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.Appendix D Application Review Process

APPENDIX D

APPLICATION REVIEW PROCESS

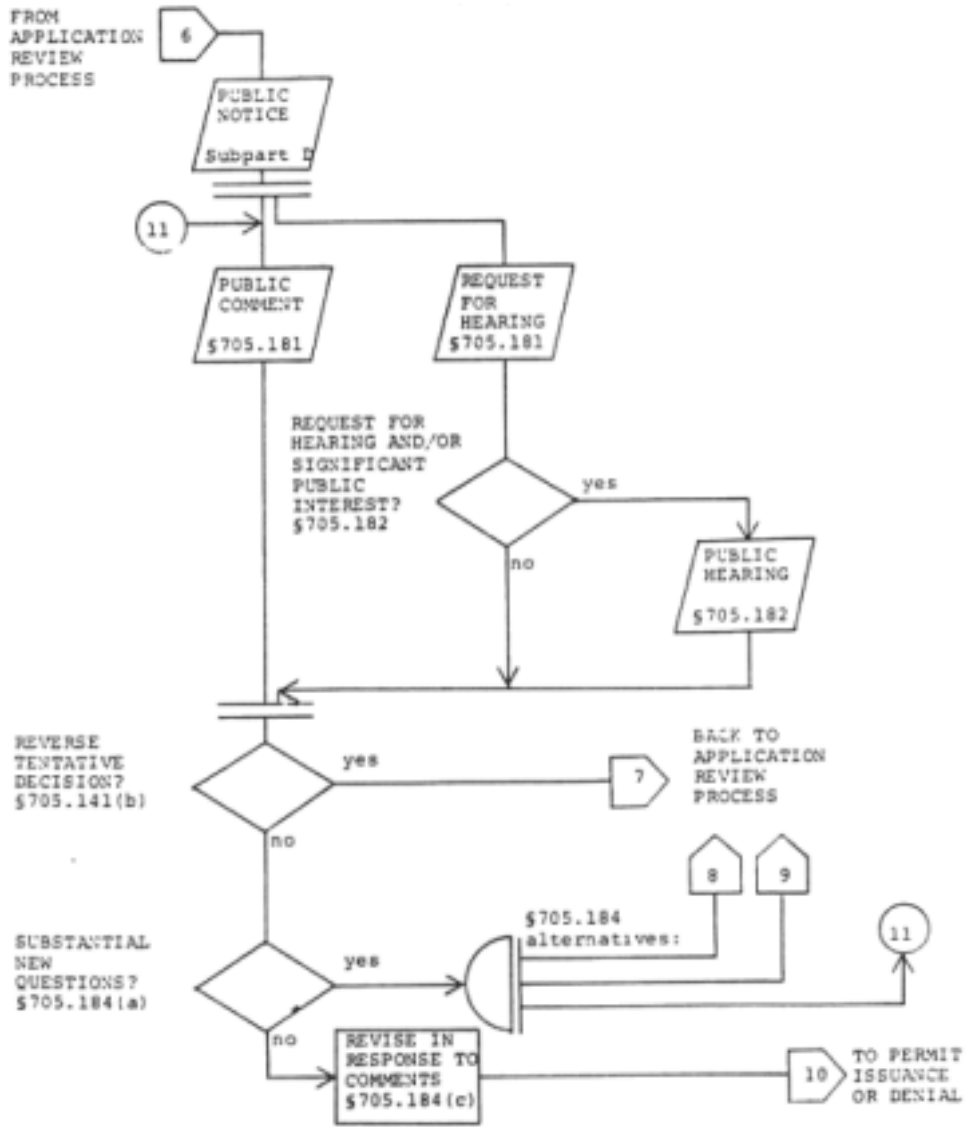


(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.Appendix E Public Comment Process

APPENDIX E

PUBLIC COMMENT PROCESS

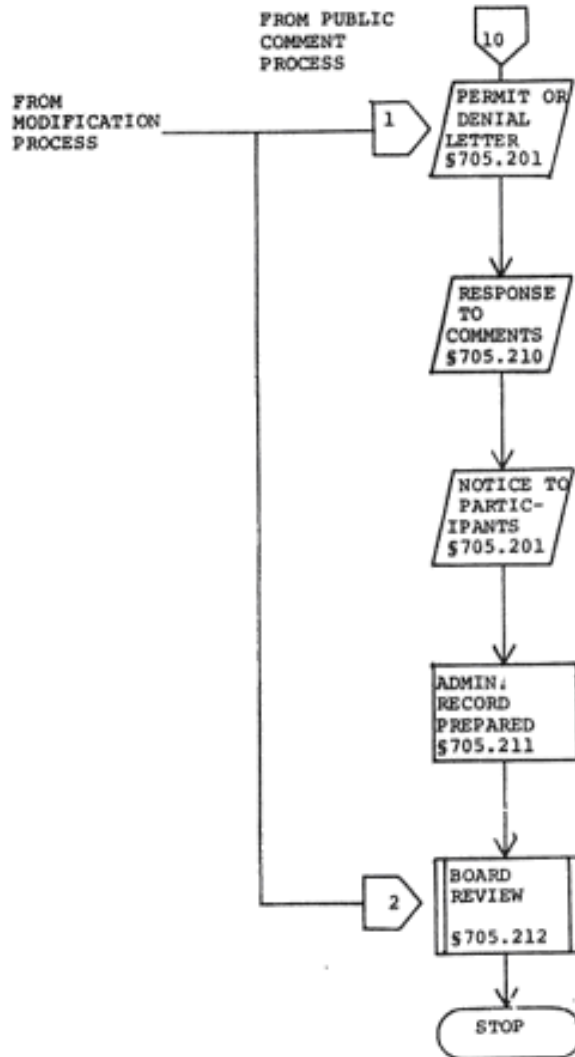


(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 705.Appendix F Permit Issuance or Denial

APPENDIX F

PERMIT ISSUANCE OR DENIAL



(Source: Amended at 27 Ill. Reg. _____, effective _____)

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

PART 720
 HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section	
720.101	Purpose, Scope, and Applicability
720.102	Availability of Information; Confidentiality of Information
720.103	Use of Number and Gender

SUBPART B: DEFINITIONS AND REFERENCES

Section	
720.110	Definitions
720.111	References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section	
720.120	Rulemaking
720.121	Alternative Equivalent Testing Methods
720.122	Waste Delisting
720.123	Petitions for Regulation as Universal Waste
720.130	Procedures for Solid Waste Determinations
720.131	Solid Waste Determinations
720.132	Boiler Determinations
720.133	Procedures for Determinations
720.140	Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis
720.141	Procedures for case-by-case regulation of hazardous waste Recycling Activities
720.Appendix A	Overview of 40 CFR, Subtitle C Regulations

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended

in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.111 References

The following documents are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 703 through 705, 721 through 726, 728, 730, 733, 738, and 739:

- a) Non-Regulatory Government Publications and Publications of Recognized Organizations and Associations:

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete,"; adopted September 1983.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

“Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems,”; API Recommended Practice 1632, Second Edition, December 1987.

“Evaporative Loss from External Floating-Roof Tanks,”; API Publication 2517, Third Edition, February 1989.

“Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks,”; 4th Edition, 1981, reaffirmed December 1987.

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10 CFR 20, Appendix B-~~(2001)~~ (2002)

10 CFR 71-~~(2001)~~ (2002)

40 CFR 51.100(ii)-~~(2001)~~ (2002)

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40 CFR 52.741, Appendix B-~~(2001)~~ (2002)

40 CFR 60-~~(2001)~~ (2002)

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40 CFR 136-~~(2001)~~ (2002)

40 CFR 142-~~(2001)~~ (2002)

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d) This Section incorporates no later editions or amendments.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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

PART 724
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AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

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

effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9833, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5115, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6635, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 724.101 Purpose, Scope, and Applicability

- a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste.
- b) The standards in this Part apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- c) The requirements of this Part apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the federal Marine Protection, Research and Sanctuaries Act (16 USC 1431-1434, 33 USC 1401) only to the extent they are included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act [415 ILCS 5/21(f)] and 35 Ill. Adm. Code 703.121.

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

- d) The requirements of this Part apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency pursuant to Section 12(g) of the Environmental Protection Act [415 ILCS 5/12(g)] only to the extent they are required by Subpart F of 35 Ill. Adm. Code 704.~~Subpart F.~~

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

- e) The requirements of this Part apply to the owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141.

- f) This subsection (f) corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with USEPA rules.
- g) The requirements of this Part do not apply to the following:
- 1) The owner or operator of a facility permitted by the Agency under Section 21 of the Environmental Protection Act [415 ILCS 5/21] to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105.

BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit under 35 Ill. Adm. Code 807.210.
 - 2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the extent that requirements of this Part are referred to in Subpart C, F, G, or H of 35 Ill. Adm. Code ~~726~~ Subparts C, F, G, or H or 35 Ill. Adm. Code 739).
 - 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134.
 - 4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.
 - 5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.
 - 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in Table T to 35 Ill. Adm. Code 728 ~~Table T~~) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b).
 - 7) This subsection (g)(7) corresponds with 40 CFR 264.1(g)(7), reserved by USEPA. This statement maintains structural consistency with USEPA rules.
 - 8) Immediate response;

- A) Except as provided in subsection (g)(8)(B) of this Section, a person engaged in treatment or containment activities during immediate response to any of the following situations:
- i) A discharge of a hazardous waste;
 - ii) An imminent and substantial threat of a discharge of hazardous waste;
 - iii) A discharge of a material that becomes a hazardous waste when discharged; or
 - iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.
- B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D of this Part.
- C) Any person that is covered by subsection (g)(8)(A) of this Section and that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.
- D) In the case of an explosives or munitions emergency response, if a federal, State, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit ~~shall~~ must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

- 9) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.
- 10) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.
- 11) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:
 - A) Batteries, as described in 35 Ill. Adm. Code 733.102;
 - B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
 - C) Thermostats, as described in 35 Ill. Adm. Code 733.104; and
 - D) Lamps, as described in 35 Ill. Adm. Code 733.105.
- h) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.
- i) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728.
- j) The requirements of Subparts B, C, and D of this Part and Section 724.201 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, Subparts B, C, and D of this Part, and Section 724.201 do apply to the facility subject to the traditional RCRA permit.) Instead of the requirements of Subparts B, C, and D of this Part, owners or operators of remediation waste management sites ~~shall~~ must comply with the following requirements:
 - 1) The owner or operator ~~shall~~ must obtain an ~~EPA~~-a USEPA identification number by applying to USEPA using USEPA Form 8700-12;

- 2) The owner or operator ~~shall~~ must obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information that must be known to treat, store, or dispose of the waste according to this Part and 35 Ill. Adm. Code 728, and the owner or operator ~~shall~~ must keep the analysis accurate and up to date;
- 3) The owner or operator ~~shall~~ must prevent people who are unaware of the danger from entering the site, and the owner or operator ~~shall~~ must minimize the possibility for unauthorized people or livestock entering onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate the following to the Agency:
 - A) ~~Physical~~ That physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock that may enter the active portion of the remediation waste management site; and
 - B) ~~Disturbance~~ That disturbance of the waste or equipment by people or livestock that enter onto the active portion of the remediation waste management site will not cause a violation of the requirements of this Part;
- 4) The owner or operator ~~shall~~ must inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing or may lead to a release of hazardous waste constituents to the environment or a threat to human health. The owner or operator ~~shall~~ must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and the owner or operator ~~shall~~ must remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner or operator ~~shall~~ must immediately take remedial action;
- 5) The owner or operator ~~shall~~ must provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with the requirements of this Part, and on how to respond effectively to emergencies;
- 6) The owner or operator ~~shall~~ must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and the owner or operator ~~shall~~ must prevent threats to human health and the environment from ignitable, reactive, and incompatible waste;

- 7) For remediation waste management sites subject to regulation under Subparts I through O and Subpart X of this Part, the owner or operator ~~shall~~ must design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can meet the requirements of Section 724.118(b);
- 8) The owner or operator ~~shall~~ must not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;
- 9) The owner or operator ~~shall~~ must develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with Sections 724.321(c) and (d), 724.351(c) and (d), and 724.401(c) and (d) at the remediation waste management site, according to the requirements of Section 724.119;
- 10) The owner or operator ~~shall~~ must develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents occurs that could threaten human health or the environment;
- 11) The owner or operator ~~shall~~ must designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan;

- 12) The owner or operator ~~shall~~ must develop, maintain, and implement a plan to meet the requirements in subsections (j)(2) through (j)(6) and (j)(9) through (j)(10) of this Section; and
- 13) The owner or operator ~~shall~~ must maintain records documenting compliance with subsections (j)(1) through (j)(12) of this Section.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.103 Relationship to Interim Status Standards

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

BOARD NOTE: As stated in Section 21(f) of the Illinois Environmental Protection Act [415 ILCS 5/21(f)], the treatment, storage, or disposal of hazardous waste is prohibited, except in accordance with a RCRA permit. 35 Ill. Adm. Code 703, Subpart C provides for the continued operation of an existing facility ~~which~~ that meets certain conditions until final administrative disposition of the owner's or operator's permit application.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART B: GENERAL FACILITY STANDARDS

Section 724.110 Applicability

- a) The regulations in this Subpart B apply to owners and operators of all hazardous waste facilities, except as provided in Section 724.101 and subsection (b) of this Section.
- b) Section 724.118(b) applies only to facilities subject to regulation under Subparts I through O and Subpart X of this Part.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.111 USEPA Identification Number

Every facility owner or operator must apply to USEPA for a USEPA identification number in accordance with the USEPA notification procedures. ~~(45 Fed. Reg. 12746.)~~

BOARD NOTE: USEPA Form 8700-12 is the required instructions and forms for notification. The federal instructions require that an owner or operator file notice for an Illinois facility file that notice with the Agency, Bureau of Land (telephone: 217-782-6762).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.112 Required Notices

- a) Receipt from a foreign source.
 - 1) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the Regional Administrator in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.
 - 2) The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722. Subpart H must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460; to the Bureau of Land, Division of Land Pollution Control, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, IL 62794-9276; and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed tracking document must be maintained at the facility for at least three years.
- b) The owner or operator of a facility that receives hazardous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that the owner or operator has the appropriate ~~permit(s)~~ permits for, and will accept, the waste that the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record.
- c) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of this Part and 35 Ill. Adm. Code 702 and 703.

BOARD NOTE: An owner's or operator's failure to notify the new owner or operator of the requirements of this Part in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.113 General Waste Analysis

a) Analysis:

- 1) Before an owner or operator treats, stores, or disposes of any hazardous wastes, or non-hazardous wastes if applicable under Section 724.213(d), the owner or operator ~~shall~~ must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information that must be known to treat, store, or dispose of the waste in accordance with this Part and 35 Ill. Adm. Code 728.
- 2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.

BOARD NOTE: For example, the facility's records of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with subsection (a)(1) of this Section. The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1) of this Section, except as otherwise specified in 35 Ill. Adm. Code 728.107(b) and (c). If the generator does not supply the information, and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

- 3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated as follows:
 - A) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), has changed; and
 - B) For off-site facilities, when the results of the inspection required in subsection (a)(4) of this Section indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

- 4) The owner or operator of an off-site facility ~~shall~~ must inspect and, if necessary, analyze each hazardous waste shipment received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.
- b) The owner or operator ~~shall~~ must develop and follow a written waste analysis plan that describes the procedures that it will carry out to comply with subsection (a) of this Section. The owner or operator ~~shall~~ must keep this plan at the facility. At a minimum, the plan must specify the following:
- 1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a) of this Section).
 - 2) The test methods that will be used to test for these parameters.
 - 3) The sampling method that will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either of the following:
 - A) One of the sampling methods described in Appendix A to 35 Ill. Adm. Code 721~~Appendix A~~; or
 - B) An equivalent sampling method.

BOARD NOTE: See 35 Ill. Adm. Code 720.121.
 - 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date.
 - 5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.
 - 6) Where applicable, the methods that will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 724.117, 724.414, 724.441, 724.934(d), 724.963(d), and 724.983 and 35 Ill. Adm. Code 728.107.
 - 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for the following:

- A) The sampling of impoundment contents;
 - B) The analysis of test data; and
 - C) The annual removal of residues that are not delisted under 35 Ill. Adm. Code 720.122 or which exhibit a characteristic of hazardous waste and either of the following is true of the waste:
 - i) ~~Do~~ The residues do not meet applicable treatment standards of Subpart D of 35 Ill. Adm. Code 728.Subpart D; or
 - ii) Where no treatment standards have been established, such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139 or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).
- 8) For owners and operators seeking an exemption to the air emission standards of ~~724.Subpart CC of this Part~~ in accordance with Section 724.982, the following information:
- A) If direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis and the analysis of test data to verify the exemption.
 - B) If knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator or by the generator of the waste, if the waste is received from off-site, that is used as the basis for knowledge of the waste.
- c) For off-site facilities, the waste analysis plan required in subsection (b) of this Section must also specify the procedures that will be used to inspect and, if necessary, analyze each shipment of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe the following:
- 1) The procedures that will be used to determine the identity of each movement of waste managed at the facility;
 - 2) The sampling method that will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling; and

- 3) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

BOARD NOTE: 35 Ill. Adm. Code 703 requires that the waste analysis plan be submitted with Part B of the permit application.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.114 Security

- a) The owner or operator must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of the facility, unless the owner or operator demonstrates the following to the Agency~~that~~:
 - 1) ~~Physical~~That physical contact with the waste, structures or equipment within the active portion of the facility will not injure unknowing or unauthorized persons or livestock~~which that~~ may enter the active portion of a facility; and
 - 2) ~~Disturbance~~That disturbance of the waste or equipment, by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility, will not cause a violation of the requirements of this Part.

~~(Board Note: BOARD NOTE: 35 Ill. Adm. Code 703 requires that an owner or operator who wishes to make the demonstration referred to above must do so with Part B of the permit application.)~~

- b) Unless the owner or operator has made a successful demonstration under ~~paragraphs~~subsections (a)(1) and (a)(2) of this Section, a facility must have the following:
 - 1) A 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel)~~which that~~ continuously monitors and controls entry onto the active portion of the facility; or
 - 2) Physical barriers.
 - A) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff), which completely surrounds the active portion of the facility; and

- B) A means to control entry, at all times, through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility).

~~(Board Note: BOARD NOTE: The requirements of paragraph subsection (b) of this Section are satisfied if the facility or plant within which the active portion is located itself has a surveillance system, or a barrier and a means to control entry, which that complies with the requirements of paragraph subsection (b)(1) or (b)(2) of this Section.)~~

- c) Unless the owner or operator has made a successful demonstration under ~~paragraphs subsections~~ (a)(1) and (a)(2) of this Section, a sign with the legend, "Danger--Unauthorized Personnel Keep Out," must be posted at each entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion. The sign must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger--Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.

~~(Board Note: BOARD NOTE: See Section 724.217(b) for discussion of security requirements at disposal facilities during the post-closure care period.)~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.115 General Inspection Requirements

- a) The owner or operator ~~shall~~ must conduct inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator ~~shall~~ must inspect the facility for malfunctions and deterioration, operator errors, and discharges that may be causing or may lead to either of the following:
- 1) Release of hazardous waste constituents to the environment; or
 - 2) A threat to human health.
- b) Inspection schedule.
- 1) The owner or operator ~~shall~~ must develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes

and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.

- 2) The owner or operator ~~shall~~ must keep this schedule at the facility.
- 3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) that are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).
- 4) The frequency of inspection may vary for the items on the schedule. However, the frequency should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in Sections 724.274, 724.293, 724.295, 724.326, 724.354, 724.378, 724.403, 724.447, 724.702, 724.933, 724.952, 724.953, 724.958, and 724.983 through 724.990, where applicable.

BOARD NOTE: 35 Ill. Adm. Code 703 requires the inspection schedule to be submitted with Part B of the permit application. The Agency must evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the Agency may modify or amend the schedule as may be necessary.

- c) The owner or operator ~~shall~~ must remedy any deterioration or malfunction of equipment or structures that the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.
- d) The owner or operator ~~shall~~ must record inspections in an inspection log or summary. The owner or operator ~~shall~~ must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date, and nature of any repairs or other remedial actions.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.116 Personnel Training

- a) The personnel training program.
- 1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this Part. The owner or operator must ensure that this program includes all the elements described in the document required under ~~paragraph subsection (d)(3) of this Section.~~
- ~~(Board Note:—~~BOARD NOTE: 35 Ill. Adm. Code 703 requires that owners and operators submit with Part B of the RCRA permit application, an outline of the training program used (or to be used) at the facility and a brief description of how the training program is designed to meet actual jobs tasks.)
- 2) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction ~~which that~~ teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.
 - 3) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable:
 - A) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;
 - B) Key parameters for automatic waste feed cut-off systems;
 - C) Communications or alarm systems;
 - D) Response to fires or explosions;
 - E) Response to groundwater contamination incidents; and
 - F) Shutdown of operations.
- b) Facility personnel must successfully complete the program required in ~~paragraph subsection (a) of this Section~~ within six months after the effective date of these regulations or six months after the date of their employment or assignment to a

facility, or to a new position at a facility, whichever is later. Employees hired after the effective date of these regulations must not work in unsupervised positions until they have completed the training requirements of ~~paragraph~~ subsection (a) of this Section.

- c) Facility personnel must take part in an annual review of the initial training required in ~~paragraph~~ subsection (a) of this Section.
- d) The owner or operator must maintain the following documents and records at the facility:
 - 1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;
 - 2) A written job description for each position listed under ~~paragraph~~ subsection (d)(1) of this Section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education or other qualifications, and duties of employees assigned to each position;
 - 3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under ~~paragraph~~ subsection (d)(1) of this Section;
 - 4) Records that document that the training or job experience required under ~~paragraphs~~ subsections (a), (b), and (c) of this Section has been given to, and completed by, facility personnel.
- e) Training records on current personnel must be kept until closure of the facility; training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.117 General Requirements for Ignitable, Reactive, or Incompatible Wastes

- a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being

handled, the owner or operator must confine smoking and open flame to specially designated locations. “No Smoking” signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

- b) Where specifically required by this Part, the owner or operator of a facility that treats, stores or disposes ignitable or reactive waste, or mixes incompatible waste and other materials, must take precautions to prevent reactions ~~which~~ that do the following:
- 1) Generate extreme heat or pressure, fire or explosions, or violent reactions;
 - 2) Produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to threaten human health or the environment;
 - 3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
 - 4) Damage the structural integrity of the device or facility;
 - 5) Through other like means threaten human health or the environment.
- c) When required to comply with ~~paragraphs~~ subsections (a) or (b) of this Section, the owner or operator must document that compliance. This documentation may be based on references to published scientific or engineering literature, data from trial tests (e.g., bench scale or pilot scale tests), waste analyses (as specified in Section 724.113), or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.118 Location Standards

- a) Seismic considerations.
- 1) Portions of new facilities where treatment, storage or disposal of hazardous waste will be conducted must not be located within 61 meters (200 feet) of a fault ~~which~~ that has had displacement in Holocene time.
 - 2) As used in subsection (a)(1) of this Section:
 - A) “Fault” means a fracture along with rocks on one side have been displaced with respect to those on the other side.

- B) “Displacement” means the relative movement of any two sides of a fault measured in any direction.
- C) “Holocene” means the most recent epoch of the Quarternary period, extending from the end of the Pleistocene to the present.

BOARD NOTE: Procedures for demonstrating compliance with this standard in Part B of the permit application are specified in 35 Ill. Adm. Code 703.182. Facilities ~~which that~~ are located in political jurisdictions other than those listed in 40 CFR 264. Appendix VI (1988), incorporated by reference in 35 Ill. Adm. Code 720.111, are assumed to be in compliance with this requirement.

b) Floodplains.

- 1) A facility located in a 100 year floodplain must be designed, constructed, operated and maintained to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can demonstrate the following to the Agency’s satisfaction ~~that~~:
 - A) ~~Procedures~~ That procedures are in effect ~~which that~~ will cause the waste to be removed safely, before flood waters can reach the facility, to a location where the wastes will not be vulnerable to flood waters; or
 - B) For existing surface impoundments, waste piles, land treatment units, landfills and miscellaneous units, that no adverse effect on human health or the environment will result if washout occurs, considering the following:
 - i) The volume and physical and chemical characteristics of the waste in the facility;
 - ii) The concentration of hazardous constituents that would potentially affect surface waters as a result of washout;
 - iii) The impact of such concentrations on the current or potential uses of and water quality standards established for the affected surface waters; and
 - iv) The impact of hazardous constituents on the sediments of affected surface waters or the soils of the 100-year floodplain that could result from washout;

- 2) As used in subsection (b)(1) of this Section:
- A) “100-year floodplain” means any land area ~~which~~ that is subject to a one percent or greater chance of flooding in any given year from any source.
 - B) “Washout” means the movement of hazardous waste from the active portion of the facility as a result of flooding.
 - C) “100-year flood” means a flood that has a one percent chance of being equalled or exceeded in any given year.

BOARD NOTE: Requirements pertaining to other Federal laws ~~which~~ that affect the location and permitting of facilities are found in 40 CFR 270.3. For details relative to these laws, see EPA’s manual for SEA (special environmental area) requirements for hazardous waste facility permits. Though EPA is responsible for complying with these requirements, applicants are advised to consider them in planning the location of a facility to help prevent subsequent project delays. Facilities may be required to obtain from the Illinois Department of Transportation on a permit or certification that a facility is flood-proofed.

- c) Salt dome formations, salt bed formations, underground mines and caves. The placement of any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground cave or mine is prohibited.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.119 Construction Quality Assurance Program

- a) Construction quality assurance (CQA) program.
 - 1) A CQA program is required for all surface impoundment, waste pile and landfill units that are required to comply with Sections 724.321(c) and (d), 724.351(c) and (d), and 724.401(c) and (d). The program must ensure that the constructed unit meets or exceeds all design criteria and specifications in the permit. The program must be developed and implemented under the direction of a CQA officer who is a registered professional engineer.
 - 2) The CQA program must address the following physical components, where applicable:
 - A) Foundations;

- B) Dikes;
 - C) Low-permeability soil liners;
 - D) Geomembranes (flexible membrane liners);
 - E) Leachate collection and removal systems and leak detection systems; and
 - F) Final cover systems.
- b) Written CQA plan. The owner or operator of units subject to the CQA program under subsection (a) ~~above of this Section~~ must develop and implement a written CQA plan. The plan must identify steps that will be used to monitor and document the quality of materials and the condition and manner of their installation. The CQA plan must include the following:
- 1) Identification of applicable units, and a description of how they will be constructed.
 - 2) Identification of key personnel in the development and implementation of the CQA plan, and CQA officer qualifications.
 - 3) A description of inspection and sampling activities for all unit components identified in subsection (a)(2) ~~above of this Section~~, including observations and tests that will be used before, during and after construction to ensure that the construction materials and the installed unit components meet the design specifications. The description must cover: Sampling size and locations; frequency of testing; data evaluation procedures; acceptance and rejection criteria for construction materials; plans for implementing corrective measures; and data or other information to be recorded and retained in the operating record under Section 724.173.
- c) Contents of program.
- 1) The CQA program must include observations, inspections, tests and measurements sufficient to ensure the following:
 - A) Structural stability and integrity of all components of the unit identified in subsection (a)(2) ~~above of this Section~~;
 - B) Proper construction of all components of the liners, leachate collection and removal system, leak detection system, and final cover system, according to permit specifications and good

engineering practices and proper installation of all components (e.g., pipes) according to design specifications;

- C) Conformity of all materials used with design and other material specifications under Sections 724.321, 724.351₂ and 724.401.
- 2) The CQA program must include test fills for compacted soil liners, using the same compaction methods as in the full scale unit, to ensure that the liners are constructed to meet the hydraulic conductivity requirements of Sections 724.321(c)(1)(A)(ii), 724.351(c)(1)(A)(ii)₂ or 724.401(c)(1)(A)(ii) in the field. Compliance with the hydraulic conductivity requirements must be verified by using in-situ testing on the constructed test fill. The Agency ~~shall~~ must accept an alternative demonstration, in lieu of a test fill, where data are sufficient to show that a constructed soil liner will meet the hydraulic conductivity requirements of Sections 724.321(c)(1)(A)(ii), 724.351(c)(1)(A)(ii)₂ or 724.401(c)(1)(A)(ii) in the field.
- d) Certification. Waste must not be received in a unit subject to Section 724.119 until the owner or operator has submitted to the Agency by certified mail or hand delivery a certification signed by the CQA officer that the approved CQA plan has been successfully carried out and that the unit meets the requirements of Sections 724.321(c) or (d), 724.351(c) or (d), or 724.401(c) or (d); and the procedure in 35 Ill. Adm. Code 703.247(b) has been completed. Documentation supporting the CQA officer's certification must be furnished to the Agency upon request.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART C: PREPAREDNESS AND PREVENTION

Section 724.130 Applicability

The regulations in this Subpart C apply to owners and operators of all hazardous waste management facilities, except as Section 724.101 provides otherwise.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.131 Design and Operation of Facility

Facilities must be designed, constructed, maintained and operated to minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or

hazardous waste constituents to air, soil, or surface water ~~which~~ that could threaten human health or the environment.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.132 Required Equipment

All facilities must be equipped with the following, unless the owner or operator demonstrates to the Agency that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

- a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
- b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
- c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment and decontamination equipment; and
- d) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers or water spray systems.

~~(Board Note: BOARD NOTE: 35 Ill. Adm. Code 703 requires that an owner or operator who wishes to make the demonstration referred to above must do so with Part B of the permit application.)~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.133 Testing and Maintenance of Equipment

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.135 Required Aisle Space

The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless the owner or operator demonstrates to the Agency that aisle space is not needed for any of these purposes.

~~(Board Note: BOARD NOTE: 35 Ill. Adm. Code 703 requires that an owner or operator who wishes to make the demonstration referred to above must do so with Part B of the permit application.)~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.137 Arrangements with Local Authorities

- a) The owner or operator must attempt to make the following arrangements as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations:
 - 1) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;
 - 2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;
 - 3) Agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and
 - 4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses ~~which~~ that could result from fires, explosions or releases at the facility.
- b) Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section 724.150 Applicability

The regulations in this Subpart D apply to owners and operators of all hazardous waste management facilities, except as Section 724.101 provides otherwise.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.151 Purpose and Implementation of Contingency Plan

- a) Each owner or operator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.
- b) The provisions of this plan must be carried out immediately whenever there is a fire, explosion or release of hazardous waste or hazardous waste constituents ~~which~~ that could threaten human health or the environment.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.152 Content of Contingency Plan

- a) The contingency plan must describe the actions facility personnel must take to comply with Sections 724.151 and 724.156 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.
- b) If the owner or operator has already prepared a Spill Prevention Control and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112 or 300, or some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part.
- c) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services pursuant to Section 724.137.
- d) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see Section 724.155), and this list must be kept up to date. Where more than one person is listed, one must be

named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. For new facilities, this information must be supplied to the Agency at the time of certification, rather than at the time of permit application.

- e) The plan must include a list of all emergency equipment at the facility ~~{(such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment)}~~, where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list; and a brief outline of its capabilities.
- f) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe ~~signal(s)~~ signals to be used to begin evacuation, evacuation routes and ~~alternate~~ alternative evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.153 Copies of Contingency Plan

A copy of the contingency plan and all revisions to the plan must be:

- a) Maintained at the facility; and
- b) Submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

~~(Comment: BOARD NOTE: The contingency plan must be submitted to the Agency with Part B of the permit application under 35 Ill. Adm. Code 702 and 703, and, after modification or approval, will become a condition of any permit issued.)~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.154 Amendment of Contingency Plan

The contingency plan ~~shall~~ must be reviewed, and immediately amended, if necessary, when any of the following occurs:

- a) The facility permit is revised;

- b) The plan fails in an emergency;
- c) The facility changes---in its design, construction, operation, maintenance or other circumstances---in a way that materially increases the potential for fires, explosions or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;;
- d) The list of emergency coordinators changes; or
- e) The list of emergency equipment changes.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.155 Emergency Coordinator

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

~~(Comment: BOARD NOTE: The emergency coordinator's responsibilities are more fully spelled out in Section 724.156. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of waste(s) wastes handled by the facility, and type and complexity of the facility.)~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.156 Emergency Procedures

- a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) ~~shall~~ must immediately:
 - 1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
 - 2) Notify appropriate state or local agencies with designated response roles if their help is needed.

- b) Whenever there is a release, fire, or explosion, the emergency coordinator ~~shall~~ must immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.
- c) Concurrently, the emergency coordinator ~~shall~~ must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions).
- d) If the emergency coordinator determines that the facility has had a release, fire, or explosion that could threaten human health or the environment outside the facility, the emergency coordinator ~~shall~~ must report the findings as follows:
- 1) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator ~~shall~~ must immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and
 - 2) The emergency coordinator ~~shall~~ must immediately notify either the government official designated as the on-scene coordinator for that geographical area (in the applicable regional contingency plan under 40 CFR 300) or the National Response Center (using their 24-hour toll free number 800-424-8802). The report must include the following:
 - A) Name and telephone number of reporter;
 - B) Name and address of facility;
 - C) Time and type of incident (e.g., release, fire);
 - D) Name and quantity of materials involved, to the extent known;
 - E) The extent of injuries, if any; and
 - F) The possible hazards to human health or the environment outside the facility.
- e) During an emergency, the emergency coordinator ~~shall~~ must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must

include, where applicable, stopping processes and operations, collecting and containing release waste, and removing or isolating containers.

- f) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator ~~shall~~ must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.
- g) Immediately after an emergency, the emergency coordinator ~~shall~~ must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

BOARD NOTE: Unless the owner or operator can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(d) or (e), that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and ~~shall~~ must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722, 723, and 724.

- h) The emergency coordinator ~~shall~~ must ensure that the following is true in the affected areas of the facility:
 - 1) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and
 - 2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.
- i) The owner or operator ~~shall~~ must notify the Agency and appropriate state and local authorities that the facility is in compliance with subsection (h) ~~above~~ of this Section before operations are resumed in the affected areas of the facility.
- j) The owner or operator ~~shall~~ must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the owner or operator ~~shall~~ must submit a written report on the incident to the Agency. The report 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 (e.g., fire, explosion);
 - 4) Name and quantity of materials involved;

- 5) The extent of injuries, if any;
- 6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
- 7) Estimated quantity and disposition of recovered material that resulted from the incident.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 724.170 Applicability

The regulations in this Subpart E apply to owners and operators of both on-site and off-site facilities, except as Section 724.101 provides otherwise. Sections 724.171, 724.172, and 724.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources, nor do they apply to owners and operators of off-site facilities with respect to waste military munitions exempted from manifest requirements under 35 Ill. Adm. Code 726.303(a). Section 724.173(b) only applies to permittees ~~which~~ that treat, store, or dispose of hazardous wastes on-site where such wastes were generated.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.171 Use of Manifest System

- a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the owner or operator's agent, must do the following:
 - 1) Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;
 - 2) Note any significant discrepancies in the manifest (as defined in Section 724.172(a)) on each copy of the manifest;

BOARD NOTE: The Board does not intend that the owner or operator of a facility whose procedures under Section 724.113(c) include waste analysis must perform that analysis before signing the manifest and giving it to the transporter. Section 724.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

- 3) Immediately give the transporter at least one copy of the signed manifest;
 - 4) Within 30 days after the delivery, send a copy of the manifest to the generator and to the Agency; and
 - 5) Retain at the facility a copy of each manifest for at least three years from the date of delivery.
- b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste ~~which~~ that is accompanied by a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator's certification, and signatures), the owner or operator, or the owner or operator's agent, must do the following:
- 1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;
 - 2) Note any significant discrepancies (as defined in Section 724.172(a)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

BOARD NOTE: The Board does not intend that the owner or operator of a facility whose procedures under Section 724.113(c) include waste analysis must perform that analysis before signing the shipping paper and giving it to the transporter. Section 724.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

- 3) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);
- 4) Within 30 days after the delivery, send a copy of the signed and dated manifest to the generator and to the Agency; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or the owner or operator's agent, must send a copy of the shipping paper signed and dated to the generator; and

BOARD NOTE: Section 722.123(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).

- 5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.
- c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722.

BOARD NOTE: The provisions of 35 Ill. Adm. Code 722.134 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of Section 722.134 only apply to owners or operators that are shipping hazardous waste ~~which~~ that they generated at that facility.

- d) Within three working days of the receipt of a shipment subject to Subpart H of 35 Ill. Adm. Code 722, ~~Subpart H~~, the owner or operator of the facility must provide a copy of the tracking document bearing all required signatures to the notifier; to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460; to the Bureau of Land, Division of Land Pollution Control, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, IL 62794-9276; and to competent authorities of all other concerned countries. The original copy of the tracking document must be maintained at the facility for at least three years from the date of signature.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.172 Manifest Discrepancies

- a) Definition of a “manifest discrepancy.”
- 1) ~~Manifest discrepancies are differences~~ A manifest discrepancy is a difference between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives;
 - 2) ~~Significant discrepancies~~ A significant discrepancy in quantity ~~are~~ is as follows:
 - A) For bulk waste, variations greater than 10 percent in weight; and
 - B) For batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload;

- 3) Significant discrepancies in type are obvious differences ~~which~~ that can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.
- b) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the Agency a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.173 Operating Record

- a) The owner or operator ~~shall~~ must keep a written operating record at the facility.
- b) The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility:
 - 1) A description and the quantity of each hazardous waste received and the method or methods and date or dates of its treatment, storage, or disposal at the facility, as required by Appendix A of this Part;
 - 2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

BOARD NOTE: See Section 724.219 for related requirements.

- 3) Records and results of waste analyses and waste determinations performed as specified in Sections 724.113, 724.117, 724.414, 724.441, 724.934, 724.963, and 724.983 and in 35 Ill. Adm. Code 728.104(a) and 728.107;
- 4) Summary reports and details of all incidents that require implementing the contingency plan, as specified in Section 724.156(j);
- 5) Records and results of inspections, as required by Section 724.115(d) (except these data need to be kept only three years);

- 6) Monitoring, testing, or analytical data and corrective action data where required by Subpart F of this Part or Sections 724.119, 724.291, 724.293, 724.295, 724.322, 724.323, 724.326, 724.352 through 724.354, 724.376, 724.378, 724.380, 724.402 through 724.404, 724.409, 724.447, 724.702, 724.934(c) through (f), 724.935, 724.963(d) through (i), 724.964, and 724.982 through 724.990;
- 7) For off-site facilities, notices to generators as specified in Section 724.112(b);
- 8) All closure cost estimates under Section 724.242 and, for disposal facilities, all post-closure care cost estimates under Section 724.244;
- 9) A certification by the permittee, no less often than annually: that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that the permittee generates, to the degree the permittee determines to be economically practicable, and that the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee that minimizes the present and future threat to human health and the environment;
- 10) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition pursuant to 35 Ill. Adm. Code 728.106 or a certification under 35 Ill. Adm. Code 728.108, and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a);
- 11) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
- 12) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
- 13) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108, whichever is applicable;
- 14) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment

facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration, required under 35 Ill. Adm. Code 728.108, whichever is applicable;

- 15) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
- 16) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; and
- 17) Any records required under Section 724.101(j)(13).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.174 Availability, Retention, and Disposition of Records

- a) All records, including plans, required under this Part must be furnished upon request, and made available at all reasonable times for inspection, by authorized representatives of the Agency.
- b) The retention period for all records required under this Part is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested in writing by the Agency.
- c) A copy of records of waste disposal locations and quantities under Section 724.173(b)(2) must be submitted to the Agency and to the County Recorder upon closure of the facility.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.175 Annual Report

The owner or operator ~~shall~~ must prepare and submit a single copy of an annual report to the Agency by March 1 of each year. The report form supplied by the Agency must be used for this report. The annual report must cover facility activities during the previous calendar year and must include the following information:

- a) The USEPA identification number, name, and address of the facility;
- b) The calendar year covered by the report;

- c) For off-site facilities, the USEPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator;
- d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by USEPA identification number of each generator;
- e) The method of treatment, storage, or disposal for each hazardous waste;
- f) This subsection (f) corresponds with 40 CFR 264.75(f), which USEPA has designated as “reserved.” This statement maintains structural consistency with the USEPA rules;
- g) The most recent closure cost estimate under Section 724.242, and, for disposal facilities, the most recent post-closure cost estimate under Section 724.244; ~~and~~
- h) For generators ~~which~~ that treat, store or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated;:
- i) For generators ~~which~~ that treat, store or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years, to the extent such information is available for years prior to 1984;: and
- j) The certification signed by the owner or operator of the facility or the owner or operator’s authorized representative.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.176 Unmanifested Waste Report

If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in 35 Ill. Adm. Code 723.120(e)(2), and if the waste is not excluded from the manifest requirement by 35 Ill. Adm. Code 721.105, then the owner or operator must prepare and submit a single copy of a report to the Agency within 15 days after receiving the waste. The unmanifested waste report must be submitted on EPA form 8700-13B. Such report must be designated “Unmanifested Waste Report” and include the following information:

- a) The ~~EPA~~-USEPA identification number, name, and address of the facility;

- b) The date the facility received the waste;
- c) The ~~EPA~~-USEPA identification number, name, and address of the generator and the transporter, if available;
- d) A description and the quantity of each unmanifested hazardous waste and facility received;
- e) The method of treatment, storage, or disposal for each hazardous waste;
- f) The certification signed by the owner or operator of the facility or the owner or operator's authorized representative; and
- g) A brief explanation of why the waste was unmanifested, if known.

~~(Board Note:)~~ BOARD NOTE: Small quantities of hazardous waste are excluded from regulation under this Part and do not require a manifest. Where a facility receives unmanifested hazardous wastes, the Board suggests that the owner or operator obtain from each generator a certification that the waste qualifies for exclusion. Otherwise, the Board suggests that the owner or operator file an unmanifested waste report for the hazardous waste movement.)

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.177 Additional Reports

In addition to submitting the annual report and unmanifested waste reports described in Sections 724.175 and 724.176, the owner or operator ~~shall~~ must also report to the Agency:

- a) Releases, fires, and explosions, as specified in Section 724.156(j);
- b) Facility closures specified in Section 724.215; and
- c) As otherwise required by 724.Subparts F, K through N, AA, BB, and CC of this Part.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section 724.190 Applicability

- a) Types of units.

- 1) Except as provided in subsection (b) of this Section, the regulations in this Subpart F apply to owners and operators of facilities that treat, store or dispose of hazardous waste. The owner or operator ~~shall~~ must satisfy the requirements identified in subsection (a)(2) of this Section for all wastes (or constituents thereof) contained in solid waste management units at the facility regardless of the time at which waste was placed in such units.
 - 2) All solid waste management units must comply with the requirements in Section 724.201. A surface impoundment, waste pile, land treatment unit or landfill that receives hazardous waste after July 26, 1982 (~~hereinafter~~ referred to in this Subpart F as a “regulated unit”) must comply with the requirements of Sections 724.191 through 724.200 in lieu of Section 724.201 for purposes of detecting, characterizing, and responding to releases to the uppermost aquifer. The financial responsibility requirements of Section 724.201 apply to regulated units.
- b) The owner or operator’s regulated unit or units are not subject to regulation for releases into the uppermost aquifer under this Subpart F if the following is true:
- 1) The owner or operator is exempted under Section 724.101; or
 - 2) The owner or operator operates a unit ~~which~~ that the Agency finds:
 - A) Is an engineered structure.
 - B) Does not receive or contain liquid waste or waste containing free liquids.
 - C) Is designed and operated to exclude liquid, precipitation, and other runoff and runoff.
 - D) Has both inner and outer layers of containment enclosing the waste.
 - E) Has a leak detection system built into each containment layer.
 - F) The owner or operator will provide continuing operation and maintenance of these leak detection systems during the active life of the unit and the closure and post-closure care periods.
 - G) To a reasonable degree of certainty, will not allow hazardous constituents to migrate beyond the outer containment layer prior to the end of the post-closure care period; or

- 3) The Agency finds, pursuant to Section 724.380(d), that the treatment zone of a land treatment unit that qualifies as a regulated unit does not contain levels of hazardous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of Section 724.378 has not shown a statistically significant increase in hazardous constituents below the treatment zone during the operating life of the unit. An exemption under this ~~paragraph~~ subsection (b) can only relieve an owner or operator of responsibility to meet the requirements of this Subpart F during the post-closure care period; or
 - 4) The Agency finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including the closure period) and the post-closure care period specified under Section 724.217. This demonstration must be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator ~~shall~~ must base any predictions made under this ~~paragraph~~ subsection (b) on assumptions that maximize the rate of liquid migration; or
 - 5) The owner or operator designs and operates a pile in compliance with Section 724.350(c).
- c) The regulations under this Subpart F apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the following is true of the applicability of the regulations in this Subpart F:
- 1) Do not apply if all waste, waste residues, contaminated containment system components, and contaminated subsoils are removed or decontaminated at closure;
 - 2) Apply during the post-closure care period under Section 724.217 if the owner or operator is conducting a detection monitoring program under Section 724.198; or
 - 3) Apply during the compliance period under Section 724.196 if the owner or operator is conducting a compliance monitoring program under Section 724.199 or a corrective action program under Section 724.200.
- d) This Subpart F applies to miscellaneous units if necessary to comply with Sections 724.701 through 724.703.

- e) The regulations of this Subpart F apply to all owners and operators subject to the requirements of 35 Ill. Adm. Code 703.161, when the Agency issues a post-closure care permit or other enforceable document that contains alternative requirements for the facility, as provided in 35 Ill. Adm. Code 703.161. When alternative requirements apply to a facility, a reference in this Subpart F to “in the permit” ~~shall~~ must mean “in the enforceable document.”
- f) A permit or enforceable document can contain alternative requirements for groundwater monitoring and corrective action for releases to groundwater applicable to a regulated unit that replace all or part of the requirements of 35 Ill. Adm. Code 724.191 through 724.200, as provided under 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:
- 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and
 - 2) It is not necessary to apply the groundwater monitoring and corrective action requirements of 35 Ill. Adm. Code 724.191 through 724.200 because alternative requirements will protect human health and the environment.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.191 Required Programs

- a) Owners and operators subject to this Subpart F ~~shall~~ must conduct a monitoring and response program as follows:
- 1) Whenever hazardous constituents under Section 724.193 from a regulated unit are detected at a compliance point under Section 724.195, the owner or operator ~~shall~~ must institute a compliance monitoring program under Section 724.199. “Detected” is defined as statistically significant evidence of contamination, as described in Section 724.198(f).
 - 2) Whenever the groundwater protection standard under Section 724.192 is exceeded, the owner or operator ~~shall~~ must institute a corrective action program under Section 724.200. “Exceeded” is defined as statistically significant evidence of increased contamination, as described in Section 724.199(d).
 - 3) Whenever hazardous constituents under Section 724.193 from a regulated unit exceed concentration limits under Section 724.194 in groundwater between the compliance point under Section 724.195 and the

downgradient facility property boundary, the owner or operator ~~shall~~ must institute a corrective action program under Section 724.200; or

- 4) In all other cases, the owner or operator ~~shall~~ must institute a detection monitoring program under Section 724.198.
- b) The Agency ~~will~~ must specify in the facility permit the specific elements of the monitoring and response program. The Agency may include one or more of the programs identified in ~~paragraph~~ subsection (a) of this Section in the facility permit as may be necessary to protect human health and the environment and ~~will~~ must specify the circumstances under which each of the programs will be required. In deciding whether to require the owner or operator to be prepared to institute a particular program, the Agency ~~will~~ must consider the potential adverse effects on human health and the environment that might occur before final administrative action on a permit modification application to incorporate such a program could be taken.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.192 Groundwater Protection Standard

The owner or operator ~~shall~~ must comply with conditions specified in the facility permit that are designed to ensure that hazardous constituents under Section 724.193 detected in the groundwater from a regulated unit do not exceed the concentration limits under Section 724.194 in the uppermost aquifer underlying the waste management area beyond the point of compliance under Section 724.195 during the compliance period under Section 724.196. The Agency ~~will~~ must establish this groundwater protection standard in the facility permit when hazardous constituents have been detected in the groundwater.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.193 Hazardous Constituents

- a) The Agency ~~will~~ must specify in the facility permit the hazardous constituents to which the groundwater protection standard of Section 724.192 applies. Hazardous constituents are constituents identified in Appendix H of 35 Ill. Adm. Code 721 that have been detected in groundwater in the uppermost aquifer underlying a regulated unit and that are reasonably expected to be in or derived from waste contained in a regulated unit, unless the Agency has excluded them under ~~paragraph~~ subsection (b) of this Section.
- b) The Agency ~~will~~ must exclude a 35 Ill. Adm. Code 721, Appendix H constituent from the list of hazardous constituents specified in the facility permit if it finds

that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to grant an exemption, the Agency ~~will~~must consider the following:

- 1) Potential adverse effects on groundwater quality, considering the following:
 - A) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;
 - B) The hydrogeological characteristics of the facility and surrounding land;
 - C) The quantity of groundwater and the direction of groundwater flow;
 - D) The proximity and withdrawal rates of groundwater users;
 - E) The current and future uses of groundwater in the area;
 - F) The existing quality of groundwater, including other sources of contamination, and their cumulative impact on the groundwater quality;
 - G) The potential for health risks caused by human exposure to waste constituents;
 - H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;
 - I) The persistence and permanence of the potential adverse effects; and
- 2) Potential adverse effects on hydraulically-connected surface water quality, considering the following:
 - A) The volume and physical and chemical characteristics of the waste in the regulated unit;
 - B) The hydrogeological characteristics of the facility and surrounding land;
 - C) The quantity and quality of groundwater, and the direction of groundwater flow;

- D) The patterns of rainfall in the region;
 - E) The proximity of the regulated unit to surface waters;
 - F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;
 - G) The existing quality of surface water, including other sources of contamination, and the cumulative impact on surface water quality;
 - H) The potential for health risks caused by human exposure to waste constituents;
 - I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and
 - J) The persistence and permanence of the potential adverse effects.
- c) In making any determination under ~~paragraph~~ subsection (b) of this Section about the use of groundwater in the area around the facility, the Agency ~~will~~ must consider any identification of underground sources of drinking water and exempted aquifers made under 35 Ill. Adm. Code 704.123.
- d) The Agency ~~shall~~ must make specific written findings in granting any exemptions under ~~paragraph~~ subsection (b) of this Section.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.194 Concentration Limits

- a) The Agency ~~will~~ must specify in the facility permit concentration limits in the groundwater for hazardous constituents established under Section 724.193. The following must be true of the concentration of a hazardous constituent:
- 1) ~~Must~~ It must not exceed the background level of that constituent in the groundwater at the time that limit is specified in the permit; or
 - 2) For any of the constituents listed in Table 1, it must not exceed the respective value given in that Table if the background level of the constituent is below the value given in Table 1; or
 - 3) ~~Must~~ It must not exceed an ~~alternate~~ alternative limit established by the Agency under ~~paragraph~~ subsection (b) of this Section.

TABLE 1 -- MAXIMUM CONCENTRATION OF CONSTITUENTS
FOR GROUNDWATER PROTECTION

Constituent	Maximum Concentration (mg/l)
Arsenic	0.05
Barium	1.0
Cadmium	0.01
Chromium	0.05
Lead	0.05
Mercury	0.002
Selenium	0.01
Silver	0.05
Endrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:-5,8-dimethanonaphthalene)	0.0002
Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer)	0.004
Methoxychlor (1,1,1-Trichloro-2,2'-bis-(p-methoxyphenyl)ethane)	0.1
Toxaphene (Technical chlorinated camphene, 67-69 percent chlorine)	0.005
2,4-D (2,4-Dichlorophenoxyacetic acid)	0.1
2,4,5-TP (Silvex) (2,4,5-Trichlorophenoxypropionic acid)	0.01

- b) The Agency ~~will~~must establish an ~~alternate~~alternative concentration limit for a hazardous constituent if it finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the ~~alternate~~alternative concentration limit is not exceeded. In establishing alternate concentration limits, the Agency ~~will~~must consider the following factors:
- 1) Potential adverse effects on groundwater quality, considering the following:
 - A) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;
 - B) The hydrogeological characteristics of the facility and surrounding land;

- C) The quantity of groundwater and the direction of groundwater flow;
 - D) The proximity and withdrawal rates of groundwater users;
 - E) The current and future uses of groundwater in the area;
 - F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;
 - G) The potential for health risks caused by human exposure to waste constituents;
 - H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;
 - I) The persistence and permanence of the potential adverse effects; and
- 2) Potential adverse effects on hydraulically-connected surface-water quality, considering the following:
- A) The volume and physical and chemical characteristics of the waste in the regulated unit;
 - B) The hydrogeological characteristics of the facility and surrounding land;
 - C) The quantity and quality of groundwater, and the direction of groundwater flow;
 - D) The patterns of rainfall in the region;
 - E) The proximity of the regulated unit to surface waters;
 - F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;
 - G) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface-water quality;
 - H) The potential for health risks caused by human exposure to waste constituents;

- I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and
 - J) The persistence and permanence of the potential adverse effects.
- c) In making any determination under ~~paragraph~~ subsection (b) of this Section about the use of groundwater in the area around the facility, the Agency ~~will~~ must consider any identification of underground sources of drinking water and exempted aquifers made under 35 Ill. Adm. Code 704.123.
- d) The Agency ~~shall~~ must make specific written findings in setting any ~~alternate~~ alternate concentration limits under ~~paragraph~~ subsection (b) of this Section.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.195 Point of Compliance

- a) The Agency ~~will~~ must specify in the facility permit the point of compliance at which the groundwater protection standard of Section 724.192 applies and at which monitoring must be conducted. The point of compliance is a vertical surface located at the hydraulically downgradient limit of the waste management area that extends down into the uppermost aquifer underlying the regulated units.
- b) The waste management area is the limit projected in the horizontal plane of the area on which waste will be placed during the active life of a regulated unit.
 - 1) The waste management area includes horizontal space taken up by any liner, dike, or other barrier designed to contain waste in a regulated unit.
 - 2) If the facility contains more than one regulated unit, the waste management area is described by an imaginary line circumscribing the several regulated units.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.196 Compliance Period

- a) The Agency ~~will~~ must specify in the facility permit the compliance period during which the groundwater protection standard of Section 724.192 applies. The compliance period is the number of years equal to the active life of the waste management area (including any waste management activity prior to permitting, and the closure period.)

- b) The compliance period begins when the owner or operator initiates a compliance monitoring program meeting the requirements of Section 724.199.
- c) If the owner or operator is engaged in a corrective action program at the end of the compliance period specified in ~~paragraph~~ subsection (a) of this Section, the compliance period is extended until the owner or operator can demonstrate that the groundwater protection standard of Section 724.192 has not been exceeded for a period of three consecutive years.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.197 General Groundwater Monitoring Requirements

The owner or operator ~~shall~~ must comply with the following requirements for any groundwater monitoring program developed to satisfy Section 724.198, 724.199, or 724.200.

- a) The groundwater monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield groundwater samples from the uppermost aquifer that fulfill the following requirements:
 - 1) ~~Represent~~ They represent the quality of background water that has not been affected by leakage from a regulated unit. A determination of background quality may include sampling of wells that are not hydraulically upgradient from the waste management area where the following is true:
 - A) Hydrogeologic conditions do not allow the owner or operator to determine what wells are upgradient; or
 - B) Sampling at other wells will provide an indication of background groundwater quality that is as representative or more representative than that provided by the upgradient wells. ~~And;~~
 - 2) ~~Represent~~ They represent the quality of groundwater passing the point of compliance. ~~And;~~ and
 - 3) ~~Allow~~ They allow for the detection of contamination when hazardous waste or hazardous constituents have migrated from the hazardous waste management area to the uppermost aquifer.
- b) If a facility contains more than one regulated unit, separate groundwater monitoring systems are not required for each regulated unit provided that provisions for sampling the groundwater in the uppermost aquifer will enable

detection and measurement at the compliance point of hazardous constituents from the regulated units that have entered the groundwater in the uppermost aquifer.

- c) All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must be screened or perforated and packed with gravel or sand, where necessary, to enable collection of groundwater samples. The annular space (i.e., the space between the bore hole and well casing) above the sampling depth must be sealed to prevent contamination of samples and the groundwater.
- d) The groundwater monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide a reliable indication of groundwater quality below the waste management area. At a minimum the program must include procedures and techniques for the following:
 - 1) Sample collection;
 - 2) Sample preservation and shipment;
 - 3) Analytical procedures; and
 - 4) Chain of custody control.
- e) The groundwater monitoring program must include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure hazardous constituents in groundwater samples.
- f) The groundwater monitoring program must include a determination of the groundwater surface elevation each time groundwater is sampled.
- g) In detection monitoring or where appropriate in compliance monitoring, data on each hazardous constituent specified in the permit will be collected from background wells and wells at the compliance ~~point(s)~~ points. The number and kinds of samples collected to establish background must be appropriate for the form of statistical test employed, following generally accepted statistical principles. The sample size must be as large as necessary to ensure with reasonable confidence that a contaminant release to groundwater from a facility will be detected. The owner or operator will determine an appropriate sampling procedure and interval for each hazardous constituent listed in the facility permit ~~which that~~ which that must be specified in the unit permit upon approval by the Agency. This sampling procedure must ~~be~~ fulfill the following requirements:

- 1) ~~A~~ It may be a sequence of at least four samples, taken at an interval that assures, to the greatest extent technically feasible, that an independent sample is obtained, by reference to the uppermost aquifer's effective porosity, hydraulic conductivity and hydraulic gradient, and the fate and transport characteristics of the potential contaminants; or
 - 2) ~~An~~ It may be an alternate sampling procedure proposed by the owner or operator and approved by the Agency.
- h) The owner or operator ~~shall~~ must specify one of the following statistical methods to be used in evaluating groundwater monitoring data for each hazardous constituent ~~which that~~, upon approval by the Agency, will be specified in the unit permit. The statistical test chosen must be conducted separately for each hazardous constituent in each well. Where practical quantification limits (~~pql's~~ pqls) are used in any of the following statistical procedures to comply with subsection (i)(5) of this Section, the pql must be proposed by the owner or operator and approved by the Agency. Use of any of the following statistical methods must be protective of human health and the environment and must comply with the performance standards outlined in subsection (i) of this Section.
- 1) A parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent.
 - 2) An analysis of variance (ANOVA) based on ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.
 - 3) A tolerance or prediction interval procedure in which an interval for each constituent is established from the distribution of the background data, and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.
 - 4) A control chart approach that gives control limits for each constituent.
 - 5) Another statistical test method submitted by the owner or operator and approved by the Agency.

- i) Any statistical method chosen under subsection (h) of this Section for specification in the unit permit must comply with the following performance standards, as appropriate:
- 1) The statistical method used to evaluate groundwater monitoring data must be appropriate for the distribution of chemical parameters or hazardous constituents. If the distribution of the chemical parameters or hazardous constituents is shown by the owner or operator to be inappropriate for a normal theory test, then the data should be transformed or a distribution-free theory test should be used. If the distributions for the constituents differ, more than one statistical method may be needed.
 - 2) If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a groundwater protection standard, the test must be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparisons procedure is used, the Type I experimentwise error rate for each testing period must be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons must be maintained. This performance standard does not apply to tolerance intervals, prediction intervals or control charts.
 - 3) If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart and its associated parameter value must be proposed by the owner or operator and approved by the Agency if the Agency finds it to be protective of human health and the environment.
 - 4) If a tolerance interval or a prediction interval is used to evaluate groundwater monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, must be proposed by the owner or operator and approved by the Agency if the Agency finds these parameters to be protective of human health and the environment. These parameters will be determined after considering the number of samples in the background ~~data base~~ database, the data distribution, and the range of the concentration values for each constituent of concern.
 - 5) The statistical method must account for data below the limit of detection with one or more statistical procedures that are protective of human health and the environment. Any practical quantification limit (pql) approved by the Agency under subsection (h) of this Section ~~which~~ that is used in the statistical method must be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.

- 6) If necessary, the statistical method must include procedures to control or correct for seasonal and spatial variability, as well as temporal correlation in the data.
- j) Groundwater monitoring data collected in accordance with subsection (g) of this Section, including actual levels of constituents, must be maintained in the facility operating record. The Agency ~~shall~~ must specify in the permit when the data must be submitted for review.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.198 Detection Monitoring Program

An owner or operator required to establish a detection monitoring program under this Subpart F ~~shall~~ must, at a minimum, discharge the following responsibilities:

- a) The owner or operator ~~shall~~ must monitor for indicator parameters (e.g., specific conductance, total organic carbon, or total organic halogen), waste constituents or reaction products that provide a reliable indication of the presence of hazardous constituents in groundwater. The Agency ~~will~~ must specify the parameters or constituents to be monitored in the facility permit, after considering the following factors:
- 1) The types, quantities, and concentrations of constituents in wastes managed at the regulated unit;
 - 2) The mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the waste management area;
 - 3) The detectability of indicator parameters, waste constituents, and reaction products in groundwater; and
 - 4) The concentrations or values and coefficients of variation of proposed monitoring parameters or constituents in the groundwater background.
- b) The owner or operator ~~shall~~ must install a groundwater monitoring system at the compliance point as specified under Section 724.195. The groundwater monitoring system must comply with Sections 724.197(a)(2), 724.197(b), and 724.197(c).
- c) The owner or operator ~~shall~~ must conduct a groundwater monitoring program for each chemical parameter and hazardous constituent specified in the permit

pursuant to subsection (a) of this Section in accordance with Section 724.197(g). The owner or operator ~~shall~~ must maintain a record of groundwater analytical data, as measured and in a form necessary for the determination of statistical significance under Section 724.197(h).

- d) The Agency ~~shall~~ must specify the frequencies for collecting samples and conducting statistical tests to determine whether there is statistically significant evidence of contamination for any parameter or hazardous constituent specified in the permit under subsection (a) of this Section in accordance with Section 724.197(g). A sequence of at least four samples from each well (background and compliance wells) must be collected at least semi-annually during detection monitoring.
- e) The owner or operator ~~shall~~ must determine the groundwater flow rate and direction in the uppermost aquifer at least annually.
- f) The owner or operator ~~shall~~ must determine whether there is statistically significant evidence of contamination for any chemical parameter or hazardous constituent specified in the permit pursuant to subsection (a) of this Section at a frequency specified under subsection (d) of this Section.
 - 1) In determining whether statistically significant evidence of contamination exists, the owner or operator ~~shall~~ must use the ~~method(s)-methods~~ specified in the permit under Section 724.197(h). These ~~method(s) methods~~ must compare data collected at the compliance ~~point(s)-points~~ to the background groundwater quality data.
 - 2) The owner or operator ~~shall~~ must determine whether there is statistically significant evidence of contamination at each monitoring well at the compliance point within a reasonable period of time after completion of sampling. The Agency ~~shall~~ must specify in the facility permit what period of time is reasonable, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of groundwater samples.
- g) If the owner or operator determines pursuant to subsection (f) of this Section that there is statistically significant evidence of contamination for chemical parameters or hazardous constituents specified pursuant to subsection (a) of this Section at any monitoring well at the compliance point, the owner or operator ~~shall~~ must do the following:
 - 1) Notify the Agency of this finding in writing within seven days. The notification must indicate what chemical parameters or hazardous

constituents have shown statistically significant evidence of contamination.

- 2) Immediately sample the groundwater in all monitoring wells and determine whether constituents in the list of Appendix I of this Part are present, and if so, in what concentration.
- 3) For any ~~Appendix I~~ compounds in Appendix I of this Part found in the analysis pursuant to subsection (g)(2) of this Section, the owner or operator may resample within one month and repeat the analysis for those compounds detected. If the results of the second analysis confirm the initial results, then these constituents will form the basis for compliance monitoring. If the owner or operator does not resample for the compounds found pursuant to subsection (g)(2) of this Section, the hazardous constituents found during this initial Appendix I analysis will form the basis for compliance monitoring.
- 4) Within 90 days, submit to the Agency an application for a permit modification to establish a compliance monitoring program meeting the requirements of Section 724.199. The application must include the following information:
 - A) An identification of the concentration of any ~~Appendix I~~ constituent in Appendix I of this Part detected in the groundwater at each monitoring well at the compliance point;
 - B) Any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements of Section 724.199;
 - C) Any proposed additions or changes to the monitoring frequency, sampling and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of Section 724.199;
 - D) For each hazardous constituent detected at the compliance point, a proposed concentration limit under Section 724.194(a)(1) or (a)(2), or a notice of intent to seek an alternate concentration limit under Section 724.194(b); ~~and~~.
- 5) Within 180 days, submit the following to the Agency:
 - A) All data necessary to justify an alternate concentration limit sought under Section 724.194(b); and

- B) An engineering feasibility plan for a corrective action program necessary to meet the requirement of Section 724.200, unless the following is true:
- i) All hazardous constituents identified under subsection (g)(2) of this Section are listed in Table 1 of Section 724.194 and their concentrations do not exceed the respective values given in that table; or
 - ii) The owner or operator has sought an alternate concentration limit under Section 724.194(b) for every hazardous constituent identified under subsection (g)(2) of this Section.
- 6) If the owner or operator determines, pursuant to subsection (f) of this Section, that there is a statistically significant difference for chemical parameters or hazardous constituents specified pursuant to subsection (a) of this Section at any monitoring well at the compliance point, the owner or operator may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis or statistical evaluation, or natural variation in the groundwater. The owner or operator may make a demonstration under this subsection (g) in addition to, or in lieu of, submitting a permit modification application under subsection (g)(4) of this Section; however, the owner or operator is not relieved of the requirement to submit a permit modification application within the time specified in subsection (g)(4) of this Section unless the demonstration made under this ~~paragraph~~ subsection (g) successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this subsection (g), the owner or operator ~~shall~~ must do the following:
- A) Notify the Agency in writing, within seven days of determining statistically significant evidence of contamination at the compliance point, that the owner or operator intends to make a demonstration under this subsection (g);
 - B) Within 90 days, submit a report to the Agency ~~which that~~ demonstrates that a source other than a regulated unit caused the contamination or that the contamination resulted from error in sampling, analysis, or evaluation;

- C) Within 90 days, submit to the Agency an application for a permit modification to make any appropriate changes to the detection monitoring program facility; and
 - D) Continue to monitor in accordance with the detection monitoring program established under this Section.
- h) If the owner or operator determines that the detection monitoring program no longer satisfies the requirements of this Section, the owner or operator ~~shall~~ must, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.199 Compliance Monitoring Program

An owner or operator required to establish a compliance monitoring program under this Subpart ~~F~~ shall must, at a minimum, discharge the following responsibilities:

- a) The owner or operator ~~shall~~ must monitor the groundwater to determine whether regulated units are in compliance with the groundwater protection standard under Section 724.192. The Agency ~~will~~ must specify the groundwater protection standard in the facility permit, including the following:
 - 1) A list of the hazardous constituents identified under Section 724.193;
 - 2) Concentration limits under Section 724.194 for each of those hazardous constituents;
 - 3) The compliance point under Section 724.195; and
 - 4) The compliance period under Section 724.196.
- b) The owner or operator ~~shall~~ must install a groundwater monitoring system at the compliance point as specified under Section 724.195. The groundwater monitoring system must comply with Section 724.197(a)(2), 724.197(b)₂ and 724.197(c).
- c) The Agency ~~shall~~ must specify the sampling procedures and statistical methods appropriate for the constituents and facility, consistent with Section 724.197(g) and (h).

- 1) The owner or operator ~~shall~~ must conduct a sampling program for each chemical parameter or hazardous constituent in accordance with Section 724.297(g).
 - 2) The owner or operator ~~shall~~ must record groundwater analytical data as measured and in a form necessary for the determination of statistical significance under Section 724.197(h) for the compliance period of the facility.
- d) The owner or operator ~~shall~~ must determine whether there is statistically significant evidence of increased contamination for any chemical parameter or hazardous constituent specified in the permit, pursuant to subsection (a) of this Section, at a frequency specified under subsection (f) of this Section.
- 1) In determining whether statistically significant evidence of increased contamination exists, the owner or operator ~~shall~~ must use the methods specified in the permit under Section 724.197(h). The methods must compare data collected at the compliance points to a concentration limit developed in accordance with Section 724.194.
 - 2) The owner or operator ~~shall~~ must determine whether there is statistically significant evidence of increased contamination at each monitoring well at the compliance point within a reasonable time period after completion of the sampling. The Agency ~~shall~~ must specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of groundwater samples.
- e) The owner or operator ~~shall~~ must determine the groundwater flow rate and direction in the uppermost aquifer at least annually.
- f) The Agency ~~shall~~ must specify the frequencies for collecting samples and conducting statistical tests to determine statistically significant evidence of increased contamination in accordance with Section 724.197(g). A sequence of at least four samples from each well (background and compliance wells) must be collected at least semi-annually during the compliance period for the facility.
- g) The owner or operator ~~shall~~ must analyze samples from all monitoring wells at the compliance point for all constituents contained in Appendix I of this Part at least annually to determine whether additional hazardous constituents are present in the uppermost aquifer and, if so, at what concentration, pursuant to procedures in Section 724.198(f). If the owner or operator finds ~~Appendix I~~ constituents of Appendix I of this Part in the groundwater that are not already identified as monitoring constituents, the owner or operator may resample within one month

and repeat the Appendix I analysis. If the second analysis confirms the presence of new constituents, the owner or operator ~~shall~~ must report the concentration of these additional constituents to the Agency within seven days after the completion of the second analysis, and add them to the monitoring list. If the owner or operator chooses not to resample, then the owner or operator ~~shall~~ must report the concentrations of these additional constituents to the Agency within seven days after completion of the initial analysis, and add them to the monitoring list.

- h) If the owner or operator determines, pursuant to subsection (d) of this Section that any concentration limits under Section 724.194 are being exceeded at any monitoring well at the point of compliance, the owner or operator ~~shall~~ must do the following:
- 1) Notify the Agency of this finding in writing within seven days. The notification must indicate what concentration limits have been exceeded.
 - 2) Submit to the Agency an application for a permit modification to establish a corrective action program meeting the requirements of Section 724.200 within 180 days, or within 90 days if an engineering feasibility study has been previously submitted to the Agency under Section 724.198(h)(5). The application must at a minimum include the following information:
 - A) A detailed description of corrective actions that will achieve compliance with the groundwater protection standard specified in the permit under subsection (a) of this Section; and
 - B) A plan for a groundwater monitoring program that will demonstrate the effectiveness of the corrective action. Such a groundwater monitoring program may be based on a compliance monitoring program developed to meet the requirements of this ~~section~~ Section.
- i) If the owner or operator determines, pursuant to subsection (d) of this Section, that the groundwater concentration limits under this Section are being exceeded at any monitoring well at the point of compliance, the owner or operator may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation, or natural variation in groundwater. In making a demonstration under this subsection (i), the owner or operator ~~shall~~ must do the following:
- 1) Notify the Agency in writing within seven days that it intends to make a demonstration under this subsection (i);

- 2) Within 90 days, submit a report to the Agency ~~which~~ that demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation;
 - 3) Within 90 days, submit to the Agency an application for a permit modification to make any appropriate changes to the compliance monitoring program at the facility; and
 - 4) Continue to monitor in accord with the compliance monitoring program established under this ~~section~~ Section.
- j) If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this Section, the owner or operator ~~shall~~ must, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.200 Corrective Action Program

An owner or operator required to establish a corrective action program under this Subpart F must, at a minimum, discharge the following responsibilities:

- a) The owner or operator must take corrective action to ensure that regulated units are in compliance with the groundwater protection standard under Section 724.192. The Agency ~~will~~ must specify the groundwater protection standard in the facility permit, including the following:
 - 1) A list of the hazardous constituents identified under Section 724.193;
 - 2) Concentration limits under Section 724.194 for each of those hazardous constituents;
 - 3) The compliance point under Section 724.195; and
 - 4) The compliance period under Section 724.196.
- b) The owner or operator must implement a corrective action program that prevents hazardous constituents from exceeding their respective concentration limits at the compliance point by removing the hazardous waste constituents or treating them in place. The permit will specify the specific measures that ~~will~~ must be taken.

- c) The owner or operator must begin corrective action within a reasonable time period after the groundwater protection standard is exceeded. The Agency ~~will~~ must specify that time period in the facility permit. If a facility permit includes a corrective action program in addition to a compliance monitoring program, the permit will specify when the corrective action ~~will~~ must begin and such a requirement will operate in lieu of Section 724.199(i)(2).
- d) In conjunction with a corrective action program, the owner or operator must establish and implement a groundwater monitoring program to demonstrate the effectiveness of the corrective action program. Such a monitoring program may be based on the requirements for a compliance monitoring program under Section 724.199 and must be as effective as that program in determining compliance with the groundwater protection standard under Section 724.192 and in determining the success of a corrective action program under subsection (e) of this Section where appropriate.
- e) In addition to the other requirements of this ~~section~~ Section, the owner or operator must conduct a corrective action program to remove or treat in place any hazardous constituents under Section 724.193 that exceed concentration limits under Section 724.194 in groundwater, as follows:
- 1) ~~Location.~~ At the following locations:
 - A) Between the compliance point under Section 724.195 and the downgradient facility property boundary; and
 - B) Beyond the facility boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the Agency that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. The owner and operator are not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis.
 - 2) The permit will specify the following measures to be taken:
 - A) Corrective action measures under this ~~paragraph~~ subsection (e) must be initiated and completed within a reasonable period of time considering the extent of contamination.
 - B) Corrective action measures under this ~~paragraph~~ subsection (e) may be terminated once the concentration of hazardous

constituents under Section 724.193 is reduced to levels below their respective concentration limits under Section 724.194.

- f) The owner or operator must continue corrective action measures during the compliance period to the extent necessary to ensure that the groundwater protection standard is not exceeded. If the owner or operator is conducting corrective action at the end of the compliance period, the owner or operator must continue that corrective action for as long as necessary to achieve compliance with the groundwater protection standard. The owner or operator may terminate corrective action measures taken beyond the period equal to the active life of the waste management area (including the closure period) if the owner or operator can demonstrate, based on data from the groundwater monitoring program under subsection (d) of this Section, that the groundwater protection standard of Section 724.192 has not been exceeded for a period of three consecutive years.
- g) The owner or operator must report in writing to the Agency on the effectiveness of the corrective action program. The owner or operator must submit these reports semi-annually.
- h) If the owner or operator determines that the corrective action program no longer satisfies the requirements of ~~this section~~ Section, the owner or operator must, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.201 Corrective Action for Solid Waste Management Units

- a) The owner or operator of a facility seeking a permit for the treatment, storage, or disposal of hazardous waste must institute corrective action as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at the facility, regardless of the time at which waste was placed in such unit.
- b) Corrective action will be specified in the permit in accordance with this Section and Subpart S of this Part. The permit will contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing such corrective action.
- c) The owner or operator ~~shall~~ must implement corrective action measures beyond the facility property boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the Agency that, despite the owner or operator's best efforts, the owner or operator was unable to

obtain the necessary permission to undertake such actions. The owner and operator are not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. Assurances of financial responsibility for such corrective action must be provided.

- d) The requirements of this Section do not apply to remediation waste management sites unless they are part of a facility subject to a permit for treating, storing, or disposing of hazardous wastes that are not remediation wastes.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART G: CLOSURE AND POST-CLOSURE CARE

Section 724.210 Applicability

Except as Section 724.101 provides otherwise, the following are required:

- a) Section 724.211 through 724.215 (which concern closure) apply to the owners and operators of all hazardous waste management facilities; ~~and~~
- b) Sections 724.216 through 724.220 (which concern post-closure care) apply to the owners and operators of the following:
 - 1) All hazardous waste disposal facilities; ~~or~~
 - 2) Waste piles and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that Sections 724.216 through 724.220 are made applicable to such facilities in Sections 724.328 or 724.358; ~~or~~
 - 3) Tank systems ~~which~~ that are required under Section 724.297 to meet the requirements for landfills; or
 - 4) Containment buildings that are required under Section 724.1102 to meet the requirements for landfills; and
- c) A permit or enforceable document can contain alternative requirements that replace all or part of the closure and post-closure care requirements of this Subpart G (and the unit-specific standards referenced in Section 724.211(c) applying to a regulated unit) with alternative requirements set out in a permit or other enforceable document, as provided under 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:

- 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and
- 2) It is not necessary to apply the closure requirements of this Subpart G (and those referenced herein) because the alternative requirements will protect human health and the environment and will satisfy the closure performance standard of Section 724.211 (a) and (b).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.211 Closure Performance Standard

The owner or operator ~~shall~~ must close the facility in a manner that does the following:

- a) Minimizes the need for further maintenance; ~~and~~
- b) Controls, minimizes, or eliminates, to the extent necessary to protect to human health and the environment, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous decomposition products to the ground or surface waters or to the atmosphere; and
- c) Complies with the closure requirements of this Part including, but not limited to, the requirements of Sections 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451 and 724.701 through 724.703, and 724.1102.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.212 Closure Plan; Amendment of Plan

- a) Written plan required.
 - 1) The owner or operator of a hazardous waste management facility ~~shall~~ must have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous waste at partial or final closure are required by Sections 724.328(c)(1)(A) and 724.358(c)(1)(A) to have contingent closure plans. The plan must be submitted with the permit application, in accordance with 35 Ill. Adm. Code 703.183, and approved by the Agency as part of the permit issuance proceeding under 35 Ill.

Adm. Code 705. In accordance with 35 Ill. Adm. Code 703.241, the approved closure plan will become a condition of any RCRA permit.

- 2) The Agency's approval of the plan must ensure that the approved closure plan is consistent with Sections 724.211 through 724.215 and the applicable requirements of Sections 724.190 et seq., 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, ~~and~~ 724.701, and 724.1102. Until final closure is completed and certified in accordance with Section 724.215, a copy of the approved plan and approved revisions must be furnished to the Agency upon request, including requests by mail.
- b) Content of plan. The plan must identify steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan must include, at least the following:
- 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 724.211; ~~and~~
 - 2) A description of how final closure of the facility will be conducted in accordance with Section 724.211. The description must identify the maximum extent of the operations ~~which~~ that will be unclosed during the active life of the facility; ~~and~~
 - 3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing, or disposing of all hazardous wastes, and identification of the ~~type(s)~~ types of off-site hazardous waste management units to be used, if applicable; ~~and~~
 - 4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard; ~~and~~
 - 5) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and runoff and runoff control; ~~and~~

- 6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities ~~which~~ that will allow tracking of the progress of partial and final closure (For example, in the case of a landfill unit, estimates of the time required to treat and dispose of all hazardous waste inventory and of the time required to place a final cover must be included.); ~~and~~
 - 7) For facilities that use trust funds to establish financial assurance under Section 724.243 or 724.245 and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure; and
 - 8) For a facility where alternative requirements are established at a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements applying to the regulated unit or a reference to the enforceable document containing those alternative requirements.
- c) Amendment of the plan. The owner or operator ~~shall~~ must submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the applicable procedures in 35 Ill. Adm. Code 702, 703, and 705. The written notification or request must include a copy of the amended closure plan for review or approval by the Agency.
- 1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the closure plan at any time prior to notification of partial or final closure of the facility.
 - 2) The owner or operator ~~shall~~ must submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever any of the following occurs:
 - A) Changes in operating plans or facility design affect the closure plan;
 - B) There is a change in the expected year of closure, if applicable;
 - C) In conducting partial or final closure activities, unexpected events require modification of the approved closure plan; or

- D) The owner or operator requests the establishment of alternative requirements, as provided under 35 Ill. Adm. Code 703.161, to a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d).
- 3) The owner or operator ~~shall~~ must submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in the facility design or operation, or no later than 60 days after an unexpected event has occurred ~~which~~ that has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator ~~shall~~ must request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan under Sections 724.328(c)(1)(A) or 724.358(c)(1)(A), ~~shall~~ must submit an amended closure plan to the Agency no later than 60 days after the date the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Section 724.410, or no later than 30 days after that date if the determination is made during partial or final closure. The Agency ~~shall~~ must approve, disapprove or modify this amended plan in accordance with the procedures in 35 Ill. Adm. Code 702, 703, and 705. In accordance with 35 Ill. Adm. Code 702.160 and 703.241, the approved closure plan will become a condition of any RCRA permit issued.
- 4) The Agency may request modifications to the plan under the conditions described in Section 724.212(c)(2). The owner or operator ~~shall~~ must submit the modified plan within 60 days after the Agency's request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Agency must be approved in accordance with the procedures in 35 Ill. Adm. Code 702, 703, and 705.
- d) Notification of partial closure and final closure.
- 1) The owner or operator ~~shall~~ must notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit, or final closure of a facility with such a unit. The owner or operator ~~shall~~ must notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed. The owner or operator ~~shall~~ must notify the Agency in writing at least 45 days prior to the date on which the owner or operator

expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.

- 2) The date when the owner or operator “expects to begin closure” must be either of the following:
 - A) No later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency ~~shall~~ must approve an extension to this one-year limit; or
 - B) For units meeting the requirements of Section 724.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the final known volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency ~~shall~~ must approve an extension to this one-year limit.
- 3) If the facility’s permit is terminated, or if the facility is otherwise ordered by judicial decree or Board order to cease receiving hazardous wastes or to close, then the requirements of this subsection (d) do not apply. However, the owner or operator ~~shall~~ must close the facility in accordance with the deadlines established in Section 724.213.
- e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section ~~shall~~ must preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the

approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.213 Closure; Time Allowed for Closure

- a) All permits must require that, within 90 days after receiving the final volume of hazardous waste, or the final volume of non-hazardous wastes, if the owner or operator complies with all the applicable requirements of subsections (d) and (e) of this Section, at a hazardous waste management unit or facility, the owner or operator treat, remove from the unit or facility, or dispose of on-site, all hazardous wastes in accordance with the approved closure plan, unless the owner or operator makes the following demonstration by way of permit application or modification application. The Agency ~~shall~~ must approve a longer period if the owner or operator demonstrates that the following is true:
- 1) Either of the following:
 - A) The activities required to comply with this subsection (a) will, of necessity, take longer than 90 days to complete; or
 - B) All of the following is true:
 - i) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes, if the owner or operator complies with subsections (d) and (e) of this Section; ~~and~~
 - ii) There is a reasonable likelihood that the owner or operator or another person will recommence operation of the hazardous waste management unit or facility within one year; and
 - iii) Closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and
 - 2) The owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements.

- b) All permits must require that the owner or operator complete partial and final closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of hazardous wastes, or the final volume of non-hazardous wastes, if the owner or operator complies with all applicable requirements in subsections (d) and (e) of this Section, at the hazardous waste management unit or facility, unless the owner or operator makes the following demonstration by way of permit application or modification application. The Agency ~~shall~~ must approve a longer closure period if the owner or operator demonstrates ~~that~~ as follows:
- 1) Either of the following:
 - A) The partial or final closure activities will, of necessity, take longer than 180 days to complete; or
 - B) All of the following:
 - i) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes, if the owner or operator complies with subsections (d) and (e) of this Section; ~~and~~,
 - ii) There is reasonable likelihood that the owner or operator will recommence operation of the hazardous waste management unit or facility within one year; and
 - iii) Closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and
 - 2) The owner and operator have taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but not operating hazardous waste management unit or facility including compliance with all applicable permit requirements.
- c) The demonstration referred to in subsections (a)(1) and (b)(1) of this Section must be made as follows:
- 1) The demonstration in subsection (a)(1) of this Section must be made at least 30 days prior to the expiration of the 90-day period in subsection (a) of this Section; and

- 2) The demonstration in subsection (b)(1) of this Section must be made at least 30 days prior to the expiration of the 180-day period in subsection (b) of this Section, unless the owner or operator is otherwise subject to deadlines in subsection (d) of this Section.
- d) Continued receipt of non-hazardous waste. The Agency ~~shall~~ must permit an owner or operator to receive only non-hazardous wastes in a landfill, land treatment unit, or surface impoundment unit after the final receipt of hazardous wastes at that unit if the following is true:
- 1) The owner or operator requests a permit modification in compliance with all applicable requirements in 35 Ill. Adm. Code 702, 703, and 705, and in the permit modification request demonstrates ~~that~~ the following:
 - A) ~~The~~ That the unit has the existing design capacity as indicated on the Part A application to receive non-hazardous wastes; ~~and~~
 - B) ~~There~~ That there is a reasonable likelihood that the owner or operator or another person will receive non-hazardous wastes in the unit within one year after the final receipt of hazardous wastes; ~~and~~
 - C) ~~The~~ That the non-hazardous wastes will not be incompatible with any remaining wastes in the unit, or with the facility design and operating requirements of the unit or facility under this Part; ~~and~~
 - D) ~~Closure~~ That closure of the hazardous waste management unit would be incompatible with continued operation of the unit or facility; and
 - E) ~~The~~ That the owner or operator is operating and will continue to operate in compliance with all applicable permit requirements; ~~and~~
 - 2) The request to modify the permit includes an amended waste analysis plan, groundwater monitoring and response program, human exposure assessment required under 35 Ill. Adm. Code 703.186, and closure and post-closure plans and updated cost estimates and demonstrations of financial assurance for closure and post-closure care, as necessary and appropriate, to reflect any changes due to the presence of hazardous constituents in the non-hazardous wastes, and changes in closure activities, including the expected year of closure if applicable under Section 724.212(b)(7), as a result of the receipt of non-hazardous wastes following the final receipt of hazardous wastes; ~~and~~

- 3) The request to modify the permit includes revisions, as necessary and appropriate, to affected conditions of the permit to account for the receipt of non-hazardous wastes following receipt of the final volume of hazardous wastes; and
 - 4) The request to modify the permit and the demonstrations referred to in subsections (d)(1) and (d)(2) of this Section are submitted to the Agency no later than 120 days prior to the date on which the owner or operator of the facility receives the known final volume of hazardous wastes at the unit; or no later than 90 days after the effective date of this Section, whichever is later.
- e) Surface impoundments. In addition to the requirements in subsection (d) of this Section, an owner or operator of a hazardous waste surface impoundment ~~which~~ that is not in compliance with the liner and leachate collection system requirements in Section 724.321(c), (d), or (e) ~~shall~~ must receive non-hazardous wastes only as authorized by an adjusted standard pursuant to this subsection (e).
- 1) The petition for adjusted standard must include the following:
 - A) A plan for removing hazardous wastes; and
 - B) A contingent corrective measures plan.
 - 2) The removal plan must provide for the following:
 - A) Removing all hazardous liquids; and
 - B) Removing all hazardous sludges to the extent practicable without impairing the integrity of the liner or liners, if any; and
 - C) Removal of hazardous wastes no later than 90 days after the final receipt of hazardous wastes. The Board will allow a longer time, if the owner or operator demonstrates the following:
 - i) That the removal of hazardous wastes will, of necessity, take longer than the ~~alloted~~ allotted period to complete; and
 - ii) That an extension will not pose a threat to human health and the environment.
 - 3) The following requirements apply to the contingent corrective measures plan:

- A) ~~Must~~ It must meet the requirements of a corrective action plan under Section 724.199, based upon the assumption that a release has been detected from the unit.
 - B) ~~May~~ It may be a portion of a corrective action plan previously submitted under Section 724.199.
 - C) ~~May~~ It may provide for continued receipt of non-hazardous wastes at the unit following a release only if the owner or operator demonstrates that continued receipt of wastes will not impede corrective action.
 - D) ~~Must~~ It must provide for implementation within one year after a release, or within one year after the grant of the adjusted standard, whichever is later.
- 4) ~~Release.~~ Definition of “release.” A release is defined as a statistically significant increase (or decrease in the case of pH) over background values for detection monitoring parameters or constituents specified in the permit, or over the facility’s groundwater protection standard at the or over the facility’s groundwater protection standard at the point of compliance, if applicable, detected in accordance with the requirements in Subpart F of this Part.
- 5) In the event of a release, the owner or operator of the unit must do the following:
- A) Within 35 days, the owner or operator must file with the Board a petition for adjusted standard. If the Board finds that it is necessary to do so in order to protect human health and the environment, the Board will modify the adjusted standard to require the owner or operator to do the following:
 - i) Begin to implement that corrective measures plan in less than one year; or;
 - ii) Cease the receipt of wastes until the plan has been implemented.
 - iii) The Board will retain jurisdiction or condition the adjusted standard so as to require the filing of a new petition to address any required closure pursuant to subsection (e)(7) of this Section.

- B) ~~Shall~~ The owner or operator must implement the contingent corrective measures plan.
 - C) ~~May~~ The owner or operator may continue to receive wastes at the unit if authorized by the approved contingent measures plan.
- 6) Semi-annual report. During the period of corrective action, the owner or operator ~~shall~~ must provide semi-annual reports to the Agency ~~which~~ that do the following:
- A) Describe the progress of the corrective action program;
 - B) Compile all groundwater monitoring data; and
 - C) Evaluate the effect of the continued receipt of non-hazardous wastes on the effectiveness of the corrective action.
- 7) Required closure. The owner or operator ~~shall~~ must commence closure of the unit in accordance with the closure plan and the requirements of this Part if the Board terminates the adjusted standard, or if the adjusted standard terminates pursuant to its terms.
- A) The Board will terminate the adjusted standard if the owner or operator failed to implement corrective action measures in accordance with the approved contingent corrective measures plan; ~~or.~~
 - B) The Board will terminate the adjusted standard if the owner or operator fails to make substantial progress in implementing the corrective measures plan and achieving the facility's groundwater protection standard, or background levels if the facility has not yet established a groundwater protection standard; ~~or.~~
 - C) The adjusted standard will automatically terminate if the owner or operator fails to implement the removal plan.
 - D) The adjusted standard will automatically terminate if the owner or operator fails to timely file a required petition for adjusted standard.
- 8) Adjusted standard procedures. The following procedures must be used in granting, modifying or terminating an adjusted standard pursuant to this subsection (e).

- A) Except as otherwise provided, the owner or operator ~~shall~~ must follow the procedures of Section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code ~~106. Subpart G~~ 101 and 104 to petition the Board for an adjusted standard.
- B) Initial justification. The Board will grant an adjusted standard pursuant to subsection (e)(1) of this Section if the owner or operator demonstrates that the removal plan and contingent corrective measures plans meet the requirements of subsections (e)(2) and (e)(3) of this Section.
- C) The Board will include the following conditions in granting an adjusted standard pursuant to subsection (e)(1) of this Section:
- i) A plan for removing hazardous wastes.
 - ii) A requirement that the owner or operator remove hazardous wastes in accordance with the plan.
 - iii) A contingent corrective measures plan.
 - iv) A requirement that, in the event of a release, the owner or operator ~~shall~~ must do as follows: within 35 days, file with the Board a petition for adjusted standard; implement the corrective measures plan; and, file semi-annual reports with the Agency.
 - v) A condition that the adjusted standard will terminate if the owner or operator fails to do as follows: implement the removal plan; or, timely file a required petition for adjusted standard.
 - vi) A requirement that, in the event the adjusted standard is terminated, the owner or operator ~~shall~~ must commence closure of the unit in accordance with the requirements of the closure plan and this Part.
- D) Justification in the event of a release. The Board will modify or terminate the adjusted standard pursuant to a petition filed under subsection (e)(5)(A) of this Section, as provided in that subsection or in subsection (e)(7) of this Section.
- 9) The Agency ~~shall~~ must modify the RCRA permit to include the adjusted standard.

- 10) The owner or operator may file a permit modification application with a revised closure plan within 15 days after an adjusted standard is terminated.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.214 Disposal or Decontamination of Equipment, Structures, and Soils

During the partial and final closure periods, all contaminated equipment, structures, and soils must be properly disposed of or decontaminated unless otherwise specified in Sections 724.297, 724.328, 724.358, 724.380, or 724.410, or under the authority of Sections 724.701 and 724.703. By removing any hazardous wastes or hazardous constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and ~~shall~~ must handle that waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.215 Certification of Closure

Within 60 days after completion of closure of each hazardous waste surface impoundment, waste pile, land treatment, or landfill unit, and within 60 days after completion of final closure, the owner or operator ~~shall~~ must submit to the Agency, by registered mail, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Agency upon request until the Agency releases the owner or operator from the financial assurance requirements for closure under Section 724.243(i).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.216 Survey Plat

No later than the submission of the certification of closure of each hazardous waste disposal unit, the owner or operator ~~shall~~ must submit to any local zoning authority, or authority with jurisdiction over local land use, and to the Agency, and record with land titles, a survey plat indicating the location and dimensions of landfills cells or other hazardous waste disposal units with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority, or the authority with jurisdiction over local land use, must contain a note, prominently displayed, ~~which that~~ which states the owner's and operator's obligation to restrict disturbance of the hazardous waste disposal unit in accordance with the applicable ~~Subpart G~~ regulations of Subpart G of this Part.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.217 ~~Post-closure~~Post-Closure Care and Use of Property

- a) ~~Post-closure~~Closure care period.
- 1) Post-closure care for each hazardous waste management unit subject to the requirements of Sections 724.217 through 724.220 must begin after completion of closure of the unit and continue for 30 years after that date and must consist of at least the following:
 - A) Monitoring and reporting in accordance with the requirements of Subparts F, K, L, M, N, and X of this Part; and
 - B) Maintenance and monitoring of waste containment systems in accordance with the requirements of Subparts F, K, L, M, N, and X of this Part.
 - 2) Any time preceding partial closure of a hazardous waste management unit subject to post-closure care requirements or final closure, or any time during the post-closure care period for a particular unit, the Board may, in accordance with the permit modification procedures of 35 Ill. Adm. Code 702, 703, and 705, do either of the following:
 - A) Shorten the post-closure care period applicable to the hazardous waste management unit, or facility; if all disposal units have been closed, if and the Board finds has found by an adjusted standard issue pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code 101 and 104 that the reduced period is sufficient to protect human health and the environment (e.g., leachate or groundwater monitoring results, characteristics of the waste, application of advanced technology or alternative disposal, treatment, or re-use techniques indicate that the hazardous waste management unit or facility is secure); or
 - B) Extend the post-closure care period applicable to the hazardous waste management unit or facility if the Board finds has found by an adjusted standard issue pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code 101 and 104 that the extended period is necessary to protect human health and the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels ~~which~~ that may be harmful to human health and the environment).

~~C) Reduction or extension of the post-closure care period will be by rulemaking pursuant to 35 Ill. Adm. Code 102.~~

- b) The Agency ~~shall~~ must require, ~~at partial or final closure,~~ continuation at partial or final closure of any of the security requirements of Section 724.114 during part or all of the post-closure period when either of the following is true:
- 1) Hazardous wastes may remain exposed after completion of partial or final closure; or
 - 2) Access by the public or domestic livestock may pose a hazard to human health.
- c) Post-closure use of property on or in which hazardous wastes remain after partial or final closure must never be allowed to disturb the integrity of the final cover, ~~liner(s)-liners,~~ or any other components of the containment system; or the function of the facility's monitoring systems, unless the Agency finds, by way of a permit modification, that the disturbance is necessary for either of the following reasons:
- 1) ~~It is~~ is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or
 - 2) ~~It is~~ is necessary to reduce a threat to human health or the environment.
- d) All the post-closure care activities must be in accordance with the provisions of the approved ~~post-closure~~ post-closure plan as specified in Section 724.218.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.218 Post-Closure Care Plan; Amendment of Plan

- a) **Written Plan.** The owner or operator of a hazardous waste disposal unit ~~shall~~ must have a written post-closure care plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous wastes at partial or final closure are required by Sections 724.328(c)(1)(B) and 724.358(c)(1)(B) to have contingent post-closure care plans. Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent post-closure care plans under Sections 724.328(c)(1)(B) or 724.358(c)(1)(B) ~~shall~~ must submit a post-closure care plan to the Agency within 90 days from the date that the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Sections 724.217 through 724.220. The plan must be submitted with the permit application, in accordance with 35 Ill.

Adm. Code 703.183, and approved by the Agency as part of the permit issuance proceeding under 35 Ill. Adm. Code 705. In accordance with 35 Ill. Adm. Code 703.241, the approved post-closure care plan will become a condition of any RCRA permit issued.

- b) For each hazardous waste management unit subject to the requirements of this Section, the post-closure care plan must identify the activities that will be carried on after closure and the frequency of these activities, and include at least the following:
- 1) A description of the planned monitoring activities and frequencies ~~which~~ that they will be performed to comply with Subparts F, K, L, M, N, and X of this Part during the post-closure care period.
 - 2) A description of the planned maintenance activities, and frequencies at which they will be performed, to ensure the following:
 - A) The integrity of the cap and final cover or other containment systems in accordance with the requirements of Subparts F, K, L, M, N, and X of this Part; and
 - B) The function of the facility monitoring equipment in accordance with the requirements of Subparts F, K, L, M, N, and X of this Part.
 - 3) The name, address, and phone number of the person or office to contact about the hazardous disposal unit during the post-closure care period.
 - 4) For a facility where alternative requirements are established at a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements that apply to the regulated unit, or a reference to the enforceable document containing those requirements.
- c) Until final closure of the facility, a copy of the approved post-closure care plan must be furnished to the Agency upon request, including request by mail. After final closure has been certified, the person or office specified in subsection (b)(3) of this Section ~~shall~~ must keep the approved post-closure care plan during the remainder of the post-closure care period.
- d) Amendment of plan. The owner or operator ~~shall~~ must submit a written notification of or request for a permit modification to authorize a change in the approved post-closure care plan in accordance with the applicable requirements of 35 Ill. Adm. Code 703 and 705. The written notification or request must include

a copy of the amended post-closure care plan for review or approval by the Agency.

- 1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the post-closure care plan at any time during the active life of the facility or during the post-closure care period.
- 2) The owner or operator ~~shall~~ must submit a written notification of or request for a permit modification to authorize a change in the approved post-closure care plan whenever any of the following occurs:
 - A) Changes in operating plans or facility design affect the post-closure care plan;
 - B) There is a change in the expected year of closure if applicable;
 - C) Events occur during the active life of the facility, including partial and final closures, that affect the approved post-closure care plan; or
 - D) The owner or operator requests establishment of alternative requirements to a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d).
- 3) The owner or operator ~~shall~~ must submit a written request for a permit modification at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred ~~which that~~ has affected the post-closure care plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to submit a contingent post-closure care plan under Sections 724.328(c)(1)(B) or 724.358(c)(1)(B) ~~shall~~ must submit a post-closure care plan to the Agency no later than 90 days after the date that the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Section 724.410. The Agency ~~shall~~ must approve, disapprove, or modify this plan in accordance with the procedure in 35 Ill. Adm. Code 703 and 705. In accordance with 35 Ill. Adm. Code 703.241, the approved post-closure care plan will become a permit condition.
- 4) The Agency may request modifications to the plan under the conditions described in subsection (d)(2) of this Section. The owner or operator ~~shall~~ must submit the modified plan no later than 60 days after the request, or

no later than 90 days if the unit is a surface impoundment or waste pile not previously required to prepare a contingent post-closure care plan. Any modifications requested by the Agency ~~shall~~ must be approved, disapproved, or modified in accordance with the procedure in 35 Ill. Adm. Code 703 and 705.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.219 ~~Post-closure~~ Closure Notices

- a) No later than 60 days after certification of closure of each hazardous waste disposal unit, the owner or operator of a disposal facility ~~shall~~ must submit to the Agency, to the County Recorder and to any local zoning authority or authority with jurisdiction over local land use, a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes disposed of before January 12, 1981, the owner or operator ~~shall~~ must identify the type, location, and quantity of the hazardous waste to the best of the owner or operator's knowledge and in accordance with any records the owner or operator has kept.

- b) Within 60 days after certification of closure of the first hazardous waste disposal unit and within 60 days after certification of closure of the last hazardous waste disposal unit, the owner or operator ~~shall~~ must do the following:
 - 1) Record a notation on the deed to the facility property -- or on some other instrument ~~which~~ that is normally examined during title search -- that will in perpetuity notify any potential purchaser of the property ~~that~~ as follows:
 - A) ~~The~~ That the land has been used to manage hazardous wastes; and
 - B) ~~Its~~ That its use is restricted under this Subpart G; and
 - C) ~~The~~ That the survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or other hazardous waste disposal unit of the facility required by subsection (a) of this Section and Section 724.216 have been filed with the Agency, the County Recorder and any local zoning authority or authority with jurisdiction over local land use; and
 - 2) Submit a certification to the Agency, signed by the owner or operator, that the owner or operator has recorded the notation specified in subsection (b)(1) of this Section, including a copy of the document in which the notation has been placed, to the Agency.

- c) If the owner or operator or any subsequent owner or operator of the land upon which a hazardous waste disposal unit is located wishes to remove hazardous wastes and hazardous waste residues, the liner, if any, or contaminated soils, such person ~~shall~~ must request a modification to the post-closure plan in accordance with the applicable requirements in 35 Ill. Adm. Code 703 and 705. The owner and operator ~~shall~~ must demonstrate that the removal of hazardous wastes will satisfy the criteria of Section 724.217(c). By removing hazardous waste, the owner or operator may become a generator of hazardous waste and ~~shall~~ must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 703 and 720 through 726. If the owner or operator is granted a permit modification or otherwise granted approval to conduct such removal activities, the owner or operator may request that the Agency approve either of the following:
- 1) The removal of the notation on the deed to the facility property or other instrument normally examined during title search; or
 - 2) The addition of a notation to the deed or instrument indicating the removal of the hazardous waste.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.220 Certification of Completion of ~~Post-closure~~ Post-Closure Care

No later than 60 days after completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator ~~shall~~ must submit to the Agency, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Agency upon request until the Agency releases the owner or operator from the financial assurance requirements for post-closure care under Section 724.245(i).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART H: FINANCIAL REQUIREMENTS

Section 724.240 Applicability

- a) The requirements of Sections 724.242, 724.243, and 724.247 through 724.251 apply to owners and operators of all hazardous waste facilities, except as provided otherwise in this Section or in Section 724.101.

- b) The requirements of Sections 724.244 and 724.245 apply only to owners and operators of the following:
- 1) Disposal facilities;~~or~~
 - 2) Piles, and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that Sections 724.244 and 724.245 are made applicable to such facilities in Sections 724.328 and 724.358;~~or~~
 - 3) Tank systems ~~which~~ that are required under Section 724.297 to meet the requirements for landfills; or
 - 4) Containment buildings that are required under Section 724.1102 to meet the requirements for landfills.
- c) ~~The States~~ State and the federal government are exempt from the requirements of this Subpart H.
- d) A permit or enforceable document can contain alternative requirements that replace all or part of the financial assurance requirements of this Subpart H ~~of this Part~~ applying to a regulated unit, as provided in 35 Ill. Adm. Code 703.161, where the Board or Agency has done the following:
- 1) The Board or Agency has established alternative requirements for the regulated unit established under Section 724.190(f) or 724.210(d); and
 - 2) The Board or Agency determines that it is not necessary to apply the financial assurance requirements of this Subpart H ~~of this Part~~ because the alternative financial assurance requirements will protect human health and the environment.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.241 Definitions of Terms ~~As~~ as Used ~~In~~ in This Subpart

For the purposes of this Subpart H, the following terms have the given meanings:

- a) “Closure plan” means the plan for closure prepared in accordance with the requirements of Section 724.212.
- b) “Current closure cost estimate” means that the most recent of the estimates prepared in accordance with Section 724.242(a), (b), and (c).

- c) “Current post-closure cost estimate” means the most recent of the estimates prepared in accordance with Section 724.244(a), (b), and (c).
- d) “Parent corporation” means a corporation ~~which~~ that directly owns at least 50 percent of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a “subsidiary” of the parent corporation.
- e) “Post-closure plan” means the plan for post-closure care prepared in accordance with the requirements of Sections 724.217 through 724.220.
- f) The following terms are used in the specifications for the financial test for closure, post-closure care, and liability coverage. The definitions are intended to assist in the understanding of these regulations and are not intended to limit the meanings of terms in a way that conflicts with generally accepted accounting practices.

“Assets” means all existing and all probable future economic benefits obtained or controlled by a particular entity.

“Current assets” means cash or other assets or resources commonly identified as those ~~which~~ that are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

“Current liabilities” means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

“Current plugging and abandonment cost estimate” means the most recent of the estimates prepared in accordance with 35 Ill. Adm. Code 704.212(a), (b), and (c).

“Independently audited” refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

“Liabilities” means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

“Net working capital” means current assets minus current liabilities.

“Net worth” means total assets minus total liabilities and is equivalent to owner’s equity.

“Tangible net worth” means the tangible assets that remain after deducting liabilities; such assets would not include intangibles, such as goodwill and rights to patents or royalties.

- g) In the liability insurance requirements the terms “bodily injury” and “property damage” have the meanings given below. The Board intends the meanings of other terms used in the liability insurance requirements to be consistent with their common meanings within the insurance industry. The definitions given below of several of the terms are intended to assist in the understanding of these regulations and are not intended to limit their meanings in a way that conflicts with general insurance industry usage.

“Accidental occurrence” means an accident, including continuous or repeated exposure to conditions, ~~which that~~ results in bodily injury or property damage neither expected nor intended from the standpoint of the insured.

“Bodily injury” means bodily injury, sickness, or disease sustained by a person, including death resulting from any of these at any time. However, this term does not include those liabilities ~~which that~~, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for bodily injury.

BOARD NOTE: Derived from 40 CFR 264.141 (1988), as amended at 53 Fed. Reg. 33950, September 1, 1988, modified to insert the Insurance Services Office definition (2002).

“Environmental damage” means the injurious presence in or upon land, the atmosphere, or any watercourse or body of water of solid, liquid, gaseous, or thermal contaminants, irritants, or pollutants.

BOARD NOTE: This term is used in the definition of “pollution incident.”

“Legal defense costs” means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

“Nonsudden accidental occurrence” means an occurrence ~~which that~~ takes place over time and involves continuous or repeated exposure.

“Pollutants” means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, and waste.

BOARD NOTE: This definition is used in the definition of “pollution incident.”:

“Pollution incident” means emission, discharge, release, or escape of pollutants into or upon land, the atmosphere or any watercourse or body of water, provided that such emission, discharge, release, or escape results in “environmental damage.” The entirety of any such emission, discharge, release, or escape ~~shall~~ must be deemed to be one “pollution incident.” “Waste” includes materials to be recycled, reconditioned, or reclaimed. The term “pollution incident” includes an “occurrence.”:

BOARD NOTE: This definition is used in the definition of “property damage.”:

“Property damage” means as follows:

Either of the following:

Physical injury to, destruction of or contamination of tangible property, including all resulting loss of use of that property; or

Loss of use of tangible property that is not physically injured, destroyed or contaminated, but has been evacuated, withdrawn from use or rendered inaccessible because of a “pollution incident.”:

This term does not include those liabilities ~~which that~~, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage.

BOARD NOTE: Derived from 40 CFR 264.141 (1988), as amended at 53 Fed. Reg. 33950, September 1, 1988, modified to insert the Insurance Services Office definition (2002).

“Sudden accidental occurrence” means an occurrence ~~which that~~ is not continuous or repeated in nature.

- h) “Substantial business relationship” means that one business entity has an ownership interest in another.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.242 Cost Estimate for Closure

- a) The owner or operator ~~shall~~ must have detailed a written estimate, in current dollars, of the cost of closing facility in accordance with the requirements in Sections 724.211 through 724.215 and applicable closure requirements in Sections 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, ~~and~~ 724.701 through 724.703, and 724.1102.
- 1) The estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see Section 724.212(b)); and
 - 2) The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in Section 724.241(d)). The owner or operator may use costs for on-site disposal if the owner or operator demonstrates that on-site disposal capacity will exist at all times over the life of the facility.
 - 3) The closure cost estimate must not incorporate any salvage value that may be realized with the sale of hazardous wastes, or non-hazardous wastes if applicable under Section 724.213(d), facility structures or equipment, land or other assets associated with the facility at the time of partial or final closure hazardous wastes that might have economic value.
 - 4) The owner or operator ~~shall~~ must not incorporate a zero cost for hazardous wastes, or non-hazardous wastes if applicable under Section 724.213(d), that might have economic value.
- b) During the active life of the facility, the owner or operator ~~shall~~ must adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial ~~instrument(s)~~ instruments used to comply with Section 724.243. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the Agency as specified in Section 724.243(f)(3). The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its

Survey of Current Business as specified in subsections (b)(1) and (b)(2) of this Section. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

- 1) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.
- 2) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.
- c) During the active life of the facility the owner or operator ~~shall~~ must revise the closure cost estimate no later than 30 days after the Agency has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation, as specified in Section 724.242(b).
- d) The owner or operator ~~shall~~ must keep the following at the facility during the operating life of the facility: ~~The~~ the latest closure cost estimate prepared in accordance with Sections 724.242(a) and (c) and, when this estimate has been adjusted in accordance with Section 724.242(b), the latest adjusted closure cost estimate.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.243 Financial Assurance ~~For~~ for Closure

An owner or operator of each facility ~~shall~~ must establish financial assurance for closure of the facility. The owner or operator ~~shall~~ must choose from the options ~~as~~ that are specified in subsections (a) through (f) of this Section.

- a) Closure trust fund.
 - 1) An owner or operator may satisfy the requirements of this Section by establishing a closure trust fund ~~which~~ that conforms to the requirements of this subsection (a) and submitting an original signed duplicate of the trust agreement to the Agency. An owner or operator of a new facility ~~shall~~ must submit the original signed duplicate of the trust agreement to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The trustee must be an entity ~~which~~ that has the authority to act as a trustee and whose trust operations are regulated and examined by a ~~Federal~~ federal or State agency.

- 2) The wording of the trust agreement must be ~~as that~~ specified in Section 724.251 and the trust agreement must be accompanied by a formal certification of acknowledgment (as specified in Section 724.251). Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current closure cost estimate covered by the agreement.
- 3) Payments into the trust fund must be made annually by the owner or operator over the term of the initial RCRA permit or over the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter; this period is hereafter referred to as the “pay-in period.” The payments into the closure trust fund must be made as follows:

- A) For a new facility, the first payment must be made before the initial receipt of hazardous waste for treatment, storage, or disposal. A receipt from the trustee for this payment must be submitted by the owner or operator to the Agency before this initial receipt of hazardous waste. The first payment must be at least equal to the current closure cost estimate, except as provided in subsection (g) of this Section, divided by the number of years in the pay-in period. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by ~~this~~ the following formula:

$$\text{Next payment} = (\text{CE} - \text{CV}) / \text{Y}$$

~~where CE is the current closure cost estimate, CV is the current value of the trust fund and Y is the number of years remaining in the pay-in period.~~

where CE is the current closure cost estimate, CV is the current value of the trust fund and Y is the number of years remaining in the pay-in period.

- B) If an owner or operator establishes a trust fund as specified in 35 Ill. Adm. Code 725.243(a) and the value of that trust fund is less than the current closure cost estimate when a permit is awarded for the facility, the amount of the current closure cost estimate still to be paid into the trust fund must be paid in over the pay-in period as defined in subsection (a)(3) of this Section. Payments must continue to be made no later than 30 days after each anniversary date of the first payment made pursuant to 35 Ill. Adm. Code 725.

The amount of each payment must be determined by ~~this the~~ following formula:

$$\text{Next payment} = (\text{CE} - \text{CV}) / \text{Y}$$

~~where CE is the current closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.~~

where CE is the current closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

- 4) The owner or operator may accelerate payments into the trust fund or may deposit the full amount of the current closure cost estimate at the time the fund is established. However, the owner or operator ~~shall~~ must maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in subsection (a)(3) of this Section.
- 5) If the owner or operator establishes a closure trust fund after having used one or more alternate mechanisms specified in this Section or in 35 Ill. Adm. Code 725.243, its first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to specifications of this subsection (a) and 35 Ill. Adm. Code 725.243, as applicable.
- 6) After the pay-in period is completed, whenever the current closure cost estimate changes, the owner or operator ~~shall~~ must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, ~~shall~~ must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate; or obtain other financial assurance as specified in this Section to cover the difference.
- 7) If the value of the trust fund is greater than the total amount of the current closure cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current closure cost estimate.
- 8) If an owner or operator substitutes other financial assurance, as specified in this Section for all or part of the trust fund, it may submit a written

request to the Agency for release of the amount in excess of the current closure cost estimate covered by the trust fund.

- 9) Within 60 days after receiving a request from the owner or operator for release of funds as specified in ~~subsections~~ subsection (a)(7) or (a)(8) of this Section, the Agency ~~shall~~ must instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.
 - 10) After beginning partial or final closure, an owner or operator or another person authorized to conduct partial or final closure may request reimbursement for closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursement for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for partial or final closure activities, the Agency ~~shall~~ must instruct the trustee to make reimbursement in those amounts as the Agency specifies in writing if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan, or otherwise justified. If the Agency determines that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, it ~~shall~~ must withhold reimbursement of such amounts as it deems prudent until it determines, in accordance with subsection (i) of this Section, that the owner or operator is no longer required to maintain financial assurance for final closure of the facility. If the Agency does not instruct the trustee to make such reimbursements, the Agency ~~shall~~ must provide the owner or operator with a detailed written statement of reasons.
 - 11) The Agency ~~shall~~ must agree to termination of the trust when either of the following occurs:
 - A) An owner or operator substitutes alternate financial assurance, as specified in this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).
- b) Surety bond guaranteeing payment into a closure trust fund.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond ~~which~~ that conforms to the requirements of this subsection (b) and submitting the bond to the Agency. An owner or operator of a new facility ~~shall~~ must submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received

for treatment, storage or disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

- 2) The wording of the surety bond must be ~~as that~~ specified in Section 724.251.
- 3) The owner or operator who uses a surety bond to satisfy the requirements of this Section ~~shall~~ must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a) of this Section except ~~that~~ as follows:
 - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and
 - B) Until the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:
 - i) Payments into the trust fund as specified in subsection (a) of this Section;
 - ii) Updating of Schedule A of the trust agreement (see 40 CFR 264.151(a)) to show current closure cost estimates;
 - iii) Annual valuations, as required by the trust agreement; and
 - iv) Notices of nonpayment as required by the trust agreement.
- 4) The bond must guarantee that the owner or operator will do one of the following:
 - A) Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility; ~~or~~
 - B) Fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin final closure is issued by the Board or a U.S. district court or other court of competent jurisdiction; or
 - C) Provide alternate financial assurance as specified in this Section, and obtain the Agency's written approval of the assurance

provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.

- 5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.
 - 6) The penal sum of the bond must be in an amount at least equal to the current closure cost estimate, except as provided in subsection (g) of this Section.
 - 7) Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, ~~shall~~ must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance, as specified in this Section, to cover the increase. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the Agency.
 - 8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
 - 9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of alternate financial assurance as specified in this Section.
- c) Surety bond guaranteeing performance of closure.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond ~~which~~ that conforms to the requirements of this subsection (c) and submitting the bond to the Agency. An owner or operator of a new facility ~~shall~~ must submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

- 2) The wording of the surety bond must be ~~as that~~ specified in Section 724.251.
- 3) The owner or operator who uses a surety bond to satisfy the requirements of this Section ~~shall~~ must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust must meet the requirements specified in subsection (a) of this Section, except ~~that~~ as follows:
 - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and
 - B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:
 - i) Payments into the trust fund, as specified in subsection (a) of this Section;
 - ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current closure cost estimates;
 - iii) Annual valuations, as required by the trust agreement; and
 - iv) Notices of nonpayment, as required by the trust agreement.
- 4) The bond must guarantee that the owner or operator will do the following:
 - A) Perform final closure in accordance with the closure plan and other requirements of the permit for the facility whenever required to do so; or
 - B) Provide ~~alternate~~ alternative financial assurance, as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.
- 5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Following a final judicial determination or Board order finding that the owner or operator has failed to perform final closure in accordance with the approved closure plan and other permit requirements

when required to do so, under the terms of the bond the surety will perform final closure, as guaranteed by the bond, or will deposit the amount of the penal sum into the standby trust fund.

- 6) The penal sum of the bond must be in an amount at least equal to the current closure cost estimate.
 - 7) Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, ~~shall~~ must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance as specified in this Section. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the Agency.
 - 8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
 - 9) The owner or operator may cancel the bond if the Agency has given prior written consent. The Agency ~~shall~~ must provide such written consent when either of the following occurs:
 - A) An owner or operator substitutes ~~alternate~~ alternative financial assurance, as specified in this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.
 - 10) The surety ~~shall~~ must not be liable for deficiencies in the performance of closure by the owner or operator after the Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.
- d) Closure letter of credit.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit ~~which that~~ conforms to the requirements of this subsection (d) and submitting the letter to the Agency. An owner or operator of a new facility ~~shall~~ must submit the letter of credit to the Agency at least 60 days before the date on which

hazardous waste is first received for treatment, storage, or disposal. The letter of credit must be effective before this initial receipt of hazardous waste. The issuing institution must be an entity ~~which~~ that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a ~~Federal~~ federal or ~~State~~ state agency.

- 2) The wording of the letter of credit must be ~~as~~ that specified in Section 724.251.
- 3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section ~~shall~~ must also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency ~~will~~ must be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a) of this Section, except ~~that~~ as follows:
 - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the letter of credit; and
 - B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations.
 - i) Payments into the trust fund, as specified in subsection (a) of this Section;
 - ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current closure cost estimates;
 - iii) Annual valuations, as required by the trust agreement; and
 - iv) Notices of nonpayment, as required by the trust agreement.
- 4) The letter or credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: ~~the EPA Identification Number~~ USEPA identification number, name and address of the facility, and the amount of funds assured for closure of the facility by the letter of credit.
- 5) The letter of credit must be irrevocable and issued for a period of at least 1 ~~4~~ one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least 1 ~~4~~ one year unless, at least

120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.

- 6) The letter of credit must be issued in an amount at least equal to the current closure cost estimate, except as provided in subsection (g) of this Section.
- 7) Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within 60 days after the increase, ~~shall~~ must either cause the amount of the credit to be increased so that it at least equals the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance, as specified in this Section, to cover the increase. Whenever the current closure cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure cost estimate following written approval by the Agency.
- 8) Following a final judicial determination or Board order finding that the owner or operator has failed to perform final closure in accordance with the closure plan and other permit requirements when required to do so, the Agency may draw on the letter of credit.
- 9) If the owner or operator does not establish ~~alternate~~ alternative financial assurance, as specified in this Section, and obtain written approval of such ~~alternate~~ alternative assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency ~~shall~~ must draw on the letter of credit. The Agency may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the Agency ~~shall~~ must draw on the letter of credit if the owner or operator has failed to provide ~~alternate~~ alternative financial assurance, as specified in this Section, and obtain written approval of such assurance from the Agency.
- 10) The Agency ~~shall~~ must return the letter of credit to the issuing institution for termination when either of the following occurs:
 - A) An owner or operator substitutes ~~alternate~~ alternative financial assurance, as specified in this Section; or

- B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.
- e) Closure insurance.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining closure insurance ~~which~~ that conforms to the requirements of this subsection (e) and submitting a certificate of such insurance to the Agency. An owner or operator of a new facility ~~shall~~ must submit the certificate of insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The insurance must be effective before this initial receipt of hazardous waste. At a minimum, the insurer must be licensed to transact the business of insurance, or be eligible to provide insurance as an excess or surplus lines insurer, in one or more States.
 - 2) The wording of the certificate of insurance must be ~~as~~ that specified in Section 724.251.
 - 3) The closure insurance policy must be issued for a face amount at least equal to the current closure cost estimate, except as provided in subsection (g) of this Section. The term “face amount” means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer’s future liability will be lowered by the amount of the payments.
 - 4) The closure insurance policy must guarantee that funds will be available to close the facility whenever final closure occurs. The policy must also guarantee that, once final closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties, as the Agency specifies.
 - 5) After beginning partial or final closure, an owner or operator or any other person authorized to conduct closure may request reimbursement for closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursements for partial closure only if the remaining value of the policy is sufficient to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for closure activities, the Agency ~~shall~~ must instruct the insurer to make reimbursement in such amounts, as the Agency specifies in writing, if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan or otherwise justified. If the Agency determines that the maximum cost of

closure over the remaining life of the facility will be significantly greater than the face amount of the policy, it ~~shall~~ must withhold reimbursement of such amounts ~~as that~~ it deems prudent, until it determines, in accordance with subsection (i) of this Section, that the owner or operator is no longer required to maintain financial assurance for closure of the facility. If the Agency does not instruct the insurer to make such reimbursements, the Agency ~~shall~~ must provide the owner or operator with a detailed written statement of reasons.

- 6) The owner or operator ~~shall~~ must maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator, as specified in subsection (e)(10) of this Section. Failure to pay the premium, without substitution of ~~alternate~~ alternative financial assurance, as specified in this Section, will constitute a significant violation of these regulations, warranting such remedy as the Board may impose pursuant to the Environmental Protection Act. Such violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.
- 7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.
- 8) The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination, or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur, and the policy will remain in full force and effect, in the event that on or before the date of expiration one of the following occurs:
 - A) The Agency deems the facility abandoned; ~~or~~
 - B) The permit is terminated or revoked or a new permit is denied; ~~or~~
 - C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction; ~~or~~

- D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C. of the United States Code (Bankruptcy); or
 - E) The premium due is paid.
- 9) Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within 60 days after the increase, ~~shall~~ must either cause the face amount to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance, as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the Agency.
- 10) The Agency ~~shall~~ must give written consent to the owner or operator that it may terminate the insurance policy when either of the following occurs:
- A) An owner or operator substitutes ~~alternate~~ alternative financial assurance, as specified in this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.
- f) Financial test and corporate guarantee for closure.
- 1) An owner or operator may satisfy the requirements of this Section by demonstrating that it passes a financial test, as specified in this subsection (f). To pass this test the owner or operator ~~shall~~ must meet the criteria of either subsection (f)(1)(A) or (f)(1)(B) of this Section:
- A) The owner or operator ~~shall~~ must have the following:
 - i) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; ~~and~~
 - ii) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost

estimates; and the current plugging and abandonment cost estimates; ~~and~~

- iii) Tangible net worth of at least \$10 million; and
- iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

B) The owner or operator ~~shall~~ must have the following:

- i) A current rating for its most recent bond issuance of AAA, AA, A₂ or BBB as issued by Standard and Poor's or Aaa, Aa, A₂ or Baa as issued by Moody's; ~~and~~
- ii) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates; ~~and~~
- iii) Tangible net worth of at least \$10 million; and
- iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure estimates and the current plugging and abandonment cost estimates.

2) The phrase "current closure and post-closure cost estimates," as used in subsection (f)(1) of this Section, refers to the cost estimates required to be shown in subsections 1-4 of the letter from the owner's or operator's chief financial officer (40 CFR 264.151(f)) (incorporated by reference in Section 724.251). The phrase "current plugging and abandonment cost estimates," as used in subsection (f)(1) of this Section, refers to the cost estimates required to be shown in subsections 1-4 of the letter from the owner's or operator's chief financial officer (40 CFR 144.70(f)), incorporated by reference in 35 Ill. Adm. Code 704.240).

3) To demonstrate that it meets this test, the owner or operator ~~shall~~ must submit the following items to the Agency:

- A) A letter signed by the owner's or operator's chief financial officer and worded as specified in Section 724.251; and

- B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and
- C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating ~~that~~ the following:
- i) ~~The~~ That the accountant has compared the data ~~which~~ that the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
 - ii) In connection with that procedure, that no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.
- 4) An owner or operator of a new facility ~~shall~~ must submit the items specified in subsection (f)(3) of this Section to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal.
- 5) After the initial submission of items specified in subsection (f)(3) of this Section, the owner or operator ~~shall~~ must send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3) of this Section.
- 6) If the owner or operator no longer meets the requirements of subsection (f)(1) of this Section the owner or operator ~~shall~~ must send notice to the Agency of intent to establish ~~alternate~~ alternative financial assurance, as specified in this Section. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator ~~shall~~ must provide the ~~alternate~~ alternative financial assurance within 120 days after the end of such fiscal year.
- 7) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (f)(1) of this Section, require reports of financial condition at any time from the owner or operator in addition to those specified in subsection (f)(3) of this Section. If the Agency finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of subsection

(f)(1) of this Section, the owner or operator ~~shall~~ must provide ~~alternate~~ alternative financial assurance, as specified in this Section, within 30 days after notification of such a finding.

- 8) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B) of this Section). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency ~~shall~~ must evaluate other qualifications on an individual basis. The owner or operator ~~shall~~ must provide ~~alternate~~ alternative financial assurance, as specified in this Section, within 30 days after notification of the disallowance.
- 9) The owner or operator is no longer required to submit the items specified in subsection (f)(3) of this Section when either of the following occurs:
 - A) An owner or operator substitutes ~~alternate~~ alternative financial assurance, as specified in this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.
- 10) An owner or operator may meet the requirements of this Section by obtaining a written guarantee, hereafter referred to as "corporate guarantee." The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor ~~shall~~ must meet the requirements for owners or operators in subsections (f)(1) through (f)(8) of this Section, ~~shall~~ must comply with the terms of the corporate guarantee, and the wording of the corporate guarantee must be ~~as that~~ as that specified in Section 724.251. The certified copy of the corporate guarantee must accompany the items sent to the Agency, as specified in subsection (f)(3) of this Section. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the corporate guarantee must provide ~~that~~ as follows:

- A) If the owner or operator fails to perform final closure of a facility covered by the corporate guarantee in accordance with the closure plan and other permit requirements whenever required to do so, the guarantor will do so or establish a trust fund, as specified in subsection (a) of this Section, in the name of the owner or operator.
- B) The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
- C) If the owner or operator fails to provide ~~alternate~~-alternative financial assurance as specified in this Section and obtain the written approval of such ~~alternate~~-alternative assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide such alternative financial assurance in the name of the owner or operator.
- g) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this Section by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit, and insurance. The mechanisms must be as specified in subsections (a), (b), (d), and (e) of this Section, respectively, except that it is the combination of mechanisms, rather than the single mechanism, ~~which that~~ must provide financial assurance for an amount at least equal to the current closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, it may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for closure of the facility.
- h) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in this Section to meet the requirements of this Section for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, the ~~EPA Identification Number~~ USEPA identification number, name, address, and the amount of funds for closure assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained

for each facility. The amount of funds available to the Agency must be sufficient to close all of the owner or operator's facilities. In directing funds available through the mechanism for closure of any of the facilities covered by the mechanism, the Agency may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

- i) Release of the owner or operator from the requirements of this Section. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final approved closure has been accomplished in accordance with the closure plan, the Agency ~~shall~~ must notify the owner or operator in writing that it is no longer required by this Section to maintain financial assurance for closure of the facility, unless the Agency determines that closure has not been in accordance with the approved closure plan. The Agency ~~shall~~ must provide the owner or operator a detailed written statement of any such determination that closure has not been in accordance with the approved closure plan.
- j) Appeal. The following Agency actions are deemed to be permit modifications or refusals to modify for purposes of appeal to the Board (35 Ill. Adm. Code 702.184(e)(3)):
 - 1) An increase in, or a refusal to decrease the amount of, a bond, letter of credit, or insurance;
 - 2) Requiring ~~alternate~~ alternative assurance upon a finding that an owner or operator, or parent corporation, no longer meets a financial test.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.244 Cost Estimate for ~~Post-closure~~ Post-Closure Care

- a) The owner or operator of a disposal surface impoundment, disposal miscellaneous unit, land treatment unit, or landfill unit; or the owner or operator of a surface impoundment or waste pile required under Sections 724.328 or 724.358 to prepare a contingent closure and post-closure plan ~~shall~~ must have a detailed written estimate, in current dollars, of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the applicable post-closure regulations in Sections 724.217 through 724.220, 724.328, 724.358, 724.380, 724.410, and 724.603.
 - 1) The post-closure cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct post-closure care activities. A

third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in Section 724.241(d)).

- 2) The post-closure cost estimate is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required under Section 724.217.
- b) During the active life of the facility, the owner or operator ~~shall~~ must adjust the post-closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial ~~instrument(s)~~ instruments used to comply with Section 724.245. For owners or operators using the financial test or corporate guarantee, the post-closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before the submission of updated information to the Agency, as specified in Section 724.245(f)(5). The adjustment may be made by recalculating the post-closure cost estimate in current dollars or by using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product, as published by the U.S. Department of Commerce in its Survey of Current Business, as specified in subsections (b)(1) and (b)(2) of this Section. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.
- 1) The first adjustment is made by multiplying the post-closure cost estimate by the inflation factor. The result is the adjusted post-closure cost estimate.
 - 2) Subsequent adjustments are made by multiplying the latest adjusted post-closure cost estimate by the latest inflation factor.
- c) During the active life of the facility the owner or operator ~~shall~~ must revise the post-closure cost estimate within 30 days after the Agency has approved a request to modify the post-closure plan; if the change in the post-closure plan increases the cost of post-closure care. The revised post-closure cost estimate must be adjusted for inflation, as specified in Section 724.244(b).
- d) The owner or operator ~~shall~~ must keep the following at the facility during the operating life of the facility: The latest post-closure cost estimate prepared in accordance with Section 724.244(a) and (c) and, when this estimate has been adjusted in accordance with Section 724.244(b), the latest adjusted post-closure cost estimate.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.245 Financial Assurance ~~For Post-closure~~ for Post-Closure Care

An owner or operator of a hazardous waste management unit subject to the requirements of Section 724.244 ~~shall~~ must establish financial assurance for post-closure care in accordance with the approved post-closure plan for the facility 60 days prior to the initial receipt of hazardous waste or the effective date of the regulation, whichever is later. The owner or operator ~~shall~~ must choose from among the following options:

- a) Post-closure trust fund.
 - 1) An owner or operator may satisfy the requirements of this Section by establishing a post-closure trust fund ~~which that~~ that conforms to the requirements of this subsection (a) and submitting an original, signed duplicate of the trust agreement to the Agency. An owner or operator of a new facility ~~shall~~ must submit the original, signed duplicate of the trust agreement to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The trustee must be an entity ~~which that~~ that has the authority to act as a trustee and whose trust operations are regulated and examined by a ~~Federal~~ federal or State agency.
 - 2) The wording of the trust agreement must be ~~as that~~ as specified in Section 724.251 and the trust agreement accompanied by a formal certification of acknowledgment (as specified in Section 724.251). Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current post-closure cost estimate covered by the agreement.
 - 3) Payments into the trust fund must be made annually by the owner or operator over the term of the initial RCRA permit or over the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter; this period is hereafter referred to as the “pay-in period.” The payments into the post-closure trust fund must be made as follows:
 - A) For a new facility, the first payment must be made before the initial receipt of hazardous waste for disposal. A receipt from the trustee for this payment must be submitted by the owner or operator to the Agency before this initial receipt of hazardous waste. The first payment must be at least equal to the current post-closure cost estimate, except as provided in subsection (g) of this Section, divided by the number of years in the pay-in period. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each

subsequent payment must be determined by ~~this~~ the following formula:

$$\text{Next payment} = (\text{CE} - \text{CV}) / \text{Y}$$

~~where CE is the current post-closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.~~

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- B) If an owner or operator establishes a trust fund, as specified in 35 Ill. Adm. Code 725.245(a), and the value of that trust fund is less than the current post-closure cost estimate when a permit is awarded for the facility, the amount of the current post-closure cost estimate still to be paid into the trust fund must be paid in over the pay-in period as defined in subsection (a)(3) of this Section. Payments must continue to be made no later than 30 days after each anniversary date of the first payment made pursuant to 35 Ill. Adm. Code 725. The amount of each payment must be determined by ~~this~~ the following formula:

$$\text{Next payment} = (\text{CE} - \text{CV}) / \text{Y}$$

~~where CE is the current post-closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.~~

where CE is the current post-closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

- 4) The owner or operator may accelerate payments into the trust fund or owner or operator ~~shall~~ must maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in subsection (a)(3) of this Section.
- 5) If the owner or operator establishes a post-closure trust fund after having used one or more ~~alternate~~ alternative mechanisms specified in this Section or in 35 Ill. Adm. Code 725.245, its first payment must be in at least the amount that the fund would contain if the trust fund were

established initially and annual payments made according to specifications of this subsection (a) and 35 Ill. Adm. Code 725.245, as applicable.

- 6) After the pay-in period is completed, whenever the current post-closure cost estimate changes during the operating life of the facility, the owner or operator ~~shall~~ must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, ~~shall~~ must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current post-closure cost estimate, or obtain other financial assurance, as specified in this Section, to cover the difference.
- 7) During the operating life of the facility, if the value of the trust fund is greater than the total amount of the current post-closure cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate.
- 8) If an owner or operator substitutes other financial assurance as specified in this Section for all or part of the trust fund, it may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate covered by the trust fund.
- 9) Within 60 days after receiving a request from the owner or operator for release of funds, as specified in ~~subsections~~ subsection (a)(7) or (a)(8) of this Section, the Agency ~~shall~~ must instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.
- 10) During the period of post-closure care, the Agency ~~shall~~ must approve a release of funds if the owner or operator demonstrates to the Agency that the value of the trust fund exceeds the remaining cost of post-closure care.
- 11) An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure care expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for post-closure activities, the Agency ~~shall~~ must instruct the trustee to make requirements in those amounts ~~as that~~ the Agency specifies in writing if the Agency determines that the post-closure care expenditures are in accordance with the approved post-closure plan or otherwise justified. If the Agency does not instruct the trustee to make such reimbursements, the Agency ~~shall~~ must provide the owner or operator with a detailed written statement of reasons.

- 12) The Agency ~~shall~~ must agree to termination of the trust when either of the following occurs:
 - A) An owner or operator substitutes ~~alternate~~ alternative financial assurance, as specified in this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.
- b) Surety bond guaranteeing payment into a post-closure trust fund.
 - 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond ~~which~~ that conforms to the requirements of this subsection (b) and submitting the bond to the Agency. An owner or operator of a new facility ~~shall~~ must submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.
 - 2) The wording of the surety bond must be ~~as~~ that specified in Section 724.251.
 - 3) The owner or operator who uses a surety bond to satisfy the requirements of this Section ~~shall~~ must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a) of this Section, ~~except that~~ as follows:
 - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and
 - B) Until the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:
 - i) Payments into the trust fund, as specified in subsection (a) of this Section;
 - ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current post-closure cost estimates;

- iii) Annual valuations, as required by the trust agreement; and
 - iv) Notices of nonpayment, as required by the trust agreement.
- 4) The bond must guarantee that the owner or operator will do one of the following:
- A) Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility; ~~or~~
 - B) Fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin closure is issued by the Board or a U.S. district court or other court of competent jurisdiction; or
 - C) Provide ~~alternate~~ alternative financial assurance as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.
- 5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.
- 6) The penal sum of the bond must be in an amount at least equal to the current post-closure cost estimate, except as provided in subsection (g) of this Section.
- 7) Whenever the current post-closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, ~~shall~~ must either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance, as specified in this Section, to cover the increase. Whenever the current post-closure cost estimate decreases, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.
- 8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidence by the return receipts.

- 9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of ~~alternate~~-alternative financial assurance, as specified in this Section.
- c) Surety bond guaranteeing performance of post-closure care.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond ~~which that~~ conforms to the requirements of this subsection (c) and submitting the bond to the Agency. An owner or operator of a new facility ~~shall must~~ submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.
 - 2) The wording of the surety bond must be ~~as that~~ specified in Section 724.251.
 - 3) The owner or operator who uses a surety bond to satisfy the requirements of this Section ~~shall must~~ also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust must meet the requirements specified in subsection (a) of this Section, except ~~that~~ as follows:
 - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and
 - B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required ~~by these regulations~~:
 - i) Payments into the trust fund, as specified in subsection (a) of this Section;
 - ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current post-closure cost estimates;
 - iii) Annual valuations, as required by the trust agreement; and
 - iv) Notices of nonpayment, as required by the trust agreement.

- 4) The bond must guarantee that the owner or operator will do either of the following:
 - A) Perform final post-closure care in accordance with the post-closure plan and other requirements of the permit for the facility; or
 - B) Provide ~~alternate~~-alternative financial assurance, as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days ~~of~~-after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.
- 5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Following a final judicial determination or Board order finding that the owner or operator has failed to perform post-closure care in accordance with the approved post-closure plan and other permit requirements, under the terms of the bond the surety will perform post-closure care in accordance with post-closure plan and other permit requirements or will deposit the amount of the penal sum into the standby trust fund.
- 6) The penal sum of the bond must be in an amount at least equal to the current post-closure cost estimate.
- 7) Whenever the current post-closure cost estimate increases to an amount greater than the penal sum during the operating life of the facility, the owner or operator, within 60 days after the increase, ~~shall~~ must either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance, as specified in this Section. Whenever the current closure cost estimate decreases during the operating life of the facility, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.
- 8) During the period of post-closure care, the Agency ~~shall~~ must approve a decrease in the penal sum if the owner or operator demonstrates to the Agency that the amount exceeds the remaining cost of post-closure care.
- 9) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days

beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

- 10) The owner or operator may cancel the bond if the Agency has given prior written consent. The Agency ~~shall~~ must provide such written consent when either of the following occurs:
 - A) An owner or operator substitutes ~~alternate~~ alternative financial assurance as specified in this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.
 - 11) The surety will not be liable for deficiencies in the performance of post-closure care by the owner or operator after the Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.
- d) Post-closure letter of credit.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit ~~which that~~ conforms to the requirements of this subsection (d) and submitting the letter to the Agency. An owner or operator of a new facility ~~shall~~ must submit the letter of credit to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The letter of credit must be effective before this initial receipt of hazardous waste. The issuing institution must be an entity ~~which that~~ has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a ~~Federal~~ federal or State agency.
 - 2) The wording of the letter of credit must be ~~as that~~ specified in Section 724.251.
 - 3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section ~~shall~~ must also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency ~~will~~ must be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a) of this Section, except ~~that~~ as follows:
 - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the letter of credit; and

- B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:
- i) Payments into the trust fund, as specified in subsection (a) of this Section;
 - ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current post-closure cost estimates;
 - iii) Annual valuations, as required by the trust agreement; and
 - iv) Notices of nonpayment, as required by the trust agreement.
- 4) The letter or credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: the ~~EPA Identification Number~~ USEPA identification number, name and address of the facility, and the amount of funds assured for post-closure care of the facility by the letter of credit.
 - 5) The letter of credit must be irrevocable and issued for a period of at least ~~4~~ one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least ~~4~~ one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.
 - 6) The letter of credit must be issued in an amount at least equal to the current post-closure cost estimate, except as provided in subsection (g) of this Section.
 - 7) Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, within 60 days after the increase, ~~shall~~ must either cause the amount of the credit to be increased so that it at least equals the current post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the amount of

the credit may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.

- 8) During the period of post-closure care, the Agency ~~shall~~ must approve a decrease in the amount of the letter of credit if the owner or operator demonstrates to the Agency that the amount exceeds the remaining cost of post-closure care.
 - 9) Following a final judicial determination or Board order finding that the owner or operator has failed to perform post-closure care in accordance with the approved post-closure plan and other permit requirements, the Agency may draw on the letter of credit.
 - 10) If the owner or operator does not establish ~~alternate~~-alternative financial assurance, as specified in this Section, and obtain written approval of such ~~alternate~~-alternative assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency ~~shall~~ must draw on the letter of credit. The Agency may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the Agency ~~shall~~ must draw on the letter of credit if the owner or operator has failed to provide ~~alternate~~-alternative financial assurance, as specified in this Section, and obtain written approval of such assurance from the Agency.
 - 11) The Agency ~~shall~~ must return the letter of credit to the issuing institution for termination when either of the following occurs:
 - A) An owner or operator substitutes ~~alternate~~-alternative financial assurance, as specified in this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.
- e) Post-closure insurance.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining post-closure insurance ~~which that~~ conforms to the requirements of this subsection (e) and submitting a certificate of such insurance to the Agency. An owner or operator of a new facility ~~shall~~ must submit the certificate of insurance to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The insurance must be effective before this initial receipt of hazardous waste. At a minimum,

the insurer ~~shall~~ must be licensed to transact the business of insurance, or be eligible to provide insurance as an excess or surplus lines insurer, in one or more states.

- 2) The wording of the certificate of insurance must be ~~as that~~ specified in Section 724.251.
- 3) The post-closure insurance policy must be issued for a face amount at least equal to the current post-closure cost estimate, except as provided in subsection (g) of this Section. The term “face amount” means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer’s future liability will be lowered by the amount of the payments.
- 4) The post-closure insurance policy must guarantee that funds will be available to provide post-closure care of facility whenever the post-closure period begins. The policy must also guarantee that, once post-closure care begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties as the Agency specifies.
- 5) An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure care expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for post-closure activities, the Agency ~~shall~~ must instruct the insurer to make reimbursement in such amounts as the Agency specifies in writing if the Agency determines that the post-closure care expenditures are in accordance with the approved post-closure plan or otherwise justified. If the Agency does not instruct the insurer to make such reimbursements, the Agency ~~shall~~ must provide the owner or operator with a detailed written statement of reasons.
- 6) The owner or operator ~~shall~~ must maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator as specified in subsection (e)(11) of this Section. Failure to pay the premium, without substitution of ~~alternate~~ alternative financial assurance as specified in this Section, will constitute a significant violation of these regulations, warranting such remedy as the Board may impose pursuant to the Environmental Protection Act [415 ILCS 5]. Such violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination, or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.

- 7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.
- 8) The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination, or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur, and the policy will remain in full force and effect, in the event that on or before the date of expiration one of the following occurs:
- A) The Agency deems the facility abandoned;~~or~~
 - B) The permit is terminated or revoked or a new permit is denied;~~or~~
 - C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction;~~or~~
 - D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C. of the United States Code (Bankruptcy); or
 - E) The premium due is paid.
- 9) Whenever the current post-closure cost estimate increases to an amount greater than the face amount of the policy during the life of the facility, the owner or operator, within 60 days after the increase, ~~shall~~ must either cause the face amount to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency; or obtain other financial assurance, as specified in this Section, to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the face amount may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.
- 10) Commencing on the date that liability to make payments pursuant to the policy accrues, the insurer ~~shall~~ must thereafter annually increase the face

amount of the policy. Such increase must be equivalent to the face amount of the policy, less any payments made, multiplied by an amount equivalent to 85 percent of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. Treasury for 26-week Treasury securities.

11) The Agency ~~shall~~ must give written consent to the owner or operator that the owner or operator may terminate the insurance policy when either of the following occurs:

- A) An owner or operator substitutes ~~alternate~~ alternative financial assurance, as specified in this Section; or
- B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.

f) Financial test and corporate guarantee for post-closure care.

1) An owner or operator may satisfy the requirements of this Section by demonstrating that it passes a financial test as specified in this subsection (f). To pass this test the owner or operator ~~shall~~ must meet the criteria of either subsection (f)(1)(A) or (f)(1)(B) of this Section:

A) The owner or operator ~~shall~~ must have the following:

- i) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; ~~and~~
- ii) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates; ~~and~~
- iii) Tangible net worth of at least \$10 million; and
- iv) Assets in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

B) The owner or operator ~~shall~~ must have the following:

- i) A current rating for its most recent bond issuance of AAA, AA, A₁ or BBB as issued by Standard and Poor's or Aaa, Aa, A₂ or Baa as issued by Moody's; ~~and~~
 - ii) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates and current plugging and abandonment cost estimates; ~~and~~
 - iii) Tangible net worth of at least \$10 million; and
 - iv) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.
- 2) The phrase "current closure and post-closure cost estimates," as used in subsection (f)(1) of this Section, refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner's or operator's chief financial officer (40 CFR 264.151(f)), ~~(incorporated by reference in Section 724.251)~~. The phrase "current plugging and abandonment cost estimates," as used in subsection (f)(1) of this Section, refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner's or operator's chief financial officer (40 CFR 144.70(f), incorporated by reference in 35 Ill. Adm. Code 704.240).
- 3) To demonstrate that it meets this test, the owner or operator ~~shall~~ must submit the following items to the Agency:
- A) A letter signed by the owner's or operator's chief financial officer and worded, as specified in Section 724.251; and
 - B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and
 - C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating ~~that the~~ the following:
 - i) The accountant has compared the data ~~which~~ that the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial

statements for the latest fiscal year with the amounts in such financial statements; and

- ii) In connection with that procedure, no matters came to the accountant's attention ~~which~~ that caused the accountant to believe that the specified data should be adjusted.
- 4) An owner or operator of a new facility ~~shall~~ must submit the items specified in subsection (f)(3) of this Section to the Agency at least 60 days before the date on which hazardous waste is first received for disposal.
 - 5) After the initial submission of items specified in subsection (f)(3) of this Section, the owner or operator ~~shall~~ must send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3) of this Section.
 - 6) If the owner or operator no longer meets the requirements of subsection (f)(1) of this Section, the owner or operator ~~shall~~ must send notice to the Agency of intent to establish ~~alternate~~ alternative financial assurance, as specified in this Section. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements the owner or operator ~~shall~~ must provide the ~~alternate~~ alternative financial assurance within 120 days after the end of such fiscal year.
 - 7) ~~The Agency may, based~~ Based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (f)(1) of this Section, ~~the Agency may~~ require reports of financial condition at any time from the owner or operator in addition to those specified in subsection (f)(3) of this Section. If the Agency finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of subsection (f)(1) of this Section, the owner or operator ~~shall~~ must provide ~~alternate~~ alternative financial assurance, as specified in this Section, within 30 days after notification of such a finding.
 - 8) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B) of this Section). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency ~~shall~~ must evaluate other qualifications on an individual basis. The owner or operator ~~shall~~ must provide ~~alternate~~ alternative financial

assurance, as specified in this Section, within 30 days after notification of the disallowance.

- 9) During the period of post-closure care, the Agency ~~shall~~ must approve a decrease in the current post-closure cost estimate for which this test demonstrates financial assurance if the owner or operator demonstrates to the Agency that the amount of the cost estimate exceeds the remaining cost of post-closure care.
- 10) The owner or operator is no longer required to submit the items specified in subsection (f)(3) of this Section when either of the following occurs:
 - A) An owner or operator substitutes ~~alternate~~ alternative financial assurance, as specified in this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.
- 11) An owner or operator may meet the requirements of this Section by obtaining a written guarantee, hereafter referred to as “corporate guarantee.” The guarantor ~~shall~~ must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a “substantial business relationship” with the owner or operator. The guarantor ~~shall~~ must meet the requirements for owners or operators in subsections (f)(1) through (f)(9) ~~of this Section~~, and ~~shall~~ must comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be as that specified in Section 724.251. A certified copy of the corporate guarantee must accompany the items sent to the Agency, as specified in subsection (f)(3) of this Section. One of these items must be the letter from the guarantor’s chief financial officer. If the guarantor’s parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a “substantial business relationship” with the owner or operator, this letter must describe this “substantial business relationship” and the value received in consideration of the guarantee. The terms of the corporate guarantee must provide ~~that~~ as follows:
 - A) ~~If~~ That if the owner or operator fails to perform post-closure care of a facility covered by the corporate guarantee in accordance with the post-closure plan and other permit requirements whenever required to do so, the guarantor will do so or establish a trust fund

as specified in subsection (a) of this Section in the name of the owner or operator.

- B) ~~The~~That the corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
- C) ~~If~~That if the owner or operator fails to provide ~~alternate~~ alternative financial assurance as specified in this Section and obtain the written approval of such ~~alternate~~ alternative assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide such ~~alternate~~ alternative financial assurance in the name of the owner or operator.
- g) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this Section by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit and insurance. The mechanisms must be as specified in subsections (a), (b), (d), and (e) of this Section, respectively, except that it is the combination of mechanisms, rather than the single mechanism, ~~which that~~ must provide financial assurance for an amount at least equal to the current post-closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, it may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for post-closure care of the facility.
- h) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in this Section to meet the requirements of this Section for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, ~~the EPA Identification Number~~ USEPA identification number, name, address, and the amount of funds for post-closure care assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. The amount of funds available to the Agency must be sufficient to close all of the owner or operator's facilities. In directing funds available through the mechanism for post-closure care of any of the facilities

covered by the mechanism, the Agency may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

- i) Release of the owner or operator from the requirements of this Section. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that the post-closure care period has been completed for a hazardous waste disposal unit in accordance with the approved plan, the Agency ~~shall~~ must notify the owner or operator that it is no longer required to maintain financial assurance for post-closure care of that unit, unless the Agency determines that post-closure care has not been in accordance with the approved post-closure plan. The Agency ~~shall~~ must provide the owner or operator with a detailed written statement of any such determination that post-closure care has not been in accordance with the approved post-closure plan.
- j) Appeal. The following Agency actions are deemed to be permit modifications or refusals to modify for purposes of appeal to the Board (35 Ill. Adm. Code 702.184(e)(3)):
 - 1) An increase in; or a refusal to decrease the amount of; a bond, letter of credit, or insurance;
 - 2) Requiring ~~alternate~~ alternative assurance upon a finding that an owner or operator; or parent corporation; no longer meets a financial test.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.246 Use of a Mechanism for Financial Assurance of Both Closure and ~~Post-closure~~ Post-Closure Care

An owner or operator may satisfy the requirements for financial assurance for both closure and post-closure care for one or more facilities by using a trust fund, surety bond, letter of credit, insurance, financial test, or corporate guarantee that meets the specifications for the mechanism in both Sections 724.243 and 724.245. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for financial assurance of closure and of post-closure care.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.247 Liability Requirements

- a) Coverage for sudden accidental occurrences. An owner or operator of a hazardous waste treatment, storage, or disposal facility, or a group of such

facilities, ~~shall~~ must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator ~~shall~~ must have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated as specified in subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), or (a)(6) ~~below of this Section~~:

- 1) An owner or operator may demonstrate the required liability coverage by having liability insurance, as specified in this subsection (a).
 - A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be ~~as that~~ specified in Section 724.251. The wording of the certificate of insurance must be ~~as that~~ specified in Section 724.251. The owner or operator ~~shall~~ must submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator ~~shall~~ must provide a signed duplicate original of the insurance policy. An owner or operator of a new facility ~~shall~~ must submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The insurance must be effective before this initial receipt of hazardous waste.
 - B) Each insurance policy must be issued by an insurer ~~which~~ that is licensed by the Illinois Department of Insurance.
- 2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage, as specified in subsections (f) and (g) ~~below of this Section~~.
- 3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage, as specified in subsection (h) ~~below of this Section~~.
- 4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage, as specified in subsection (i) ~~below of this Section~~.

- 5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage, as specified in subsection (j) ~~below~~ of this Section.
 - 6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond, and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under this subsection (a), the owner or operator ~~shall~~ must specify at least one such assurance as “primary” coverage, and ~~shall~~ must specify other such assurance as “excess” coverage.
 - 7) An owner or operator ~~shall~~ must notify the Agency within 30 days whenever any of the following occurs:
 - A) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in subsections (a)(1) through (a)(6) ~~above~~ of this Section;
 - B) A Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage under subsections (a)(1) through (a)(6) ~~above~~ of this Section; or
 - C) A final court order establishing a judgement for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage under subsections (a)(1) through (a)(6) ~~above~~ of this Section.
- b) Coverage for nonsudden accidental occurrences. An owner or operator of a surface impoundment, landfill, land treatment facility, or disposal miscellaneous unit ~~which that~~ is used to manage hazardous waste, or a group of such facilities, ~~shall~~ must demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from

operations of the facility or group of facilities. The owner or operator ~~shall~~ must have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least \$3 million per occurrence with an annual aggregate of at least \$6 million, exclusive of legal defense costs. An owner or operator meeting the requirements of this Section may combine the required per-occurrence coverage levels for sudden and nonsudden accidental occurrences into a single per-occurrence level, and combine the required annual aggregate coverage levels for sudden and nonsudden accidental occurrences into a single annual aggregate level. Owners or operators who combine coverage levels for sudden and nonsudden accidental occurrences ~~shall~~ must maintain liability coverage in the amount of at least \$4 million per occurrence and \$8 million annual aggregate. This liability coverage may be demonstrated as specified in subsections (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), or (b)(6) ~~below of this Section:~~

- 1) An owner or operator may demonstrate the required liability coverage by having liability insurance, as specified in this subsection (b).
 - A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be ~~as that~~ specified in Section 724.251. The wording of the certificate of insurance must be ~~as that~~ specified in Section 724.251. The owner or operator ~~shall~~ must submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator ~~shall~~ must provide a signed duplicate original of the insurance policy. An owner or operator of a new facility ~~shall~~ must submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The insurance must be effective before this initial receipt of hazardous waste.
 - B) Each insurance policy must be issued by an insurer ~~which~~ that is licensed by the Illinois Department of Insurance.
- 2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage, as specified in subsections (f) and (g) ~~below of this Section.~~
- 3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage, as specified in subsection (h) ~~below of this Section.~~

- 4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage, as specified in subsection (i) ~~below~~ of this Section.
- 5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage, as specified in subsection (j) ~~below~~ of this Section.
- 6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond, and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under this subsection (b), the owner or operator ~~shall~~ must specify at least one such assurance as “primary” coverage; and ~~shall~~ must specify other such assurance as “excess” coverage.
- 7) An owner or operator ~~shall~~ must notify the Agency within 30 days whenever any of the following occurs:
 - A) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in subsections (b)(1) through (b)(6) ~~above~~ of this Section;
 - B) A Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage under subsections (b)(1) through (b)(6) ~~above~~ of this Section; or
 - C) A final court order establishing a ~~judgement~~ judgment for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage under subsections (b)(1) through (b)(6) ~~above~~ of this Section.

- c) Request for adjusted level of required liability coverage. If an owner or operator demonstrates to the Agency that the levels of financial responsibility required by ~~subsections~~ subsection (a) or (b)-above of this Section are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the owner or operator may obtain an adjusted level of required liability coverage from the Agency. The request for an adjusted level of required liability coverage must be submitted to the Agency as part of the application under 35 Ill. Adm. Code 703.182 for a facility that does not have a permit, or pursuant to the procedures for permit modification under 35 Ill. Adm. Code 705.128 for a facility that has a permit. If granted, the modification will take the form of an adjusted level of required liability coverage, such level to be based on the Agency assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The Agency may require an owner or operator who requests an adjusted level of required liability coverage to provide such technical and engineering information as is necessary to determine a level of financial responsibility other than that required by subsection (a) or (b)-~~above of this Section~~. Any request for an adjusted level of required liability coverage for a permitted facility will be treated as a request for a permit modification under 35 Ill. Adm. Code 703.271(e)(3) and 705.128.
- d) Adjustments by the Agency. If the Agency determines that the levels of financial responsibility required by subsection (a) or (b)-~~above of this Section~~ are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the Agency ~~shall~~ must adjust the level of financial responsibility required under subsection (a) or (b)-~~above of this Section~~ as may be necessary to protect human health and the environment. This adjusted level must be based on the Agency's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the Agency determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill, or land treatment facility, the Agency may require that an owner or operator of the facility comply with subsection (b)-~~above of this Section~~. An owner or operator ~~shall~~ must furnish to the Agency, within a time specified by the Agency in the request, which must be not be less than 30 days, any information ~~which~~ that the Agency requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustment of the level or type of coverage for a facility that has a permit will be treated as a permit modification under 35 Ill. Adm. Code 703.271(e)(3) and 705.128.
- e) Period of coverage. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency ~~shall~~ must notify the owner or operator in writing that the owner or operator is no

longer required by this Section to maintain liability coverage for that facility, unless the Agency determines that closure has not been in accordance with the approved closure plan.

- f) Financial test for liability coverage.
- 1) An owner or operator may satisfy the requirements of this Section by demonstrating that it passes a financial test as specified in this subsection (f). To pass this test the owner or operator ~~shall~~ must meet the criteria of subsection (f)(1)(A) or ~~(f)(1)(B)~~ below of this Section:
 - A) The owner or operator ~~shall~~ must have the following:
 - i) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by this test; ~~and~~
 - ii) Tangible net worth of at least \$10 million; and
 - iii) Assets in the United States amounting to either of the following: at least 90 percent of the total assets; or at least six times the amount of liability coverage to be demonstrated by this test.
 - B) The owner or operator ~~shall~~ must have the following:
 - i) A current rating for its most recent bond issuance of AAA, AA, A₂ or BBB as issued by Standard and Poor's, or Aaa, Aa, A₂ or Baa as issued by Moody's; ~~and~~
 - ii) Tangible net worth of at least \$10 million; ~~and~~
 - iii) Tangible net worth at least six times the amount of liability coverage to be demonstrated by this test; and
 - iv) Assets in the United States amounting to either of the following: at least 90 percent of the total assets; or at least six times the amount of liability coverage to be demonstrated by this test.
 - 2) The phrase "amount of liability coverage₁" as used in subsection (f)(1) ~~above of this Section~~, refers to the annual aggregate amounts for which coverage is required under subsections (a) and (b) ~~above of this Section~~.

- 3) To demonstrate that it meets this test, the owner or operator ~~shall~~ must submit the following three items to the Agency:
- A) A letter signed by the owner's or operator's chief financial officer and worded as specified in Section 724.251. If an owner or operator is using the financial test to demonstrate both assurance for closure or post-closure care, as specified by Sections 724.243(f) and 724.245(f) and 35 Ill. Adm. Code 725.243(e) and 725.245(e), and liability coverage, it ~~shall~~ must submit the letter specified in Section 724.251 to cover both forms of financial responsibility; a separate letter, as specified in Section 724.251, is not required.
 - B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year.
 - C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating ~~that the~~ the following:
 - i) The accountant has compared the data ~~which that~~ that the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
 - ii) In connection with that procedure, no matters came to the accountant's attention ~~which that~~ that caused the accountant to believe that the specified data should be adjusted.
- 4) An owner or operator of a new facility ~~shall~~ must submit the items specified in subsection (f)(3) ~~above~~ of this Section to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal.
- 5) After the initial submission of items specified in subsection (f)(3) ~~above~~ of this Section, the owner or operator ~~shall~~ must send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3) ~~above~~ of this Section.
- 6) If the owner or operator no longer meets the requirements of subsection (f)(1) ~~above~~ of this Section, the owner or operator ~~shall~~ must obtain

insurance, a letter of credit, a surety bond, a trust fund, or a guarantee for the entire amount of required liability coverage as specified in this Section. Evidence of insurance must be submitted to the Agency within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.

- 7) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B) ~~above of this Section~~). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency ~~shall~~ must evaluate other qualifications on an individual basis. The owner or operator ~~shall~~ must provide evidence of insurance for the entire amount of required liability coverage, as specified in this Section, within 30 days after notification of disallowance.

g) Guarantee for liability coverage.

- 1) Subject to subsection (g)(2) ~~below of this Section~~, an owner or operator may meet the requirements of this Section by obtaining a written guarantee, referred to as a "guarantee." The guarantor ~~shall~~ must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor ~~shall~~ must meet the requirements for owners and operators in subsections (f)(1) through (f)(6) ~~above of this Section~~. The wording of the guarantee must be ~~as that~~ as specified in Section 724.251. A certified copy of the guarantee must accompany the items sent to the Agency, as specified in subsection (f)(3) ~~above of this Section~~. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the guarantee must provide ~~that~~ for the following:

- A) If the owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden or nonsudden accidental occurrences (or both as the case may be), arising from the operation of facilities covered by this guarantee, or if the owner or

operator fails to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage, that the guarantor will do so up to the limits of coverage.

- B) ~~The~~That the guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. The guarantee must not be terminated unless and until the Agency approves ~~alternate~~alternative liability coverage complying with Section 724.247 or 35 Ill. Adm. Code 725.247.
- 2) The guarantor ~~shall~~ must execute the guarantee in Illinois. The guarantee ~~shall~~ must be accompanied by a letter signed by the guarantor ~~which~~ that states ~~that~~ as follows:
- A) The guarantee was signed in Illinois by an authorized agent of the guarantor;
- B) The guarantee is governed by Illinois law; and
- C) The name and address of the guarantor's registered agent for service of process.
- 3) The guarantor ~~shall~~ must have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1983 (~~Ill. Rev. Stat. 1991, ch. 32, par. 5.05~~ [805 ILCS 5/5.05]) or Section 105.05 of the General Not-for-Profit Corporation Act of 1986 (~~Ill. Rev. Stat. 1991, ch. 32, par. 105.05~~ [805 ILCS 105/105.05]).
- h) Letter of credit for liability coverage.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit ~~which~~ that conforms to the requirements of this subsection (h), and submitting a copy of the letter of credit to the Agency.
- 2) The financial institution issuing the letter of credit ~~shall~~ must be an entity ~~which~~ that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies.
- 3) The wording of the letter of credit must be ~~as~~ that specified in Section 724.251.

- 4) An owner or operator who uses a letter of credit to satisfy the requirements of this Section may also establish a trust fund. Under the terms of such a letter of credit, all amounts paid pursuant to a draft by the trustee of the standby trust in accordance with instructions from the trustee. The trustee of the standby trust fund must be an entity ~~which~~ that has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act (~~Ill. Rev. Stat. 1991, ch. 32, par. 1551-1 et seq.~~ [205 ILCS 620/1-1 et seq.]).
 - 5) The wording of the standby trust fund must be identical to ~~the wording that~~ specified in Section 724.251(n).
- i) Surety bond for liability coverage.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond ~~which~~ that conforms to the requirements of this subsection (i) and submitting a copy of the bond to the Agency.
 - 2) The surety company issuing the bond ~~shall~~ must be licensed by the Illinois Department of Insurance.
 - 3) The wording of the surety bond must be ~~as~~ that specified in Section 724.251.
- j) Trust fund for liability coverage.
- 1) An owner or operator may satisfy the requirements of this Section by establishing a trust fund ~~which~~ that conforms to the requirements of this subsection (j) and submitting a signed, duplicate original of the trust agreement to the Agency.
 - 2) The trustee ~~shall~~ must be an entity ~~which~~ that has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act. (~~Ill. Rev. Stat. 1991, ch. 32, par. 1551-1 et seq.~~ [205 ILCS 620/1-1 et seq.]).
 - 3) The trust fund for liability coverage must be funded for the full amount of the liability coverage to be provided by the trust fund before it may be relied upon to satisfy the requirements of this Section. If at any time after the trust fund is created the amount of funds in the trust fund is reduced below the full amount of liability coverage to be provided, the owner or operator, by the anniversary of the date of establishment of the fund, ~~shall~~

must either add sufficient funds to the trust fund to cause its value to equal the full amount of liability coverage to be provided, or obtain other financial assurance as specified in this Section to cover the difference. For purposes of this subsection (j), “the full amount of the liability coverage to be provided” means the amount of coverage for sudden and nonsudden accidental occurrences required to be provided by the owner or operator by this Section, less the amount of financial assurance for liability coverage ~~which that~~ is being provided by other financial assurance mechanisms being used to demonstrate financial assurance by the owner or operator.

- 4) The wording of the trust fund must be ~~as~~ that specified in Section 724.251.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.248 Incapacity of Owners or Operators, Guarantors, or Financial Institutions

- a) An owner or operator must notify the Agency by certified mail of the commencement of a voluntary or involuntary proceeding under ~~11 U.S.C. Title 11 of the United States Code~~ (Bankruptcy) naming the owners or operators as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee, as specified in Sections 724.243(f) and 724.245(f), must make such a notification if he is named as a debtor, as required under the terms of the corporate guarantee (40 CFR 264.151(h), incorporated by reference in Section 724.251).
- b) An owner or operator who fulfills the requirements of Sections 724.243, 724.245, or 724.247 by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within 60 days after such an event.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.251 Wording of the Instruments

The Board incorporates by reference 40 CFR 264.151 (1992), ~~as amended at 59 Fed. Reg. 29960, June 10, 1994 (2002)~~. This Section ~~incorporates~~ incorporation includes no later amendments or editions. The Agency ~~shall~~ must promulgate standardized forms based on 40 CFR 264.151 with such changes in wording as are necessary under Illinois law. Any owner or operator required to

establish financial assurance under this Subpart ~~H~~ shall must do so only upon the standardized forms promulgated by the Agency. The Agency ~~shall must~~ reject any financial assurance document that is not submitted on such standardized forms.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section 724.270 Applicability

The regulations in this Subpart ~~I~~ apply to ~~owners and operators~~ the owner or operator of a ~~all a~~ hazardous waste ~~facilities~~ facility that ~~store~~ stores containers of hazardous waste, except as Section 724.101 provides otherwise.

~~(Board Note: BOARD NOTE: Under Sections 721.107 and 721.133(c), if a hazardous waste is emptied from a container the residue remaining in the container is not considered a hazardous waste if the container is "empty," as defined in Section 721.107. In that event, management of the container is exempt from the requirements of this Subpart I.)~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.271 Condition of Containers

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects, etc.) or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that complies with the requirements of this Part.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.272 Compatibility of Waste ~~With~~ with Container

The owner or operator must use a container made of or lined with materials ~~which that~~ will not react with, and which are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.273 Management of Containers

- a) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

- b) A container holding hazardous waste must not be opened, handled, or stored in a manner ~~which~~ that may rupture the container or cause it to leak.

~~(Board Note: BOARD NOTE: Reuse of containers in transportation is governed by U.S. Department of Transportation regulations including those set forth in 49 CFR 173.28.)~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.274 Inspections

At least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.

~~(Board Note: BOARD NOTE: See Sections 724.115(c) and 724.271 for remedial action required if deterioration or leaks are detected.)~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.275 Containment

- a) Container storage areas must have a containment system that is designed and operated in accordance with ~~paragraph subsection (b) of this Section~~, except as otherwise provided by ~~paragraph subsection (c) of this Section~~.
- b) A containment system must be designed and operated as follows:
- 1) A base must underlay the containers ~~which~~ that is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.
 - 2) The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;
 - 3) The containment system must have sufficient capacity to contain ~~40%~~ 10 percent of the volume of containers or the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination;

- 4) Run-on into the containment system must be prevented, unless the collection system has sufficient excess capacity in addition to that required in paragraph subsection (b)(3) of this Section to contain any run-on ~~which that~~ might enter the system; and
- 5) Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.

~~(Board note: BOARD NOTE: If the collected material is a hazardous waste, it must be managed as a hazardous waste in accordance with all applicable requirements. If the collected material is discharged through a point source to waters of the State, it is subject to the National Pollution Discharge Elimination System (NPDES) permit requirement of Section 12(f) of the Environmental Protection Act [415 ILCS 5/12(f)] and 35 Ill. Adm. Code 309.102).~~

- c) Storage areas that store containers holding only wastes that do not contain free liquids need not have a containment system defined by paragraph subsection (b) of this Section, except as provided by paragraph subsection (d) of this Section, or provided ~~that~~ as follows:
 - 1) ~~The~~ That the storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation, or
 - 2) ~~The~~ That the containers are elevated or are otherwise protected from contact with accumulated liquid.
- d) Storage areas that store containers holding the wastes listed below that do not contain free liquids must have a containment system defined by paragraph subsection (b) of this Section: F020, F021, F022, F023, F026, and F027.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.276 Special Requirements for Ignitable or Reactive Waste

Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line.

~~(Board Note: BOARD NOTE: See Section 724.117(a) for additional requirements.)~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.277 Special Requirements for Incompatible Wastes

- a) Incompatible wastes, or incompatible wastes and materials (see Appendix E for examples), must not be placed in the same container, unless Section 724.117(b) is complied with.
- b) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material.

~~(Board note: As required by Section 724.113, the waste analysis plan must include analyses needed to comply with Section 724.277. Also Section 724.117(c) requires waste analyses, trial tests or other documentation to assure compliance with Section 724.117(b). As required by Section 724.173, the owner or operator must place the results of each waste analysis and trial test, and any documented information, in the operating record of the facility.)~~

- c) A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

~~(Board note: BOARD NOTE: The purpose of this Section is to prevent fires, explosions, gaseous emission, leaching, or other discharge of hazardous waste or hazardous waste constituents which that could result from the mixing of incompatible wastes or materials if containers break or leak.)~~ As required by Section 724.113, the waste analysis plan must include analyses needed to comply with Section 724.277. Also Section 724.117(c) requires waste analyses, trial tests, or other documentation to assure compliance with Section 724.117(b). As required by Section 724.173, the owner or operator must place the results of each waste analysis and trial test, and any documented information, in the operating record of the facility.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.278 Closure

At closure, all hazardous waste and hazardous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed.

~~(Board Note: BOARD NOTE: At closure, as throughout the operating period, unless the owner or operator can demonstrate in accordance with 35 Ill. Adm. Code 721.103(d) that the solid waste removed from the containment system is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 725.)~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.279 Air Emission Standards

The owner or operator ~~shall~~ must manage all hazardous waste placed in a container in accordance with the requirements of ~~724.279~~ Subparts AA, BB, and CC of this Part.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART J: TANK SYSTEMS

Section 724.290 Applicability

The requirements of this Subpart J apply to owners and operators of facilities that use tank systems for storing or treating hazardous waste, except as otherwise provided in ~~subsections~~ subsection (a), (b), or (c) ~~below~~ of this Section or in Section 724.101.

- a) Tank systems that are used to store or treat hazardous waste that contains no free liquids and are situated inside a building with an impermeable floor are exempted from the requirements in Section 724.293. To demonstrate the absence or presence of free liquids in the stored or treated waste, the following test must be used: ~~U.S. EPA USEPA~~ Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes Physical/Chemical Methods" ~~U.S. EPA USEPA~~ Publication No. SW-846), incorporated by reference in 35 Ill. Adm. Code 720.111.
- b) Tank systems, including sumps, are defined in 35 Ill. Adm. Code 720.110, that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempted from the requirements in Section 724.293(a).
- c) Tanks, sumps, and other such collection devices or systems used in conjunction with drip pads, as defined in 35 Ill. Adm. Code 720.110 and regulated under Subpart W of this Part, must meet the requirements of this Subpart J.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.291 Assessment of Existing Tank ~~System's~~ System Integrity

- a) For each existing tank system that does not have secondary containment meeting the requirements of Section 724.293, the owner or operator ~~shall~~ must determine either that the tank system is not leaking or that it is unfit for use. Except as provided in subsection (c) of this Section, the owner or operator ~~shall~~ must, by January 12, 1988, obtain and keep on file at the facility a written assessment

reviewed and certified by an independent, qualified registered professional engineer, in accordance with 35 Ill. Adm. Code 702.126(d), that attests to the tank system's integrity.

- b) This assessment must determine whether the tank system is adequately designed and has sufficient structural strength and compatibility with the ~~waste(s)~~ wastes to be stored or treated, to ensure that it will not collapse, rupture, or fail. At a minimum, this assessment must consider the following:
- 1) Design ~~standard(s)~~ standards, if available, according to which the tank and ancillary equipment were constructed;
 - 2) Hazardous characteristics of the ~~waste(s)~~ wastes that have been and will be handled;
 - 3) Existing corrosion protection measures;
 - 4) Documented age of the tank system, if available (otherwise an estimated estimate of the age); and
 - 5) Results of a leak test, internal inspection, or other tank integrity examination such so that the following is true:
 - A) For non-enterable underground tanks, the assessment must include a leak test that is capable of taking into account the effects of temperature variations, tank end deflection, vapor pockets, and high water table effects, and
 - B) For other than non-enterable underground tanks and for ancillary equipment, this assessment must include either a leak test, as described above, or other integrity examination, that is certified by an independent, qualified, registered professional engineer in accordance with 35 Ill. Adm. Code 702.126(d), that address cracks, leaks, corrosion, and erosion.
- ~~(Board Note:)~~ **BOARD NOTE:** The practices described in the American Petroleum Institute (API) Publication, Guide for Inspection of Refinery Equipment, Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks," incorporated by reference in 35 Ill. Adm. Code 720.111, may be used, where applicable, as guidelines in conducting other than a leak test.
- c) Tank systems that store or treat materials that become hazardous wastes subsequent to July 14, 1986, must conduct this assessment within 12 months after the date that the waste becomes a hazardous waste.

- d) If, as a result of the assessment conducted in accordance with subsection (a) of this Section, a tank system is found to be leaking or unfit for use, the owner or operator ~~shall~~ must comply with the requirements of Section 724.296.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.292 Design and Installation of New Tank Systems or Components

- a) Owners or operators of new tank systems or components ~~shall~~ must obtain and submit to the Agency, at time of submittal of Part B information, a written assessment, reviewed and certified by an independent, qualified registered professional engineer, in accordance with 35 Ill. Adm. Code 702.126(d), attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. The assessment must show that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the ~~waste(s)~~ wastes to be stored or treated and corrosion protection to ensure that it will not collapse, rupture, or fail. This assessment, which will be used by the Agency to review and approve or disapprove the acceptability of the tank system design, must include, at a minimum, the following information:
- 1) Design ~~standard(s)~~ standards according to which ~~tank(s)~~ tanks and/or the ancillary equipment are constructed;
 - 2) Hazardous characteristics of the ~~waste(s)~~ wastes to be handled;
 - 3) For new tank systems or components in which the external shell of a metal tank or any external metal component of the tank system will be in contact with the soil or with water, a determination by a corrosion expert of the following:
 - A) Factors affecting the potential for corrosion, including but not limited to the following:
 - i) Soil moisture content;
 - ii) Soil pH;
 - iii) Soil sulfide level;
 - iv) Soil resistivity;

- v) Structure to soil potential;
 - vi) Influence of nearby underground metal structures (e.g., piping);
 - vii) Existence of stray electric current;
 - viii) Existing corrosion-protection measures (e.g., coating, cathodic protection, etc.); and
- B) The type and degree of external corrosion protection that are needed to ensure the integrity of the tank system during the use of the tank system or component, consisting of one or more of the following:
- i) Corrosion-resistant materials of construction, such as special alloys, fiberglass reinforced plastic, etc.;
 - ii) Corrosion-resistant coating, (such as epoxy, fiberglass, etc.), with cathodic protection (e.g., impressed current or sacrificial anodes); and
 - iii) Electrical isolation devices, such as insulating joints, flanges, etc.
- ~~(Board note: BOARD NOTE: The practices described in the National Association of Corrosion Engineers (NACE) standard, "Recommended Practice (RP-02-85) Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and API Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, incorporated by reference in 35 Ill. Adm. Code 720.111, may be used, where applicable, as guidelines in providing corrosion protection for tank systems.)~~
- 4) For underground tank system components that are likely to be adversely affected by vehicular traffic, a determination of design or operational measures that will protect the tank system against potential damage; and
 - 5) Design considerations to ensure ~~that~~ the following:
 - A) ~~Tank~~ That tank foundations will maintain the load of a full tank;

- B) ~~Tank~~That tank systems will be anchored to prevent flotation or dislodgment where the tank system is placed in a saturated zone, or is located within a seismic fault zone subject to the standards of Section 724.118(a); and
- C) ~~Tank~~That tank systems will withstand the effects of frost heave.
- b) The owner or operator of a new tank system ~~shall~~ must ensure that proper handling procedures are adhered to in order to prevent damage to the system during installation. Prior to covering, enclosing or placing a new tank system or component in use, an independent qualified installation inspector or an independent, qualified, registered professional engineer, either of whom is trained and experienced in the proper installation of tank systems or components, must inspect the system for the presence of any of the following items:
- 1) Weld breaks;
 - 2) Punctures;
 - 3) Scrapes of protective coatings;
 - 4) Cracks;
 - 5) Corrosion;
 - 6) Other structural damage or inadequate ~~construction/installation~~ construction or installation. All discrepancies must be remedied before the tank system is covered, enclosed, or placed in use.
- c) New tank systems or components that are placed underground and ~~that~~ which are backfilled must be provided with a backfill material that is a noncorrosive, porous, and homogeneous substance ~~and that~~ which is installed so that the backfill is placed completely around the tank and compacted to ensure that the tank and piping are fully and uniformly supported.
- d) All new tanks and ancillary equipment must be tested for tightness prior to being covered, enclosed or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the ~~leak(s)~~ leaks in the system must be performed prior to the tank system being covered, enclosed, or placed into use.
- e) Ancillary equipment must be supported and protected against physical damage and excessive stress due to settlement, vibration, expansion, or contraction.

~~(Board note: BOARD NOTE: The piping system installation procedures described in API Publication 1615, "Installation of Underground Petroleum Storage Systems"; or American National Standards Institute (ANSI) Standard B31.3, "Petroleum Refinery Piping"; and ANSI Standard B31.4 "Liquid Petroleum Transportation Piping Systems," incorporated by reference in 35 Ill. Adm. Code 720.111, may be used where applicable, as guidelines for proper installation of piping systems.)~~

- f) The owner or operator ~~shall~~ must provide the type and degree of corrosion protection recommended by an independent corrosion expert, based on the information provided under subsection (a)(3) of this Section, or other corrosion protection if the Agency determines that other corrosion protection is necessary to ensure the integrity of the tank system during use of the tank system. The installation of a corrosion protection system that is field fabricated must be supervised by an independent corrosion expert to ensure proper installation.
- g) The owner or operator ~~shall~~ must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of subsections (b) through (f) of this Section, that attest that the tank system was properly designed and installed and that repairs, pursuant to subsections (b) and (d) of this Section, were performed. These written statements must also include the certification statement, as required in 35 Ill. Adm. Code 702.126(d).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.293 Containment and Detection of Releases

- a) In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this Section must be provided (except as provided in ~~subsection~~ subsections (f) and (g) of this Section).
- 1) For ~~all a new tank systems or components~~ system or component, prior to their being put into service;
 - 2) For all existing tank systems used to store or treat Hazardous Waste Numbers F020, F021, F022, F023, F026, or F027, as defined in 35 Ill. Adm. Code 721.131, within two years after January 12, 1987;
 - 3) For those existing tank systems of known and documented age, within two years after January 12, 1987, or when the tank system has reached 15 years of age, whichever comes later;

- 4) For those existing tank systems for which the age cannot be documented, within eight years of January 12, 1987; but if the age of the facility is greater than seven years, secondary containment must be provided by the time the facility reaches 15 years of age, or within two years of January 12, 1987, whichever comes later; and
 - 5) For tank systems that store or treat materials that become hazardous wastes subsequent to January 12, 1987, within the time intervals required in subsections (a)(1) through (a)(4) of this Section, except that the date that a material becomes a hazardous waste must be used in place of January 12, 1987.
- b) Secondary containment systems must ~~be~~ fulfill the following:
- 1) ~~Designed~~ It must be designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, groundwater, or surface water at any time during the use of the tank system; and
 - 2) ~~Capable~~ It must be capable of detecting and collecting releases and accumulated liquids until the collected material is removed.
- c) To meet the requirements of subsection (b) of this Section, secondary containment systems must, ~~be~~ at a minimum, fulfill the following:
- 1) ~~Constructed~~ It must be constructed of or lined with materials that are compatible with the ~~waste(s)~~ wastes to be placed in the tank system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which it is exposed, climatic conditions, and the stress of daily operation (including stresses from nearby vehicular traffic);
 - 2) ~~Placed~~ It must be placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression or uplift;
 - 3) ~~Provided~~ It must be provided with a leak-detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure or the presence of any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours, or at the earliest practicable time if the owner or operator demonstrates, by way of permit application, to the Agency that

existing detection technologies or site conditions will not allow detection of a release within 24 hours; and

- 4) ~~Sloped~~ It must be sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment system within 24 hours, or in as timely a manner as is possible to prevent harm to human health and the environment, if the owner or operator demonstrates to the Agency, by way of permit application, that removal of the released waste or accumulated precipitation cannot be accomplished within 24 hours.

BOARD NOTE: If the collected material is a hazardous waste under 35 Ill. Adm. Code 721, it is subject to management as a hazardous waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 725. If the collected material is discharged through a point source to waters of the State, it is subject to the NPDES permit requirement of Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309. If discharged to a Publicly Owned Treatment Work (POTW), it is subject to the requirements of 35 Ill. Adm. Code 307 and 310. If the collected material is released to the environment, it may be subject to the reporting requirements of 35 Ill. Adm. Code 750.410 and 40 CFR 302.6, incorporated by reference in 35 Ill. Adm. Code 720.111.

- d) Secondary containment for tanks must include one or more of the following devices:
- 1) A liner (external to the tank);
 - 2) A vault;
 - 3) A double-walled tank; or
 - 4) An equivalent device, as approved by the Board in an adjusted standards proceeding.
- e) In addition to the requirements of subsections (b), (c), and (d) of this Section, secondary containment systems must satisfy the following requirements:
- 1) ~~External~~ An external liner system system must be fulfill the following:
 - A) ~~Designed~~ It must be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary.

- B) ~~Designed~~ It must be designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system, unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event.
- C) ~~Free~~ It must be free of cracks or gaps; and
- D) ~~Designed~~ It must be designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the waste if the waste is released from the ~~tank(s)~~ tanks (i.e., it is capable of preventing lateral as well as vertical migration of the waste).
- 2) ~~Vault systems~~ A vault system must be fulfill the following:
- A) ~~Designed~~ It must be designed or operated to contain 100 percent of the capacity of the largest tank within the vault system's boundary;
- B) ~~Designed~~ It must be designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;
- C) ~~Constructed~~ It must be constructed with chemical-resistant water stops in place at all joints (if any);
- D) ~~Provided~~ It must be provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete;
- E) ~~Provided~~ It must be provided with a means to protect against the formation of and ignition of vapors within the vault, if the waste being stored or treated fulfills the following:
- i) ~~Meets~~ It meets the definition of ignitable waste under 35 Ill. Adm. Code 721.121; or
 - ii) ~~Meets~~ It meets the definition of reactive waste under 35 Ill. Adm. Code 721.123, and may form an ignitable or explosive vapor;

- F) ~~Provided~~ It must be provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.
- 3) ~~Double-walled tanks~~ A double-walled tank must be fulfill the following:
- A) ~~Designed~~ It must be designed as an integral structure (i.e., an inner tank completely enveloped within an outer shell) so that any release from the inner tank is contained by the outer shell;
- B) ~~Protected~~ It must be protected, if constructed of metal, from both corrosion of the primary tank interior and of the external surface of the outer shell; and
- C) ~~Provided~~ It must be provided with a built-in continuous leak detection system capable of detecting a release within 24 hours, or at the earliest practicable time, if the owner or operator demonstrates, by way of permit application, to the Agency that the existing detection technology or site conditions would not allow detection of a release within 24 hours.

BOARD NOTE: The provisions outlined in the Steel Tank Institute's (STI) "Standard for Dual Wall Underground Steel Storage Tanks," incorporated by reference in 35 Ill. Adm. Code 720.111, may be used as ~~guidelines~~ a guideline for aspects of the design of underground steel double-walled tanks.

- f) Ancillary equipment must be provided with secondary containment (e.g., trench, jacketing, double-walled piping, etc.) that meets the requirements of subsections (b) and (c) of this Section, ~~except for~~ as follows:
- 1) Aboveground piping (exclusive of flanges, joints, valves, and other connections) that are visually inspected for leaks on a daily basis;
 - 2) Welded flanges, welded joints, and welded connections; that are visually inspected for leaks on a daily basis;
 - 3) Sealless or magnetic coupling pumps and sealless valves; that are visually inspected for leaks on a daily basis; and
 - 4) Pressurized aboveground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown devices, loss of

pressure actuated shut-off devices, etc.) that are visually inspected for leaks on a daily basis.

- g) Pursuant to Section 28.1 of the Environmental Protection Act [415 ILCS 5/28.1], and in accordance with 35 Ill. Adm. Code ~~106. Subpart D~~ 101 and 104, an adjusted standard will be granted by the Board regarding alternative design and operating practices only if the Board finds either that the alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous waste or hazardous constituents into the groundwater or surface water at least as effectively as secondary containment during the active life of the tank system, or that in the event of a release that does migrate to groundwater or surface water, no substantial present or potential hazard will be posed to human health or the environment. New underground tank systems may not receive an adjusted standard from the secondary containment requirements of this Section through a justification in accordance with subsection (g)(2) of this Section.
- 1) When determining whether to grant alternative design and operating practices based on a demonstration of equivalent protection of groundwater and surface water, the Board will consider whether the petitioner has justified an adjusted standard based on the following factors:
 - A) The nature and quantity of the wastes;
 - B) The proposed ~~alternate~~ alternative design and operation;
 - C) The hydrogeologic setting of the facility, including the thickness of soils present between the tank system and groundwater; and
 - D) All other factors that would influence the quality and mobility of the hazardous constituents and the potential for them to migrate to groundwater or surface water.
 - 2) When determining whether to grant alternative design and operating practices based on a demonstration of no substantial present or potential hazard, the Board will consider whether the petitioner has justified an adjusted standard based on the following factors:
 - A) The potential adverse effects on groundwater, surface water and land quality taking into account, considering the following:
 - i) The physical and chemical characteristics of the waste in the tank system, including its potential for migration;

- ii) The hydrogeological characteristics of the facility and surrounding land;
 - iii) The potential for health risk caused by human exposure to waste constituents;
 - iv) The potential for damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and
 - v) The persistence and permanence of the potential adverse effects.
- B) The potential adverse effects of a release on groundwater quality, taking into account:
- i) The quantity and quality of groundwater and the direction of groundwater flow;
 - ii) The proximity and withdrawal rates of groundwater users;
 - iii) The current and future uses of groundwater in the area; and
 - iv) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality.
- C) The potential adverse effects of a release on surface water quality, taking the following into account:
- i) The quantity and quality of groundwater and the direction of groundwater flow;
 - ii) The patterns of rainfall in the region;
 - iii) The proximity of the tank system to surface waters;
 - iv) The current and future uses of surface waters in the area and water quality standards established for those surface waters; and

- v) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality.
- D) The potential adverse effect of a release on the land surrounding the tank system, taking the following into account:
- i) The patterns of rainfall in the region; and
 - ii) The current and future uses of the surrounding land.
- 3) The owner or operator of a tank system, for which alternative design and operating practices had been granted in accordance with the requirements of subsection (g)(1) of this Section, at which a release of hazardous waste has occurred from the primary tank system but which has not migrated beyond the zone of engineering control (as established in the alternative design and operating practices), ~~shall~~ must do the following:
- A) ~~Comply~~ It must comply with the requirements of Section 724.296, except Section 724.296(d); and
 - B) ~~Decontaminate~~ It must decontaminate or remove contaminated soil to the extent necessary to do the following:
 - i) Enable the tank system for which the alternative design and operating practices were granted to resume operation with the capability for the detection of releases at least equivalent to the capability it had prior to the release; and
 - ii) Prevent the migration of hazardous waste or hazardous constituents to groundwater or surface water; and
 - C) If contaminated soil cannot be removed or decontaminated in accordance with subsection (g)(3)(B) of this Section, the owner or operator must comply with the requirement of Section 724.297(b).
- 4) The owner or operator of a tank system, for which alternative design and operating practices had been granted in accordance with the requirements of subsection (g)(1) of this Section, at which a release of hazardous waste has occurred from the primary tank system and which has migrated beyond the zone of engineering control (as established in the alternative design and operating practices), ~~shall~~ must do the following:

- A) Comply with the requirements of Section 724.296(a),(b),(c), and (d); and
 - B) Prevent the migration of hazardous waste or hazardous constituents to groundwater or surface water, if possible, and decontaminate or remove contaminated soil. If contaminated soil cannot be decontaminated or removed, or if groundwater has been contaminated, the owner or operator ~~shall~~ must comply with the requirements of Section 724.297(b); and
 - C) If repairing, replacing or reinstalling the tank system, provide secondary containment in accordance with the requirements of subsections (a) through (f) of this Section, or make the alternative design and operating practices demonstration to the Board again, and meet the requirements for new tank systems in Section 724.292 if the tank system is replaced. The owner or operator ~~shall~~ must comply with these requirements even if contaminated soil is decontaminated or removed and groundwater or surface water has not been contaminated.
- h) In order to make an alternative design and operating practices, the owner or operator ~~shall~~ must follow the following procedures in addition to those specified in Section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code 106. Subpart D 101 and 104:
- 1) The owner or operator ~~shall~~ must file a petition for approval of alternative design and operating practices according to the following schedule:
 - A) For existing tank systems, at least 24 months prior to the date that secondary containment must be provided in accordance with subsection (a) of this Section.
 - B) For new tank systems, at least 30 days prior to entering into a contract for installation.
 - 2) As part of the petition, the owner or operator ~~shall~~ must also submit the following to the Board:
 - A) A description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps. The demonstration must address each of the factors listed in ~~subsections~~ subsection (g)(1) or (g)(2) of this Section; and

- B) The portion of the Part B permit application specified in 35 Ill. Adm. Code 703.202.
- 3) The owner or operator ~~shall~~ must complete its showing within 180 days after filing its petition for approval of alternative design and operating practices.
- 4) The Agency ~~shall~~ must issue or modify the RCRA permit so as to require the permittee to construct and operate the tank system in the manner that was provided in any Board order approving alternative design and operating practices.
- i) All tank systems, until such time as secondary containment that meets the requirements of this Section is provided, must comply with the following:
- 1) For non-enterable underground tanks, a leak test that meets the requirements of Section 724.291(b)(5) or other tank integrity methods, as approved or required by the Agency, must be conducted at least annually.
- 2) For other than non-enterable underground tanks, the owner or operator ~~shall~~ must do either of the following:
- A) Conduct a leak test, as in subsection (i)(1) of this Section, or
- B) Develop a schedule and procedure for an assessment of the overall condition of the tank system by an independent, qualified registered professional engineer. The schedule and procedure must be adequate to detect obvious cracks, leaks, and corrosion or erosion that may lead to cracks and leaks. The owner or operator ~~shall~~ must remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed. The frequency of these assessments must be based on the material of construction of the tank and its ancillary equipment, the age of the system, the type of corrosion or erosion protection used, the rate of corrosion or erosion observed during the previous inspection and the characteristics of the waste being stored or treated.
- 3) For ancillary equipment, a leak test or other integrity assessment, as approved by the Agency, must be conducted at least annually.

BOARD NOTE: The practices described in the API Publication, Guide for Inspection of Refinery Equipment, Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks," incorporated by reference in 35 Ill. Adm.

Code 720.111, may be used, where applicable, as ~~guidelines~~ a guideline for assessing the overall condition of the tank system.

- 4) The owner or operator ~~shall~~ must maintain on file at the facility a record of the results of the assessments conducted in accordance with subsections (i)(1) through (i)(3) of this Section.
- 5) If a tank system or component is found to be leaking or unfit for use as a result of the leak test or assessment in subsections (i)(1) through (1)(3) of this Section, the owner or operator ~~shall~~ must comply with the requirements of Section 724.296.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.294 General Operating Requirements

- a) Hazardous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.
- b) The owner or operator ~~shall~~ must use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These include the following at a minimum:
 - 1) Spill prevention controls (e.g., check valves, dry disconnect couplings, etc.);
 - 2) Overfill prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank); and
 - 3) Maintenance of sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.
- c) The owner or operator ~~shall~~ must comply with the requirements of Section 724.296 if a leak or spill occurs in the tank system.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.295 Inspections

- a) The owner or operator ~~shall~~ must develop and follow a schedule and procedure for inspecting overfill controls.

- b) The owner or operator ~~shall~~ must inspect the following at least once each operating day:
- 1) Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;
 - 2) Data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells, etc.) to ensure that the tank system is being operated according to its design; and
 - 3) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation, etc.).

~~(Board note: BOARD NOTE: Section 724.115(c) requires the owner or operator to remedy any deterioration or malfunction the owner or operator finds. Section 724.296 requires the owner or operator to notify the Agency within 24 hours of confirming a leak. Also 40 CFR 302 (1986) may require the owner or operator to notify the National Response Center of a release.)~~

- c) The owner or operator ~~shall~~ must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:
- 1) The proper operation of the cathodic protection system must be confirmed within six months after initial installation and annually thereafter; and
 - 2) All sources of impressed current must be inspected ~~and~~ or tested, as appropriate, at least bimonthly (i.e., every other month).

~~(Board note: BOARD NOTE: The practices described in the NACE Standard, RP-02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and API Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," incorporated by reference in 35 Ill. Adm. Code 720.111, may be used, where applicable, as guidelines in maintaining and inspecting cathodic protection systems.)~~

- d) The owner or operator ~~shall~~ must document in the operating record of the facility an inspection of those items in subsections (a) through (c) of this Section.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.296 Response to Leaks or Spills and Disposition of Leaking or ~~unfit for use~~
Unfit-for-Use Tank Systems

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator ~~shall~~ must satisfy the following requirements:

- a) Cease using; prevent flow or addition of wastes. The owner or operator ~~shall~~ must immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.
- b) Removal of waste from tank system or secondary containment system.
 - 1) If the release was from the tank system, the owner or operator ~~shall~~ must, within 24 hours after detection of the leak or as otherwise provided in the permit, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed.
 - 2) If the material released was to a secondary containment system, all released materials must be removed within 24 hours or as otherwise provided in the permit to prevent harm to human health and the environment.
- c) Containment of visible releases to the environment. The owner or operator ~~shall~~ must immediately conduct a visual inspection of the release and, based upon that inspection, do the following:
 - 1) Prevent further migration of the leak or spill to soils or surface water; and
 - 2) Remove, and properly dispose, of any visible contamination of the soil or surface water.
- d) Notifications, reports.
 - 1) Any release to the environment, except as provided in subsection (d)(2) of this Section, must be reported to the Agency within 24 hours of its detection.
 - 2) A leak or spill of hazardous waste is exempted from the requirements of ~~this paragraph~~ subsection (d) if it the following is true:

- A) ~~Less~~ The spill was less than or equal to a quantity of one (1) pound; and
 - B) ~~Immediately~~ It was immediately contained and cleaned up cleaned up.
- 3) Within 30 days of detection of a release to the environment, a report containing the following information must be submitted to the Agency:
- A) Likely route of migration of the release;
 - B) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate, etc.);
 - C) Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Agency as soon as they become available.
 - D) Proximity the downgradient drinking water, surface water, and populated areas; and
 - E) Description of response actions taken or planned.
- e) Provision of secondary containment, repair, or closure.
- 1) Unless the owner or operator satisfies the requirements of subsections (e)(2) through (e)(4) of this Section, the tank system must be closed in accordance with Section 724.297.
 - 2) If the cause of the release was a spill that has not damaged the integrity of the system, the owner or operator may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.
 - 3) If the cause of the release was a leak from the primary tank system into the secondary containment system, the system must be repaired prior to returning the tank system to service.
 - 4) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner or operator ~~shall~~ must provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of Section 724.293 before it can be returned to service, unless the source of the leak is an aboveground portion of a tank system that can be

inspected visually. If the source is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment, as long as the requirements of subsection (f) of this Section are satisfied. If a component is replaced to comply with the requirements of this subsection (e), that component must satisfy the requirements of new tank systems or components in Sections 724.292 and 724.293. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an ~~inground-in-ground~~ or ~~onground-on-ground~~ tank), the entire component must be provided with secondary containment in accordance with Section 724.293 prior to being returned to use.

- f) Certification of major repairs. If the owner or operator has repaired a tank system in accordance with subsection (e) of this Section, and the repair has been extensive (e.g., installation of an internal liner, repair, or a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner or operator has obtained a certification by an independent, qualified, registered professional engineer, in accordance with 35 Ill. Adm. Code 702.126(d), that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification must be submitted to the Agency within seven days after returning the tank system to use.

BOARD NOTE: See Section 724.115(c) for the requirements necessary to remedy a failure. Also, 40 CFR 302.6, incorporated by reference in 35 Ill. Adm. Code 720.111, may require the owner or operator to notify the National Response Center of certain releases.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.297 Closure and Post-Closure Care

- a) At closure of a tank system, the owner or operator ~~shall~~ must remove or decontaminate all waste residues, contained containment system components (liners, etc.), contaminated soils and structures and equipment contaminated with waste, and manage them as hazardous waste, unless 35 Ill. Adm. Code 721.103(d) applies. The closure plan, closure activities, cost estimates for closure and financial responsibility for tank systems must meet all of the requirements specified in Subparts G and H of this Part.
- b) If the owner or operator demonstrates to the Agency by way of permit application that not all contaminated soils can be practicably removed or decontaminated, as required in subsection (a) of this Section, then the owner or operator ~~shall~~ must

close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (Section 724.410). In addition, for the purposes of closure, post-closure and financial responsibility, such a tank system is then considered to be a landfill, and the owner or operator ~~shall~~ must meet all of the requirements for landfills specified in Subparts G and H of this Part.

- c) If an owner or operator has a tank system that does not have secondary containment ~~that~~ which meets the requirements of Section 724.193(b) through (f), and the owner and operator has not been granted alternative design and operating practices for secondary containment requirements in accordance with Section 724.293(g), then the following apply:
- 1) The closure plan for the tank system must include both a plan for complying with subsection (a) of this Section and a contingent plan for complying with subsection (b) of this Section.
 - 2) A contingent post-closure plan for complying with subsection (b) of this Section must be prepared and submitted as part of the permit application.
 - 3) The cost estimates calculated for closure and post-closure care must reflect the costs of complying with the contingent closure plan and the contingent post-closure plan; if those costs are greater than the costs of complying with the closure plan prepared for the expected closure under subsection (a) of this Section.
 - 4) Financial assurance must be based on the cost estimates in subsection (c)(3) of this Section.
 - 5) For the purposes of the contingent closure and post-closure plans, such a tank system is considered to be a landfill, and the contingent plans must meet all of the closure, post-closure, and financial responsibility requirements for landfills under Subparts G and H of this Part.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.298 Special Requirements for Ignitable or Reactive Waste

- a) Ignitable or reactive waste must not be placed in tank systems unless the following is true:
- 1) The waste is treated, rendered, or mixed before or immediately after placement in the tank system so that the following is true:

- A) The resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and
 - B) Section 724.117(b) is complied with; or
- 2) The waste is stored or treated in such a way that it is protected from any material or conditions ~~which~~ that may cause the waste to ignite or react; or
 - 3) The tank is used solely for emergencies.
- b) The owner or operator of a facility where ignitable or reactive waste is stored or treated in a tank must comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as ~~required in~~ required in tables 2-1 through 2-6 of the National Fire Protection Association’s “Flammable and Combustible Liquids Code,” NFPA 30, incorporated by reference in 35 Ill. Adm. Code 720.111).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.299 Special Requirements for Incompatible Wastes

- a) Incompatible wastes; or incompatible wastes and materials; must not be placed in the same tank system, unless Section 724.117(b) is complied with.
- b) Hazardous waste must not be placed in a tank system ~~which~~ that has not been decontaminated and which previously held an incompatible waste or material, unless Section 724.117(b) is complied with.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.300 Air Emission Standards

The owner or operator ~~shall~~ must manage all hazardous waste placed in a tank in accordance with the requirements of 724.Subparts AA, BB, and CC of this Part.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART K: SURFACE IMPOUNDMENTS

Section 724.320 Applicability

The regulations in this Subpart K apply to owners and operators of facilities that use surface impoundments to treat, store, or dispose of hazardous waste, except as Section 724.101 provides otherwise.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.321 Design and Operating Requirements

- a) Any surface impoundment that ~~it is~~ not covered by subsection (c) ~~below of this Section~~ or 35 Ill. Adm. Code 725.321 must have a liner for all portions of the impoundment (except for existing portions of such impoundment). The liner must be designed, constructed, and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the impoundment. The liner may be constructed of materials that may allow wastes to migrate into the liner (but not into the adjacent subsurface soil or groundwater or surface water) during the active life of the facility, provided that the impoundment is closed in accordance with Section 724.328(a)(1). For impoundments that will be closed in accordance with Section 724.328(a)(2), the liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life of the facility. The liner must be as follows:
- 1) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;
 - 2) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and
 - 3) Installed to cover all surrounding earth likely to be in contact with the waste or leachate.
- b) The owner or operator will be exempted from the requirements of subsection (a) ~~above of this Section~~ if the Board grants an adjusted standard pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code 106. Subpart G 101 and 104. The level of justification is a demonstration by the owner or operator that

~~alternate-alternative~~ design or operating practices, together with location characteristics, will prevent the migration of any hazardous constituents (see Section 724.193) into the groundwater or surface water at any future time. In deciding whether to grant an adjusted standard, the Board will consider the following:

- 1) The nature and quantity of the wastes;
 - 2) The proposed ~~alternate-alternative~~ design and operation;
 - 3) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the impoundment and groundwater or surface water; and
 - 4) All other factors ~~which~~ that would influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.
- c) The owner or operator of each new surface impoundment unit on which construction commences after January 29, 1992, each lateral expansion of a surface impoundment unit on which construction commences after July 29, 1992, and each replacement of an existing surface impoundment unit that is to commence reuse after July 29, 1992, ~~shall~~ must install two or more liners and a leachate collection and removal system between such liners. “Construction commences” is as defined in 35 Ill. Adm. Code 720.110, under the definition of “existing facility.”:
- 1) Liner requirements.
 - A) The liner system must include the following:
 - i) A top liner designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into such liner during the active life and post-closure care period; and
 - ii) A composite bottom liner, consisting of at least two components. The upper component must be designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into this component during the active life and post-closure care period. The lower component must be designed and constructed of materials to minimize the migration of hazardous constituents if a breach in the upper component were to

occur. The lower component must be constructed of at least 3 feet (91 cm) of compacted soil material with a hydraulic conductivity of no more than 1×10^{-7} cm/sec.

- B) The liners must comply with subsections (a)(1), (a)(2), and (a)(3) ~~above of this Section.~~
- 2) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system (LDS). This LDS must be capable of detecting, collecting, and removing leaks of hazardous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a LDS in this subsection (c) are satisfied by installation of a system that is, at a minimum, as follows:
- A) ~~Constructed~~ It is constructed with a bottom slope of one percent or more;
- B) ~~Constructed~~ It is constructed of granular drainage materials with a hydraulic conductivity of 1×10^{-1} cm/sec or more and a thickness of 12 inches (30.5 cm) or more; or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-4} m²/sec or more;
- C) ~~Constructed~~ It is constructed of materials that are chemically resistant to the waste managed in the surface impoundment and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes and any waste cover materials or equipment used at the surface impoundment;
- D) ~~Designed~~ It is designed and operated to minimize clogging during the active life and post-closure care period; and
- E) ~~Constructed~~ It is constructed with sumps and liquid removal methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own ~~sump(s)~~ sumps. The design of each sump and removal system must provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.

- 3) The owner or operator ~~shall~~ must collect and remove pumpable liquids in the sumps to minimize the head on the bottom liner.
 - 4) The owner or operator of a LDS that is not located completely above the seasonal high water table must demonstrate that the operation of the LDS will not be adversely affected by the presence of groundwater.
- d) Subsection (c) ~~above of this Section~~ will not apply if the owner or operator demonstrates to the Agency, and the Agency finds for such surface impoundment, that alternative design or operating practices, together with location characteristics, will do the following:
- 1) ~~Will It will~~ prevent the migration of any hazardous constituent into the groundwater or surface water at least as effectively as the liners and leachate collection and removal system specified in subsection (c) ~~above of this Section~~; and
 - 2) ~~Will It will~~ allow detection of leaks of hazardous constituents through the top liner at least as effectively.
- e) The double liner requirement set forth in subsection (c) ~~above of this Section~~ may be waived by the Agency for any monofill, if the following is true of the unit:
- 1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents ~~which that~~ would render the wastes hazardous for reasons other than the toxicity characteristic in 35 Ill. Adm. Code 721.124; and
 - 2) Design and location.
 - A) Liner, location, and groundwater monitoring.
 - i) The monofill has at least one liner for which there is no evidence that such liner is leaking. For the purposes of this subsection (e), the term “liner” means a liner designed, constructed, installed, and operated to prevent hazardous waste from passing into the liner at any time during the active life of the facility, or a liner designed, constructed, installed, and operated to prevent hazardous waste from migrating beyond the liner to adjacent subsurface soil, groundwater, or surface water at any time during the active life of the facility. In the case of any surface impoundment ~~which that~~ has been exempted from the requirements of

subsection (c) ~~above~~ of this Section on the basis of a liner designed, constructed, installed, and operated to prevent hazardous waste from passing beyond the liner, at the closure of such impoundment, the owner or operator must remove or decontaminate all waste residues, all contaminated liner material, and contaminated soil to the extent practicable. If all contaminated soil is not removed or decontaminated, the owner or operator of such impoundment will comply with appropriate post-closure requirements, including but not limited to groundwater monitoring and corrective action;

- ii) The monofill is located more than one-quarter mile from an underground source of drinking water (as that term is defined in 35 Ill. Adm. Code 702.110); and
 - iii) The monofill is in compliance with generally applicable groundwater monitoring requirements for facilities with permits; or
- B) The owner or operator demonstrates to the Board that the monofill is located, designed, and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time.
- f) The owner or operator of any replacement surface impoundment unit is exempt from subsection (c) ~~above~~ of this Section if the following is true of the unit:
- 1) The existing unit was constructed in compliance with the design standards of 35 Ill. Adm. Code 724.321(c), (d), and (e), ~~as amended in R86-1, at 10 Ill. Reg. 14119, effective August 12, 1986;~~ and
- BOARD NOTE: The cited subsections implemented the design standards of sections 3004 (o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act (42 U.S.C. USC 6901 et seq.).
- 2) There is no reason to believe that the liner is not functioning as designed.
- g) A surface impoundment must be designed, constructed, maintained, and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave action; rainfall; run-on; malfunctions of level controllers, alarms, and other equipment; and human error.

- h) A surface impoundment must have dikes that are designed, constructed, and maintained with sufficient structural integrity to prevent massive failure of the dikes. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the unit.
- i) The Agency ~~will~~ must specify in the permit all design and operating practices that are necessary to ensure that the requirements of this Section are satisfied.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.322 Action Leakage Rate

- a) The Agency ~~shall~~ must approve an action leakage rate for surface impoundment units subject to Section 724.321(c) or (d). The action leakage rate is the maximum design flow rate that the LDS can remove without the fluid head on the bottom liner exceeding 1 foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material, etc.), construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions (e.g., the action leakage rate must consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.).
- b) To determine if the action leakage rate has been exceeded, the owner or operator ~~shall~~ must convert the weekly or monthly flow rate from the monitoring data obtained under Section 724.326(d) to an average daily flow rate (gallons per acre per day) for each sump. The average daily flow rate for each sump must be calculated weekly during the active life and closure period and, if the unit is closed in accordance with Section 724.328(b), monthly during the post-closure care period, unless the Agency approves a different frequency pursuant to Section 724.326(d).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.323 Response Actions

- a) The owner or operator of surface impoundment units subject to Section 724.321(c) or (d) ~~shall~~ must have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in subsection (b) ~~below~~ of this Section.

- b) If the flow rate into the LDS exceeds the action leakage rate for any sump, the owner or operator ~~shall~~ must do the following:
- 1) Notify the Agency in writing of the exceedence within ~~7~~ seven days ~~of~~ after the determination;
 - 2) Submit a preliminary written assessment to the Agency within 14 days ~~of~~ after the determination, as to the amount of liquids, likely sources of liquids, possible location, size and cause of any leaks, and short-term actions taken and planned;
 - 3) Determine to the extent practicable the location, size, and cause of any leak;
 - 4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs or controls, and whether or not the unit should be closed;
 - 5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and
 - 6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Agency the results of the determinations specified in subsections (b)(3), (b)(4), and (b)(5) ~~above of this Section~~, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the LDS exceeds the action leakage rate, the owner or operator ~~shall~~ must submit to the Agency a report summarizing the results of any remedial actions taken and actions planned.
- c) To make the leak or remediation determinations in subsections (b)(3), (b)(4), and (b)(5) ~~above of this Section~~, the owner or operator ~~shall~~ must do either of the following:
- 1) Perform the following assessments:
 - A) Assess the source of liquids and amounts of liquids by source;
 - B) Conduct a fingerprint, hazardous constituent, or other analyses of the liquids in the LDS to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and
 - C) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or

- 2) Document why such assessments are not needed.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.326 Monitoring and Inspection

- a) During construction and installation, liners (except in the case of existing portions of surface impoundments exempt from Section 724.321(a)) and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation:
 - 1) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, and blisters; and
 - 2) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the permeability of that liner or cover.
- b) While a surface impoundment is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:
 - 1) Deterioration, malfunctions, or improper operation of overtopping control systems;
 - 2) Sudden drops in the level of the impoundment's contents; and,
 - 3) Severe erosion or other signs of deterioration in dikes or other containment devices.
- c) Prior to the issuance of a permit, and after any extended period of time (more than six months) during which the impoundment was not in service, the owner or operator ~~shall~~ must obtain a certification from a qualified engineer that the impoundment's dike, including that portion of any dike ~~which~~ that provides freeboard, has structural integrity. The certification must establish, in particular, that the following are true of the dike:
 - 1) ~~Will~~ It will withstand the stress of the pressure exerted by the types and amounts of wastes to be placed in the impoundment; and
 - 2) ~~Will~~ It will not fail due to scouring or piping, without dependence on any liner system included in the surface impoundment construction.

- d) Monitoring of LDS.
- 1) An owner or operator required to have a LDS under Section 724.321(c) or (d) ~~shall~~ must record the amount of liquids removed from each LDS sump at least once each week during the active life and closure period.
 - 2) After the final cover is installed, the amount of liquids removed from each LDS sump must be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps must be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two consecutive quarters, the amount of liquids in the sumps must be recorded at least semi-annually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the owner or operator ~~shall~~ must return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.
 - 3) “Pump operating level” is a liquid level proposed by the owner or operator pursuant to 35 Ill. Adm. Code 703.203(b)(5) and approved by the Agency based on pump activation level, sump dimensions, and level that avoids backup into the drainage layer and minimizes head in the sump.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.327 Emergency Repairs; Contingency Plans

- a) A surface impoundment must be removed from service in accordance with ~~paragraph~~ subsection (b) of this Section when either of the following occurs:
 - 1) The level of liquids in the impoundment suddenly drops and the drop is not known to be caused by changes in the flows into or out of the impoundment; or
 - 2) The dike leaks.
- b) When a surface impoundment must be removed from service as required by ~~paragraph~~ subsection (a) of this Section, the owner or operator must do the following:
 - 1) Immediately shut off the flow or stop the addition of wastes into the impoundment;

- 2) Immediately contain any surface leakage ~~which~~ that has occurred or is occurring;
 - 3) Immediately stop the leak;
 - 4) Take any other necessary steps to stop or prevent catastrophic failure;
 - 5) If a leak cannot be stopped by any other means, empty the impoundment; and
 - 6) Notify the Agency of the problem in writing within seven days after detecting the problem.
- c) As part of the contingency plan required in Subpart D of this Part, the owner or operator must specify a procedure for complying with the requirements of ~~paragraph~~ subsection (b) of this Section.
- d) No surface impoundment that has been removed from service in accordance with the requirements of this section may be restored to service unless the portion of the impoundment ~~which~~ that was failing is repaired and the following steps are taken:
- 1) If the impoundment was removed from service as the result of actual or imminent dike failure, the dike's structural integrity must be ~~recertified~~ re-certified in accordance with Section 724.326(c).
 - 2) If the impoundment was removed from service as the result of a sudden drop in the liquid level, then the following apply:
 - A) For any existing portion of the impoundment, a liner must be installed in compliance with ~~Sections~~ Section 724.321(a) or 724.322; and
 - B) For any other portion of the impoundment, the repaired liner system must be certified by a qualified engineer as meeting the design specifications approved in the permit.
- e) A surface impoundment that has been removed from service in accordance with the requirements of this ~~section~~ Section and that is not being repaired must be closed in accordance with the provisions of Section 724.328.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.328 Closure and ~~Post-closure~~ Post-Closure Care

- a) At closure, the owner or operator ~~shall~~ must do the following:
- 1) Remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils and structures, and equipment contaminated with waste and leachate, and manage them as hazardous waste, unless 35 Ill. Adm. Code 721.103(d) applies; or
 - 2) Closure in place.
 - A) Eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues;
 - B) Stabilize remaining wastes to a bearing capacity sufficient to support final cover; and
 - C) Cover the surface impoundment with a final cover designed and constructed to do the following:
 - i) Provide long-term minimization of the migration of liquids through the closed impoundment;
 - ii) Function with minimum maintenance;
 - iii) Promote drainage and minimize erosion or abrasion of the final cover;
 - iv) Accommodate settling and subsidence so that the cover's integrity is maintained; and
 - v) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.
- b) If some waste residues or contaminated materials are left in place at final closure, the owner or operator ~~shall~~ must comply with all post-closure requirements contained in Sections 724.217 through 724.220, including maintenance and monitoring throughout the post-closure care period (specified in the permit under Section 724.217). The owner or operator ~~shall~~ must do the following:
- 1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap, as necessary to correct the effects of settling, subsidence, erosion, or other events;

- 2) Maintain and monitor the LDS in accordance with Sections 724.321(c)(2)(D) and (c)(3) and 724.326(d), and comply with all other applicable LDS requirements of this Part;
 - 3) Maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of Subpart F of this Part; and
 - 4) Prevent run-on and run-off from eroding or otherwise damaging the final cover.
- c) Contingent plans.
- 1) If an owner or operator plans to close a surface impoundment in accordance with subsection (a)(1)~~above of this Section~~, and the impoundment does not comply with the liner requirements of Section 724.321(a) and is not exempt from them in accordance with Section 724.321(b), then the following apply:
 - A) The closure plan for the impoundment under Section 724.212 must include both a plan for complying with subsection (a)(1)~~above of this Section~~ and a contingent plan for complying with subsection (a)(2)~~above of this Section~~ in case not all contaminated subsoils can be practicably removed at closure; and
 - B) The owner or operator ~~shall~~ must prepare a contingent post-closure plan under Section 724.218 for complying with subsection (b) ~~above of this Section~~ in case not all contaminated subsoils can be practicably removed at closure.
 - 2) The cost estimates calculated under Sections 724.242 and 724.244 for closure and post-closure care of an impoundment subject to this subsection (c) must include the cost of complying with the contingent closure plan and the contingent post-closure plan, but are not required to include the cost of expected closure under subsection (a)(1)~~above of this Section~~.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.329 Special Requirements for Ignitable or Reactive Waste

Ignitable or reactive waste must not be placed in a surface impoundment, unless the waste and impoundment satisfy all applicable requirements of 35 Ill. Adm. Code 728; and the following:

- a) The waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that the following is true:
 - 1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and
 - 2) Section 724.117(b) is complied with;~~or~~
- b) The waste is managed in such a way that it is protected from any material or conditions ~~which~~ that may cause it to ignite or react; or
- c) The surface impoundment is used solely for emergencies.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.330 Special Requirements for Incompatible Wastes

Incompatible wastes; or incompatible wastes and materials; (see Appendix E for examples) must not be placed in the same surface impoundment, unless Section 724.117(b) is complied with.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.331 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

- a) Hazardous Wastes F020, F021, F022, F023, F026, and F027 must not be placed in a surface impoundment unless the owner or operator operates the surface impoundment in accordance with a management plan for these wastes that is approved by the Agency pursuant to the standards set out in ~~this paragraph~~ subsection (a), and in accord with all other applicable requirements of this Part. The factors to be considered are the following:
 - 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.
- b) The Agency may determine that additional design, operating and monitoring requirements are necessary for surface impoundments managing hazardous wastes F020, F021, F022, F023, F026, and F027 in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.332 Air Emission Standards

The owner or operator ~~shall~~ must manage all hazardous waste placed in a surface impoundment in accordance with the requirements of ~~724.~~Subparts BB and CC of this Part.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART L: WASTE PILES

Section 724.350 Applicability

- a) The regulations in this Subpart L apply to owners and operators of facilities that store or treat hazardous waste in piles, except as Section 724.101 provides otherwise.
- b) The regulations in this Subpart L do not apply to owners or operators of waste piles that are closed with wastes left in place. Such waste piles are subject to regulation under Subpart N of this Part (Landfills).
- c) The owner or operator of any waste pile that is inside or under a structure that provides protection from precipitation so that neither run-off nor leachate is generated is not subject to regulation under Section 724.351 or under Subpart F of this Part (Groundwater Protection), provided that the following is true:
- 1) Liquids or materials containing free liquids are not placed in the pile;
 - 2) The pile is protected from surface water run-on by the structure or in some other manner;
 - 3) The pile is designed and operated to control dispersal of the waste by wind, where necessary, by means other than wetting; and

- 4) The pile will not generate leachate through decomposition or other reactions.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.351 Design and Operating Requirements

- a) A waste pile (except for an existing portion of a waste pile) must have the following:
- 1) A liner that is designed, constructed, and installed to prevent any migration of wastes out of the pile into the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the waste pile. The liner may be constructed of materials that may allow waste to migrate into the liner itself (but not into the adjacent subsurface soil or groundwater or surface water) during the active life of the facility. The liner must be as follows:
 - A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;
 - B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and
 - C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and
 - 2) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the pile. The Agency ~~shall~~ must specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be as follows:
 - A) Constructed of materials that are as follows:
 - i) Chemically resistant to the waste managed in the pile and the leachate expected to be generated; and

- ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials and by any equipment used at the pile; and
 - B) Designed and operated to function without clogging through the scheduled closure of the waste pile.
- b) The owner or operator will be exempted from the requirements of subsection (a) ~~above of this Section~~ if the Board grants an adjusted standard pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code ~~106. Subpart G 101 and 104~~. The level of justification is a demonstration by the owner or operator that ~~alternate~~-alternative design or operating practices, together with location characteristics, will prevent the migration of any hazardous constituents (see Section 724.193) into the groundwater or surface water at any future time. In deciding whether to grant an adjusted standard, the Board will consider the following:
 - 1) The nature and quantity of the wastes;
 - 2) The proposed ~~alternate~~-alternative design and operation;
 - 3) The hydrogeologic setting of the facility, including attenuative capacity and thickness of the liners and soils present between the pile and groundwater or surface water; and
 - 4) All other factors ~~which~~ that influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.
- c) The owner or operator of each new waste pile unit on which construction ~~commences~~-commenced after January 29, 1992, each lateral expansion of a waste pile unit on which construction ~~commences~~-commenced after July 29, 1992, and each replacement of an existing waste pile unit that ~~is~~-was to commence reuse after July 29, 1992, ~~shall~~ must install two or more liners and a leachate collection and removal system above and between such liners. “Construction ~~commences~~ commenced” is as defined in Section 720.110 under “existing facility.”:
 - 1) Liners.
 - A) The liner system must include the following:
 - i) A top liner designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous

constituents into such liner during the active life and post-closure care period; and

- ii) A composite bottom liner, consisting of at least two components. The upper component must be designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into this component during the active life and post-closure care period. The lower component must be designed and constructed of materials to minimize the migration of hazardous constituents if a breach in the upper component were to occur. The lower component must be constructed of at least 3 feet (91 cm) of compacted soil material with a hydraulic conductivity of no more than 1×10^{-7} cm/sec.

B) The liners must comply with subsections (a)(1)(A), (a)(1)(B), and (a)(1)(C) ~~above~~ of this Section.

- 2) The leachate collection and removal system immediately above the top liner must be designed, constructed, operated, and maintained to collect and remove leachate from the waste pile during the active life and post-closure care period. The Agency ~~will~~ must specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must comply with subsections (c)(3)(C) and (c)(3)(D) ~~below~~ of this Section.

- 3) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system (LDS). This LDS must be capable of detecting, collecting and removing leaks of hazardous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a LDS in this subsection (c) are satisfied by installation of a system that is, at a minimum, as follows:

- A) Constructed with a bottom slope of one percent or more;
- B) Constructed of granular drainage materials with a hydraulic conductivity of 1×10^{-2} cm/sec or more and a thickness of 12 inches (30.5 cm) or more; or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-5} m²/sec or more;

- C) Constructed of materials that are chemically resistant to the waste managed in the waste pile and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and equipment used at the waste pile;
 - D) Designed and operated to minimize clogging during the active life and post-closure care period; and
 - E) Constructed with sumps and liquid removal methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own ~~sump(s)~~ sumps. The design of each sump and removal system must provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.
- 4) The owner or operator ~~shall~~ must collect and remove pumpable liquids in the LDS sumps to minimize the head on the bottom liner.
 - 5) The owner or operator of a LDS that is not located completely above the seasonal high water table ~~shall~~ must demonstrate that the operation of the LDS will not be adversely affected by the presence of ~~ground water~~ groundwater.
- d) The Agency ~~shall~~ must approve alternative design or operating practices to those specified in subsection (c) ~~above of this Section~~ if the owner or operator demonstrates to the Agency, by way of permit or permit modification application, that such design or operating practices, together with location characteristics, will do the following:
 - 1) Will prevent the migration of any hazardous constituent into the ground water or surface water at least as effectively as the liners and leachate collection and removal systems specified in subsection (c) ~~above of this Section~~; and
 - 2) Will allow detection of leaks of hazardous constituents through the top liner at least as effectively.
 - e) Subsection (c) ~~above of this Section~~ does not apply to monofills that are granted a waiver by the Agency in accordance with Section 724.321(e).

- f) The owner or operator of any replacement waste pile unit is exempt from subsection (c) ~~above~~ of this Section if the following are true:
- 1) The existing unit was constructed in compliance with the design standards of section 3004(o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act (42 USC 6901 et seq.); and

BOARD NOTE: The cited provisions required the installation of two or more liners and a leachate collection system above (in the case of a landfill) and between such liners, including a top liner designed, operated and constructed of materials to prevent the migration of any constituent into such liner during the period the facility remained in operation (including any post-closure monitoring period), and a lower liner to prevent the migration of any constituent through the liner during such period. The lower liner was deemed to satisfy the requirement if it was constructed of at least a 3-foot thick layer of recompacted clay or other natural material with a permeability of no more than 1×10^{-7} cm/sec.
 - 2) There is no reason to believe that the liner is not functioning as designed.
- g) The owner or operator ~~shall~~ must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the pile during peak discharge from at least a 25-year storm.
- h) The owner or operator ~~shall~~ must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.
- i) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.
- j) If the pile contains any particulate matter ~~which~~ that may be subject to wind dispersal, the owner or operator ~~shall~~ must cover or otherwise manage the pile to control wind dispersal.
- k) The Agency ~~shall~~ must specify in the permit all design and operating practices that are necessary to ensure that the requirements of this Section are satisfied.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.352 Action Leakage Rate

- a) The Agency ~~shall~~ must approve an action leakage rate for surface impoundment units subject to Section 724.351(c) or (d). The action leakage rate is the maximum design flow rate that the LDS can remove without the fluid head on the bottom liner exceeding ~~1~~one foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material, etc.), construction, operation, and location of the LDS; waste and leachate characteristics; likelihood and amounts of other sources of liquids in the LDS; and proposed response actions (e.g., the action leakage rate must consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.).
- b) To determine if the action leakage rate has been exceeded, the owner or operator ~~shall~~ must convert the weekly or monthly flow rate from the monitoring data obtained under Section 724.354(c) to an average daily flow rate (gallons per acre per day) for each sump. The average daily flow rate for each sump must be calculated weekly during the active life and closure period.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.353 Response Action Plan

- a) The owner or operator of waste pile units subject to Section 724.351(c) or (d) ~~shall~~ must have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in subsection (b) ~~below~~ of this Section.
- b) If the flow rate into the LDS exceeds the action leakage rate for any sump, the owner or operator ~~shall~~ must do the following:
- 1) Notify the Agency in writing of the exceedence within ~~7~~seven days ~~of~~ after the determination;
 - 2) Submit a preliminary written assessment to the Agency within 14 days ~~of~~ after the determination, as to the amount of liquids, likely sources of liquids, possible location, size and cause of any leaks, and short-term actions taken and planned;
 - 3) Determine to the extent practicable the location, size, and cause of any leak;

- 4) Determine whether waste receipt should cease or be curtailed; whether any waste should be removed from the unit for inspection, repairs, or controls; and whether ~~or not~~ the unit should be closed;
 - 5) Determine any other short-term and long-term actions to be taken to mitigate or stop any leaks; and
 - 6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Agency the results of the determinations specified in subsections (b)(3), (b)(4), and (b)(5) above of this Section, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the LDS exceeds the action leakage rate, the owner or operator ~~shall~~ must submit to the Agency a report summarizing the results of any remedial actions taken and actions planned.
- c) To make the leak or remediation determinations in subsections (b)(3), (b)(4), and (b)(5) above of this Section, the owner or operator ~~shall~~ must do either of the following:
- 1) Perform the following assessments:
 - A) Assess the source of liquids and amounts of liquids by source;
 - B) Conduct a fingerprint, hazardous constituent, or other analyses of the liquids in the LDS to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and
 - C) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or
 - 2) Document why such assessments are not needed.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.354 Monitoring and Inspection

- a) During construction or installation, liners (except in the case of existing portions of piles exempt from Section 724.351(a)) and cover systems (e.g., membranes, sheets or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation, the following must be done:

- 1) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, and blisters; and
 - 2) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the permeability of the liner or cover.
- b) While a waste pile is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:
- 1) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;
 - 2) Proper functioning of wind dispersal control systems, where present; or
 - 3) The presence of leachate in and proper functioning of leachate collection and removal systems, where present.
- c) An owner or operator required to have a LDS under Section 724.351(c) ~~shall~~ must record the amount of liquids removed from each LDS sump at least once each week during the active life and closure period.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.356 Special Requirements for Ignitable or Reactive Waste

Ignitable or reactive waste must not be placed in a waste pile, unless the waste and waste pile satisfy all applicable requirements of 35 Ill. Adm. Code 728, and the following:

- a) The waste is treated, rendered, or mixed before or immediately after placement in the pile so that the following is true:
 - 1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and
 - 2) Section 724.117(b) is complied with; or
- b) The waste is managed in such a way that it is protected from any material or conditions ~~which~~ that may cause it to ignite or react.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.357 Special Requirements for Incompatible Wastes

- a) Incompatible wastes, or incompatible wastes and materials, (see Appendix E for examples) must not be placed in the same pile, unless Section 724.117(b) is complied with.
- b) A pile of hazardous waste that is incompatible with any waste or other material stored nearby in containers, other piles, open tanks, or surface impoundments must be separated from the other materials, or protected from them by means of a dike, berm, wall, or other device.
- c) Hazardous waste must not be piled on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with Section 724.117(b).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.358 Closure and ~~Post-closure~~ Post-Closure Care

- a) At closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste, unless 35 Ill. Adm. 721.103(d) applies.
- b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment, as required in ~~paragraph~~ subsection (a) of this Section, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, it must close the facility and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (Section 724.410).
- c) Contingent closure plan.
 - 1) The owner or operator of a waste pile that does not comply with the liner requirements of Section 724.351(a)(1), and is not exempt from them in accordance with Sections 724.350(c) or 724.351(b), must do the following:
 - A) Include in the closure plan for the pile under Section 724.212 both a plan for complying with ~~paragraph~~ subsection (a) of this Section

and a contingent plan for complying with ~~paragraph subsection~~ (b) of this Section in case not all contaminated subsoils can be practicably removed at closure; and

- B) Prepare a contingent post-closure plan under Section 724.218 for complying with ~~paragraph subsection~~ (b) of this Section in case not all contaminated subsoils can be practicably removed at closure.
- 2) The cost estimates calculated under Sections 724.242 and 724.244 for closure and post-closure care of a pile subject to this ~~paragraph subsection~~ (b) must include the cost of complying with the contingent closure plan and the contingent post-closure plan, but are not required to include the cost of expected closure under ~~paragraph subsection~~ (a) of this Section.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.359 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026₂ and F027

- a) Hazardous Wastes F020, F021, F022, F023, F026₂ and F027 must not be placed in waste piles that are not enclosed (as defined in Section 724.350(c)) unless the owner or operator operates the waste pile in accordance with a management plan for these wastes that is approved by the Agency pursuant to the standards set out in this ~~paragraph subsection~~ (a), and in accord with all other applicable requirements of this Part. The factors to be considered are the following:
- 1) The volume, physical₂ 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, design₂ or monitoring techniques.
- b) The Agency may determine that additional design, operating and monitoring requirements are necessary for piles managing hazardous wastes F020, F021, F022, F023, F026₂ and F027 in order to reduce the possibility of migration of

these wastes to ~~ground water~~ groundwater, surface water, or air so as to protect human health and the environment.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART M: LAND TREATMENT

Section 724.370 Applicability

The regulations in this Subpart M apply to owners and operators of facilities that treat or dispose of hazardous waste in land treatment units, except as Section 724.101 provides otherwise.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.371 Treatment Program

- a) An owner or operator subject to this Subpart M must establish a land treatment program that is designed to ensure that hazardous constituents placed in or on the treatment zone are degraded, transformed or immobilized within the treatment zone. The Agency ~~will~~must specify in the facility permit the elements of the treatment program, including the following:
 - 1) The wastes that are capable of being treated at the unit based on a demonstration under Section 724.372;
 - 2) Design measures and operating practices necessary to maximize the success of degradation, transformation, and immobilization processes in the treatment zone in accordance with Section 724.373(a); and
 - 3) Unsaturated zone monitoring provisions meeting the requirements of Section 724.378.
- b) The Agency ~~will~~must specify in the facility permit the hazardous constituents that must be degraded, transformed or immobilized under this Subpart M. Hazardous constituents are constituents identified in Appendix H to 35 Ill. Adm. Code 721; ~~Appendix H~~ that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.
- c) The Agency ~~will~~must specify the vertical and horizontal dimensions of the treatment zone in the facility permit. The treatment zone is the portion of the unsaturated zone below and including the land surface in which the owner or operator intends to maintain the conditions necessary for effective degradation,

transformation, or immobilization of hazardous constituents. The maximum depth of the treatment zone must be as follows:

- 1) No more than 1.5 meters (5 feet) from the initial soil surface; and
- 2) More than 1 meter (3 feet) above the seasonal high water table.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.372 Treatment Demonstration

- a) For each waste that will be applied to the treatment zone, the owner or operator must demonstrate, prior to application of the waste, that the hazardous constituents in the waste can be completely degraded, transformed, or immobilized in the treatment zone.
- b) In making this demonstration, the owner or operator may use field tests, laboratory analyses, available data or, in the case of existing units, operating data. If the owner or operator intends to conduct field tests or laboratory analyses in order to make the demonstration required under ~~paragraph-subsection (a) of this Section~~, it must obtain a treatment or disposal permit under 35 Ill. Adm. Code 703.230. The Agency ~~will~~ must specify in this permit the testing, analytical, design, and operating requirements (including the duration of the tests and analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone, monitoring procedures, closure, and clean-up activities) necessary to meet the requirements in ~~paragraph-subsection (c) of this Section~~.
- c) Any field test or laboratory analysis conducted in order to make a demonstration under ~~paragraph-subsection (a) of this Section~~ must meet the following requirements:
 - 1) ~~Accurately~~ It must accurately simulate the characteristics and operating conditions for the proposed land treatment unit including the following:
 - A) The characteristics of the waste (including the presence of constituents of Appendix H to 35 Ill. Adm. Code 721, Appendix H constituents);
 - B) The climate in the area;
 - C) The topography of the surrounding area;
 - D) The characteristics of the soil in the treatment zone (including depth); and

- E) The operating practices to be used at the unit;
- 2) ~~Be-It must be~~ likely to show that hazardous constituents in the waste to be tested will be completely degraded, transformed or immobilized in the treatment zone of the proposed land treatment unit; and
- 3) ~~Be-It must be~~ conducted in a manner that protects human health and the environment considering the following:
- A) The characteristics of the waste to be tested;
- B) The operating and monitoring measures taken during the course of the test;
- C) The duration of the test;
- D) The volume of waste used in the test;
- E) In the case of field tests, the potential for migration of hazardous constituents to ~~ground-water~~ groundwater or surface water.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.373 Design and Operating Requirements

The Agency ~~will~~ must specify in the facility permit how the owner or operator will design, construct, operate, and maintain the land treatment unit in compliance with this ~~section~~ Section.

- a) The owner or operator must design, construct, operate, and maintain the unit to maximize the degradation, transformation, and immobilization of hazardous constituents in the treatment zone. The owner or operator must design, construct, operate, and maintain the unit in accord with all design and operating conditions that were used in the treatment demonstration under Section 724.372. At a minimum, The Agency ~~will~~ must specify the following in the facility permit:
- 1) The rate and method of waste application to the treatment zone;
- 2) Measures to control soil pH;
- 3) Measures to enhance microbial or chemical reactions (e.g., fertilization, tilling, etc.); and
- 4) Measures to control the moisture content of the treatment zone.

- b) The owner or operator must design, construct, operate, and maintain the treatment zone to minimize run-off of hazardous constituents during the active life of the land treatment unit.
- c) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the treatment zone during peak discharge from at least a 25-year storm.
- d) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.
- e) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain the design capacity of the system.
- f) If the treatment zone contains particulate matter ~~which~~ that may be subject to wind dispersal, the owner or operator must manage the unit to control wind dispersal.
- g) The owner or operator must inspect the unit weekly and after storms to detect evidence of the following:
 - 1) Deterioration, malfunctions, or improper operation of run-on and run-off control systems; and
 - 2) Improper functioning of wind dispersal control measures.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.376 ~~Food-chain~~ Food-Chain Crops

The Agency may allow the growth of food-chain crops in or on the treatment zone only if the owner or operator satisfies the conditions of this ~~section~~ Section. The Agency ~~will~~ must specify in the facility permit the specific food-chain crops ~~which~~ that may be grown.

- a) Food chain crops grown in the treatment zone.
 - 1) The owner or operator must demonstrate that there is no substantial risk to human health caused by the growth of such crops in or on the treatment zone by demonstrating, prior to the planting of such crops, that the following is true of hazardous constituents other than cadmium:

- A) ~~Will~~ They will not be transferred to the food or feed portions of the crop by plant uptake or direct contact, and will not otherwise be ingested by food-chain animals (e.g., by grazing); or
 - B) ~~Will~~ They will not occur in greater concentrations in or on the food or feed portions of crops grown on the treatment zone than in or on identical portions of the same crops grown on untreated soils under similar conditions in the same region.
- 2) The owner or operator must make the demonstration required under this ~~paragraph subsection (a)~~ prior to the planting of crops at the facility for all constituents identified in Appendix H to 35 Ill. Adm. Code 721, Appendix H that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.
- 3) In making a demonstration under this ~~paragraph subsection (a)~~, the owner or operator may use field tests, greenhouse studies, available data or, in the case of existing units, operating data, and must do the following:
- A) Base the demonstration on conditions similar to those present in the treatment zone, including soil characteristics (e.g., pH, cation exchange capacity), specific wastes, application rates, application methods, and crops to be grown; and
 - B) Describe the procedures used in conducting any tests, including the sample selection criteria, sample size, analytical methods, and statistical procedures.
- 4) If the owner or operator intends to conduct field tests or greenhouse studies in order to make the demonstration required under this ~~paragraph subsection (a)~~ it must obtain a permit for conducting such activities.
- b) The owner or operator must comply with the following conditions if cadmium is contained in wastes applied to the treatment zone:
- 1) Limited cadmium application.
 - A) The pH of the waste and soil mixture must be 6.5 or greater at the time of each waste application, except for waste containing cadmium at concentrations of 2 mg/kg (dry weight) or less;
 - B) The annual application of cadmium from waste must not exceed 0.5 kilograms per hectare (kg/ha) on land ~~use~~ used for production of tobacco, leafy vegetables, or root crops grown for human

consumption. For other food-chain crops, the annual cadmium application rate must not exceed the following:

Time period	Annual cadmium application rate (kg/ha)
Present to June 30, 1984	2.0
July 1, 1984 to December 31, 1986	1.25
Beginning January 1, 1987	0.5

- C) The cumulative application of cadmium from waste must not exceed 5 kg/ha if the waste and soil mixture has a pH of less than 6.5; and
- D) If the waste and soil mixture has a pH of 6.5 or greater or is maintained at a pH of 6.5 or greater during crop growth, the cumulative application of cadmium from waste must not exceed: 5 kg/ha if soil cation exchange capacity (CEC) is less than 50 milliequivalents per kilogram (50 meq/kg); 10 kg/ha if soil CEC is 50 to 150 meq/kg; and 20 kg/ha if soil CEC is greater than 150 meq/kg; or

2) Limited future use of land and crops.

- A) Animal feed must be the only food-chain crop produced;
- B) The pH of the waste and soil mixture must be 6.5 or greater at the time of waste application or at the time the crop is planted, whichever occurs later, and this pH level must be maintained whenever food-chain crops are grown;
- C) There must be an operating plan ~~which that~~ demonstrates how the animal feed will be distributed to preclude ingestion by humans. The operating plan must describe the measures to be taken to safeguard against possible health hazards from cadmium entering the food chain, which may result from alternative land uses; and
- D) Future property owners must be notified by a stipulation in the land record or property deed ~~which that~~ states that the property has received waste at high cadmium application rates and that food-chain crops must not be grown except in compliance with ~~paragraph~~ subsection (b)(2) of this Section.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.378 Unsaturated Zone Monitoring

An owner or operator subject to this Subpart M must establish an unsaturated zone monitoring program to carry out the following responsibilities:

- a) The owner or operator must monitor the soil and soil-pore liquid to determine whether hazardous constituents migrate out of the treatment zone.
 - 1) The Agency ~~will~~must specify the hazardous constituents to be monitored in the facility permit. The hazardous constituents to be monitored are those specified under Section 724.371(b).
 - 2) The Agency may require monitoring for principal hazardous constituents (PHCs) in lieu of the constituents specified under Section 724.371(b). PCHs are hazardous constituents contained in the wastes to be applied at the unit that are the most difficult to treat, considering the combined effects of degradation, transformation, and immobilization. The Agency ~~will~~must establish PHCs if it finds, based on waste analyses, treatment demonstrations, or other data, that effective degradation transformation or immobilization of the PHCs will assure treatment at ~~at~~ least equivalent levels for the other hazardous constituents in the wastes.

- b) The owner or operator must install an unsaturated zone monitoring system that includes soil monitoring using soil cores and soil-pore liquid monitoring using devices such as lysimeters. The unsaturated zone monitoring system must consist of a sufficient number of sampling points at appropriate locations and depths to yield samples that fulfill the following:
 - 1) Represent the quality of background soil-pore liquid quality and the chemical make-up of soil that has not been affected by leakage from the treatment zone; and
 - 2) Indicate the quality of soil-pore liquid and the chemical make-up of the soil below the treatment zone.

- c) The owner or operator must establish a background value for each hazardous constituent to be monitored under ~~paragraph~~ subsection (a) of this Section. The permit will specify the background values for each constituent or specify the procedures to be used to calculate the background values.
 - 1) Background soil values may be based on a one-time sampling at a background plot having characteristics similar to those of the treatment zone.

- 2) Background soil-pore liquid values must be based on at least quarterly sampling for one year at a background plot having characteristics similar to those of the treatment zone.
 - 3) The owner or operator must express all background values in a form necessary for the determination of statistically significant increases under ~~paragraph~~-subsection (f) of this Section.
 - 4) In taking samples used in the determination of all background values, the owner or operator must use an unsaturated zone monitoring system that complies with ~~paragraph~~-subsection (b)(1) of this Section.
- d) The owner or operator must conduct soil monitoring and soil-pore liquid monitoring immediately below the treatment zone. The Agency ~~will~~must specify the frequency and timing of soil and soil-pore liquid monitoring in the facility permit after considering the frequency, timing, and rate of waste application and the soil permeability. The owner or operator must express the results of soil and soil-pore liquid monitoring in a form necessary for the determination of statistically significant increases under ~~paragraph~~-subsection (f) of this Section.
- e) The owner or operator must use consistent sampling and analysis procedures that are designed to ensure sampling results that provide a reliable indication of soil-pore liquid quality and the chemical make-up of the soil below the treatment zone. At a minimum, the owner or operator must implement procedures and techniques for the following:
- 1) Sample collection;
 - 2) Sample preservation and shipment;
 - 3) Analytical procedures; and
 - 4) Chain of custody control.
- f) The owner or operator must determine whether there is a statistically significant change over background values for any hazardous constituent to be monitored under ~~paragraph~~-subsection (a) of this Section below the treatment zone each time it conducts soil monitoring and soil-pore liquid monitoring under ~~paragraph~~-subsection (d) of this Section.
- 1) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent, as determined under ~~paragraph~~-subsection (d) of this Section, to the

background value for that constituent according to the statistical procedure specified in the facility permit under this ~~paragraph~~ subsection (f).

- 2) The owner or operator must determine whether there has been a statistically significant increase below the treatment zone within a reasonable time period after completion of sampling. The Agency ~~will~~ must specify that time period in the facility permit after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of soil and soil-pore liquid samples.
 - 3) The owner or operator must determine whether there is a statistically significant increase below the treatment zone using a statistical procedure that provides reasonable confidence that migration from the treatment zone will be identified. The Agency ~~will~~ must specify a statistical procedure in the facility permit that it finds fulfills the following:
 - A) Is appropriate for the distribution of the data used to establish background values; and
 - B) Provides a reasonable balance between the probability of falsely identifying migration from the treatment zone and the probability of failing to identify real migration from the treatment zone.
- g) If the owner or operator determines, pursuant to ~~paragraph~~ subsection (f) of this Section, that there is a statistically significant increase of hazardous constituents below the treatment zone, it must do the following:
- 1) Notify the Agency of this finding in writing within seven days. The notification must indicate what constituents have shown statistically significant increases.
 - 2) Within 90 days, submit to the Agency an application for a permit modification to modify the operating practices at the facility in order to maximize the success of degradation, transformation, or immobilization processes in the treatment zone.
- h) If the owner or operator determines, pursuant to ~~paragraph~~ subsection (f) of this Section, that there is a statistically significant increase of hazardous constituents below the treatment zone, it may demonstrate that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. While the owner or operator may make a demonstration under this ~~paragraph~~ subsection (h) in addition to, or in lieu of, submitting a permit modification application under ~~paragraph~~ subsection (g)(2) of this Section, it is not relieved of the requirement to submit a permit modification application

within the time specified in ~~paragraph subsection (g)(2)~~ of this Section, unless the demonstration made under this ~~paragraph subsection (h)~~ successfully shows that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. In making a demonstration under this ~~paragraph subsection (h)~~, the owner or operator must do the following:

- 1) Notify the Agency in writing within seven days of determining a statistically significant increase below the treatment zone that the owner or operator intends to make a determination under this ~~paragraph subsection (h)~~ (h);
- 2) Within 90 days, submit a report to the Agency demonstrating that a source other than the regulated units caused the increase or that the increase resulted from error in sampling, analysis, or evaluation;
- 3) Within 90 days, submit to the Agency an application for a permit modification to make any appropriate changes to the unsaturated zone monitoring program at the facility; and
- 4) Continue to monitor in accordance with the unsaturated zone monitoring program established under this ~~section~~ Section.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.379 Recordkeeping

The owner or operator must include hazardous waste application dates and rates in the operating record required under Section 724.173.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.380 Closure and ~~Post-closure~~ Post-Closure Care

- a) During the closure period the owner or operator must do the following:
 - 1) Continue all operations (including pH control) necessary to maximize degradation, transformation, or immobilization of hazardous constituents within the treatment zone, as required under Section 724.373(a), except to the extent such measures are inconsistent with ~~paragraph subsection (a)(8)~~ of this Section;
 - 2) Continue all operations in the treatment zone to minimize run-off of hazardous constituents, as required under Section 724.373(b);

- 3) Maintain the run-on control system required under Section 724.373(c);
 - 4) Maintain the run-off management system required under Section 724.373(d);
 - 5) Control wind dispersal of hazardous waste if required under Section 724.373(f);
 - 6) Continue to comply with any prohibitions or conditions concerning growth of food-chain crops under Section 724.376;
 - 7) Continue unsaturated zone monitoring in compliance with Section 724.378, except that soil-pore liquid monitoring may be terminated 90 days after the last application of waste to the treatment zone; and
 - 8) Establish a vegetative cover on the portion of the facility being closed at such time that the cover will not substantially impede degradation, transformation, or immobilization of hazardous constituents in the treatment zone. The vegetative cover must be capable of maintaining growth without extensive maintenance.
- b) For the purpose of complying with Section 724.215, when closure is completed the owner or operator may submit to the Agency certification by an independent qualified soil scientist, in lieu of an independent registered professional engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.
- c) During the post-closure care period the owner or operator must do the following:
- 1) Continue all operations (including pH control) necessary to enhance degradation and transformation and sustain immobilization of hazardous constituents in the treatment zone to the extent that such measures are consistent with other post-closure care activities;
 - 2) Maintain a vegetative cover over closed portions of the facility;
 - 3) Maintain the run-on control system required under Section 724.373(c);
 - 4) Maintain the run-off management system required under Section 724.373(d);
 - 5) Control wind dispersal of hazardous waste if required under Section 724.373(f);

- 6) Continue to comply with any prohibitions or conditions concerning growth of food-chain crops under Section 724.376; and
 - 7) Continue unsaturated zone monitoring in compliance with Section 724.378, except that soil-pore liquid monitoring may be terminated 90 days after the last application of waste to the treatment zone.
- d) The owner or operator is not subject to regulation under ~~paragraphs~~ subsections (a)(8) and (c) of this Section if the Agency finds that the level of hazardous constituents in the treatment zone soil does not exceed the background value of those constituents by an amount that is statistically significant when using the test specified in ~~paragraph~~ subsection (d)(3) of this Section. The owner or operator may submit such a demonstration to the Agency at any time during the closure or post-closure care periods. For the purposes of this ~~paragraph~~ subsection (d), the owner or operator must do the following:
- 1) The owner or operator must establish background soil values and determine whether there is a statistically significant increase over those values for all hazardous constituents specified in the facility permit under Section 724.371.
 - A) Background soil values may be based on a one-time sampling of a background plot having characteristics similar to those of the treatment zone.
 - B) The owner or operator must express background values and values for hazardous constituents in the treatment zone in a form necessary for the determination of statistically significant increases under ~~paragraph~~ subsection (d)(3) of this Section.
 - 2) In taking samples used in the determination of background and treatment zone values, the owner or operator must take samples at a sufficient number of sampling points and at appropriate locations and depths to yield samples that represent the chemical make-up of soil that has not been affected by leakage from the treatment zone and the soil within the treatment zone, respectively.
 - 3) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent in the treatment zone to the background value for that constituent using a statistical procedure that provides reasonable confidence that constituent presence in the treatment zone will be identified. The owner or operator must use a statistical procedure that does the following:

- A) Is appropriate for the distribution of the data used to establish background values; and
 - B) Provides a reasonable balance between the probability of falsely identifying hazardous constituent presence in the treatment zone and the probability of failing to identify real presence in the treatment zone.
- e) The owner or operator is not subject to regulation under Subpart F of this Part if the Agency finds that the owner or operator satisfies ~~paragraph subsection~~ (d) of this Section and if unsaturated zone monitoring under Section 724.378 indicates that hazardous constituents have not migrated beyond the treatment zone during the active life of the land treatment unit.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.381 Special Requirements for Ignitable or Reactive Waste

The owner or operator must not apply ignitable or reactive waste to the treatment zone, unless the waste and ~~and~~ the treatment zone satisfy all applicable requirements of 35 Ill. Adm. Code 728, and the following is true:

- a) The waste is immediately incorporated into the soil so that the following is true:
 - 1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and
 - 2) Section 724.117(b) is complied with; or
- b) The waste is managed in such a way that it is protected from any material or conditions ~~which~~ that may cause it to ignite or react.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.382 Special Requirements for Incompatible Wastes

The owner or operator must not place incompatible wastes, or incompatible wastes and materials (see Appendix E of this Part for examples), in or on the same treatment zone, unless Section 724.117(b) is complied with.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.383 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

- a) Hazardous Wastes F020, F021, F022, F023, F026, and F027 must not be placed in a land treatment unit unless the owner or operator operates the facility in accordance with a management plan for these wastes that is approved by the Agency pursuant to the standards set out in this ~~paragraph~~ subsection (a), and in accord with all other applicable requirements of this Part. The factors to be considered are the following:
- 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.
- b) The Agency may determine that additional design, operating and monitoring requirements are necessary for land treatment facilities managing hazardous wastes F020, F021, F022, F023, F026, and F027 in order to reduce the possibility of migration of these wastes to ground-water, surface water, or air so as to protect human health and the environment.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART N: LANDFILLS

Section 724.400 Applicability

The regulations in this Subpart N apply to owners and operators of facilities that dispose of hazardous waste in landfills, except as Section 724.101 provides otherwise.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.401 Design and Operating Requirements

- a) Any landfill that is not covered by subsection (c) ~~below~~ of this Section or 35 Ill. Adm. Code 725.401(a) must have a liner system for all portions of the landfill (except for existing portions of such landfill). The liner system must have the following:
- 1) A liner that is designed, constructed, and installed to prevent any migration of wastes out of the landfill to the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the landfill. The liner must be constructed of materials that prevent wastes from passing into the liner during the active life of the facility. The liner must ~~be~~ fulfill the following:
 - A) ~~Constructed~~ It must be constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation;
 - B) ~~Placed~~ It must be placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and
 - C) ~~Installed~~ It must be installed to cover all surrounding earth likely to be in contact with the waste or leachate; and
 - 2) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the landfill. The Agency ~~shall~~ must specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must ~~be~~ fulfill the following:
 - A) Constructed of materials that ~~are~~ fulfill the following:
 - i) Chemically resistant to the waste managed in the landfill and the leachate expected to be generated; and
 - ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste

cover materials, and by any equipment used at the landfill;
and

- B) Designed and operated to function without clogging through the scheduled closure of the landfill.
- b) The owner or operator will be exempted from the requirements of subsection (a) ~~above of this Section~~ if the Board grants an adjusted standard pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code 106. Subpart G 101 and 104. The level of justification is a demonstration by the owner or operator that alternative design or operating practices, together with location characteristics, will prevent the migration of any hazardous constituents (see Section 724.193) into the groundwater or surface water at any future time. In deciding whether to grant an adjusted standard, the Board will consider the following:
- 1) The nature and quantity of the wastes;
 - 2) The proposed ~~alternate~~ alternative design and operation;
 - 3) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the landfill and groundwater or surface water; and
 - 4) All other factors ~~which~~ that influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.
- c) The owner or operator of each new landfill unit on which construction commences after January 29, 1992, each lateral expansion of a landfill unit on which construction ~~commences~~ commenced after July 29, 1992, and each replacement of an existing landfill unit that ~~is~~ was to commence reuse after July 29, 1992, ~~shall~~ must install two or more liners and a leachate collection and removal system above and between such liners. “Construction ~~commences~~ commenced” is as defined in 35 Ill. Adm. Code 720.110 under “existing facility.”:
- 1) Liner requirements.
 - A) The liner system must include the following:
 - i) A top liner designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into such liner during the active life and post-closure care period; and

- ii) A composite bottom liner, consisting of at least two components. The upper component must be designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into this component during the active life and post-closure care period. The lower component must be designed and constructed of materials to minimize the migration of hazardous constituents if a breach in the upper component were to occur. The lower component must be constructed of at least 3 feet (91 cm) of compacted soil material with a hydraulic conductivity of no more than 1×10^{-7} cm/sec.
 - B) The liners must comply with subsections (a)(1)(A), (a)(1)(B), and (a)(1)(C) ~~above~~ of this Section.
- 2) The leachate collection and removal system immediately above the top liner must be designed, constructed, operated, and maintained to collect and remove leachate from the landfill during the active life and post-closure care period. The Agency ~~will~~ must specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must comply with subsections (c)(3)(C) and (c)(3)(D) ~~below~~ of this Section.
- 3) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system (LDS). This LDS must be capable of detecting, collecting, and removing leaks of hazardous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a LDS in this subsection (c) are satisfied by installation of a system that ~~is~~, at a minimum, fulfills the following:
- A) ~~Constructed~~ It is constructed with a bottom slope of one percent or more;
 - B) ~~Constructed~~ It is constructed of granular drainage materials with a hydraulic conductivity of ~~1×10^{-2}~~ 1×10^{-2} cm/sec or more and a thickness of 12 inches (30.5 cm) or more; or constructed of synthetic or geonet drainage materials with a transmissivity of ~~3×10^{-5}~~ 3×10^{-5} m²/sec or more;

- C) ~~Constructed~~ It is constructed of materials that are chemically resistant to the waste managed in the landfill and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and equipment used at the landfill;
- D) ~~Designed~~ It is designed and operated to minimize clogging during the active life and post-closure care period; and
- E) ~~Constructed~~ It is constructed with sumps and liquid removal methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own ~~sump(s)~~ sumps. The design of each sump and removal system must provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.
- 4) The owner or operator ~~shall~~ must collect and remove pumpable liquids in the LDS sumps to minimize the head on the bottom liner.
- 5) The owner or operator of a LDS that is not located completely above the seasonal high water table ~~shall~~ must demonstrate that the operation of the LDS will not be adversely affected by the presence of ground water.
- d) Subsection (c) ~~above~~ of this Section will not apply if the owner or operator demonstrates to the Agency, and the Agency finds for such landfill, that alternative design or operating practices, together with location characteristics, will do the following:
- 1) ~~Will~~ It will prevent the migration of any hazardous constituent into the groundwater or surface water at least as effectively as the liners and leachate collection and removal systems, specified in subsection (c) ~~above~~ of this Section; and
- 2) ~~Will~~ It will allow detection of leaks of hazardous constituents through the top liner at least as effectively.
- e) The Agency ~~shall~~ must not require a double liner as set forth in subsection (c) ~~above~~ of this Section for any monofill, if the following is true:
- 1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents ~~which~~ that render the wastes hazardous for reasons

other than the toxicity characteristics in 35 Ill. Adm. Code 721.124, with USEPA hazardous waste numbers D004 through D017; and

- 2) No migration demonstration.
 - A) Design and location requirements.
 - i) The monofill has at least one liner for which there is no evidence that such liner is leaking;
 - ii) The monofill is located more than one-quarter mile from an underground source of drinking water (as that term is defined in 35 Ill. Adm. Code 702.110; and
 - iii) The monofill is in compliance with generally applicable groundwater monitoring requirements for facilities with RCRA permits; or
 - B) The owner or operator demonstrates to the Board that the monofill is located, designed, and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time.
- f) The owner or operator of any replacement landfill unit is exempt from subsection (c) ~~above of this Section~~ if the following is true:
 - 1) The existing unit was constructed in compliance with the design standards of 35 Ill. Adm. Code 724.401(c), (d), and (e), ~~as amended in R86-1, at 10 Ill. Reg. 14119, effective August 12, 1986;~~ and

BOARD NOTE: The cited subsections implemented the design standards of sections 3004(o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).
 - 2) There is no reason to believe that the liner is not functioning as designed.
- g) The owner or operator ~~shall~~ must design, construct, operate, and maintain a run-off control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 25-year storm.
- h) The owner or operator ~~shall~~ must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24 hour, 25-year storm.

- i) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.
- j) If the landfill contains any particulate matter ~~which~~ that may be subject to wind dispersal, the owner or operator ~~shall~~ must cover or otherwise manage the landfill to control wind dispersal.
- k) The Agency ~~shall~~ must specify in the permit all design and operating practices that are necessary to ensure that the requirements of this Section are satisfied.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.402 Action Leakage Rate

- a) The Agency ~~shall~~ must approve an action leakage rate for landfill units subject to Section 724.401(c) or (d). The action leakage rate is the maximum design flow rate that the LDS can remove without the fluid head on the bottom liner exceeding 1 foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material), construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions (e.g., the action leakage rate must consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.).
- b) To determine if the action leakage rate has been exceeded, the owner or operator ~~shall~~ must convert the weekly or monthly flow rate from the monitoring data obtained under Section 724.403(c) to an average daily flow rate (gallons per acre per day) for each sump. The average daily flow rate for each sump must be calculated weekly during the active life and closure period, and monthly during the post-closure care period, unless the Agency approves a different frequency pursuant to Section 724.403(c)(2).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.403 Monitoring and Inspection

- a) During construction or installation, liners (except in the case of existing portions of landfills exempt from Section 724.401(a)) and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage, and imperfections

(e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation the following must occur:

- 1) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and
 - 2) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the permeability of the liner or cover.
- b) While a landfill is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:
- 1) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;
 - 2) Proper functioning of wind dispersal control systems, where present; and
 - 3) The presence of leachate in and proper functioning of leachate collection and removal systems, where present.
- c) Monitoring of LDS.
- 1) An owner or operator required to have a LDS under Section 724.401(c) or (d) ~~shall~~ must record the amount of liquids removed from each LDS sump at least once each week during the active life and closure period.
 - 2) After the final cover is installed, the amount of liquids removed from each LDS sump must be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps must be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two consecutive quarters, the amount of liquids in the sumps must be recorded at least semi-annually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the owner or operator ~~shall~~ must return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.
 - 3) “Pump operating level” is a liquid level proposed by the owner or operator pursuant to 35 Ill. Adm. Code 703.207(b)(1)(E) and approved by the

Agency based on pump activation level, sump dimensions, and level that avoids backup into the drainage layer and minimizes head in the sump.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.404 Response Actions

- a) The owner or operator of landfill units subject to Section 724.401(c) or (d) ~~shall~~ must have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in subsection (b) ~~below~~ of this Section.
- b) If the flow rate into the LDS exceeds the action leakage rate for any sump, the owner or operator ~~shall~~ must do the following:
 - 1) Notify the Agency in writing of the exceedence within ~~7~~ seven days of the determination;
 - 2) Submit a preliminary written assessment to the Agency within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;
 - 3) Determine to the extent practicable the location, size, and cause of any leak;
 - 4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether ~~or not~~ the unit should be closed;
 - 5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and
 - 6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Agency the results of the determinations specified in subsections (b)(3), (b)(4), and (b)(5) ~~above~~ of this Section, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the LDS exceeds the action leakage rate, the owner or operator ~~shall~~ must submit to the Agency a report summarizing the results of any remedial actions taken and actions planned.

- c) To make the leak or remediation determinations in subsections (b)(3), (b)(4), and ~~(b)(5)~~ above of this Section, the owner or operator ~~shall~~ must do either of the following:
- 1) Perform the following assessments:
 - A) Assess the source of liquids and amounts of liquids by source;
 - B) Conduct a fingerprint, hazardous constituent, or other analyses of the liquids in the LDS to identify the source of liquids and possible location of any leaks; and the hazard and mobility of the liquid; and
 - C) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or
 - 2) Document why such assessments are not needed.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.410 Closure and ~~Post-closure~~ Post-Closure Care

- a) At final closure of the landfill or upon closure of any cell, the owner or operator ~~shall~~ must cover the landfill or cell with a final cover designed and constructed to do the following:
- 1) Provide long-term minimization of migration of liquids through the closed landfill;
 - 2) Function with minimum maintenance;
 - 3) Promote drainage and minimize erosion or abrasion of the cover;
 - 4) Accommodate settling and subsidence so that the cover's integrity is maintained; and
 - 5) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.
- b) After final closure, the owner or operator ~~shall~~ must comply with all post-closure requirements contained in Sections 724.217 through 724.220, including maintenance and monitoring throughout the post-closure care period (specified in the permit under Section 724.217). The owner or operator ~~shall~~ must do the following:

- 1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;
- 2) Continue to operate the leachate collection and removal system until leachate is no longer detected;
- 3) Maintain and monitor the LDS in accordance with Sections 724.401(c)(3)(D) and (c)(4) and 724.403(c), and comply with all other applicable LDS requirements of this Part;
- 4) Maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of Subpart F of this Part;
- 5) Prevent run-on and run-off from eroding or otherwise damaging the final cover; and
- 6) Protect and maintain surveyed benchmarks used in complying with Section 724.409.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.412 Special Requirements for Ignitable or Reactive Waste

- a) Except as provided in subsection (b) of this Section and in Section 724.416, ignitable or reactive waste must not be placed in a landfill, unless the waste and landfill meet all applicable requirements of 35 Ill. Adm. Code 728, and the waste is treated, rendered, or mixed before or immediately after placement in a landfill so that the following is true:
 - 1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and
 - 2) Section 724.117(b) is complied with.
- b) Except for prohibited wastes ~~which that~~ remain subject to treatment standards in ~~35 Ill. Adm. Code Subpart D~~ Subpart D to 35 Ill. Adm. Code 728, ignitable waste in containers may be landfilled without meeting the requirements of subsection (a) of this Section, provided that the wastes are disposed of in such a way that they are protected from any material or conditions ~~which that~~ may cause them to ignite. At a minimum, ignitable wastes must be disposed of in non-leaking containers ~~which that~~ are carefully handled and placed so as to avoid heat, sparks,

rupture, or any other condition that might cause ignition of the wastes; must be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and must not be disposed of in cells that contain or will contain other wastes ~~which~~ that may generate heat sufficient to cause ignition of the waste.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.413 Special Requirements for Incompatible Wastes

Incompatible wastes, or incompatible wastes and materials, (see Appendix E of this Part for examples) must not be placed in the same landfill cell, unless Section 724.117(b) is complied with.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.414 Special Requirements for Bulk and Containerized Liquids

- a) This subsection (a) corresponds with 40 CFR 264.314(a), which pertains to pre May 8, 1985 actions, a date long since passed. This statement maintains structural consistency with USEPA rules.
- b) The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.
- c) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," USEPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111.
- d) Containers holding free liquids must not be placed in a landfill unless the following is true:
 - 1) All free-standing liquid fulfills one of the following:
 - A) It has been removed by decanting or other methods;
 - B) It has been mixed with sorbent or solidified so that free-standing liquid is no longer observed; or
 - C) It has been otherwise eliminated; or

- 2) The container is very small, such as an ampule; or
 - 3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or
 - 4) The container is a lab pack as defined in Section 724.416 and is disposed of in accordance with Section 724.416.
- e) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are the following: materials listed or described in subsection (e)(1) of this Section; materials that pass one of the tests in subsection (e)(2) of this Section; or materials that are determined by the Board to be nonbiodegradable through the ~~35 Ill. Adm. Code 106~~-adjusted standard-~~process~~ procedure of 35 Ill. Adm. Code 104.
- 1) Nonbiodegradable sorbents are the following:
 - A) Inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates; (clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites, etc.); calcium carbonate (organic free limestone); oxides/hydroxides; (alumina, lime, silica (sand), diatomaceous earth, etc.); perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal (activated carbon), etc.); or
 - B) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polynorborene, polyisobutylene, ground synthetic rubber, cross-linked allylstrene and tertiary butyl copolymers, etc.). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or
 - C) Mixtures of these nonbiodegradable materials.
 - 2) Tests for nonbiodegradable sorbents are the following:
 - A) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a)--"Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi"; incorporated by reference in 35 Ill. Adm. Code 720.111;

- B) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b)--"Standard Practice for Determining Resistance of Plastics to Bacteria,"; incorporated by reference in 35 Ill. Adm. Code 720.111; or
 - C) The sorbent material is determined to be non-biodegradable under OECD test 301B (CO₂ Evolution (Modified Sturm Test)), incorporated by reference in 35 Ill. Adm. Code 720.111.
- f) The placement of any liquid that is not a hazardous waste in a hazardous waste landfill is prohibited (35 Ill. Adm. Code 729.311)-, unless the Board finds that the owner or operator has demonstrated the following in a petition for an adjusted standard pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code 101 and 104:
- 1) The only reasonably available alternative to the placement in a hazardous waste landfill is placement in a landfill or unlined surface impoundment, whether or not permitted or operating under interim status, that contains or which may reasonably be anticipated to contain hazardous waste; and
 - 2) Placement in the hazardous waste landfill will not present a risk of contamination of any underground source of drinking water (as that term is defined in 35 Ill. Adm. Code 702.110).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.415 Special Requirements for Containers

Unless they are very small, such as an ampule, containers must be either of the following:

- a) At least 90 percent full when placed in the landfill; or
- b) Crushed, shredded, or similarly reduced in volume to the maximum practical extent before burial in the landfill.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

Small containers of hazardous waste in overpacked drums (lab packs) may be placed in a landfill if the following requirements are met:

- a) Hazardous waste must be packaged in non-leaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by, or be ignited by the contained waste. The inside containers must be tightly and securely sealed. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR 173, 178, and 179), if those regulations specify a particular inside container for the waste.
- b) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR 178 and 179) of no more than 416 liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of sorbent material, determined to be nonbiodegradable in accordance with Section 724.414(e), to completely sorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and sorbent material.
- c) In accordance with Section 724.117(b), the sorbent material used must not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers, in accordance with Section 724.117(b).
- d) Incompatible waste, as defined in 35 Ill. Adm. Code 720.110, must not be placed in the same outside container.
- e) Reactive wastes, other than cyanide- or sulfide-bearing waste as defined in 35 Ill. Adm. Code 721.123(a)(5), must be treated or rendered non-reactive prior to packaging in accordance with subsections (a) through (d) of this Section. Cyanide- and sulfide-bearing reactive waste may be packed in accordance with subsections (a) through (d) of this Section without first being treated or rendered non-reactive.
- f) Such disposal is in compliance with 35 Ill. Adm. Code 728. Persons who incinerate lab packs according to 35 Ill. Adm. Code 728.142(c)(1) may use fiber drums in place of metal outer containers. Such fiber drums must meet the DOT specifications in 49 CFR 173.12 and be overpacked according to the requirements of subsection (b) of this Section.
- g) Pursuant to 35 Ill. Adm. Code 729.312, the use of labpacks for disposal of liquid wastes or wastes containing free liquids allowed under this Section is restricted to labwaste and non-periodic waste, as those terms are defined in that Part.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.417 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

- a) Hazardous wastes F020, F021, F022, F023, F026, and F027 must not be placed in a landfill, unless the owner or operator operates the landfill in accord with a management plan for these wastes that is approved by the Agency pursuant to the standards set out in this ~~paragraph~~ subsection (a), and in accord with all other applicable requirements of this Part. The factors to be considered are the following:
- 1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through the soil or to ~~volatile~~ 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 requirements.
- b) The Agency may determine that additional design, operating, and monitoring requirements are necessary for landfills managing hazardous wastes F020, F021, F022, F023, F026, and F027 in order to reduce the possibility of migration of these wastes to ~~ground-water~~ groundwater, surface water, or air so as to protect human health and the environment.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART O: INCINERATORS

Section 724.440 Applicability

- a) The regulations in this Subpart O apply to owners and operators of hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110), except as Section 724.101 provides otherwise.
- b) Integration of the MACT standards.
- 1) Except as provided by subsections (b)(2), ~~and (b)(3), and (b)(4)~~ of this Section, the standards of this Part no longer apply when an owner or operator demonstrates compliance with the maximum achievable control

technology (MACT) requirements of 40 CFR 63, Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111, by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, under 40 CFR 63.1207(j) and ~~63.1210(d)~~ 63.1210(b), documenting compliance with the requirements of 40 CFR 63, Subpart EEE. Nevertheless, even after this demonstration of compliance with the MACT standards, RCRA permit conditions that were based on the standards of this Part will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

- 2) The MACT standards of 40 CFR 63, Subpart EEE do not replace the closure requirements of Section 724.451 or the applicable requirements of Subparts A through H, BB, and CC of this Part.
- 3) The particulate matter standard of Section 724.443(c) remains in effect for incinerators that elect to comply with the alternative to the particulate matter standard of 40 CFR 63.1206(b)(14), incorporated by reference in 35 Ill. Adm. Code 720.111.
- 4) The following requirements remain in effect for startup, shutdown, and malfunction events if the owner or operator elects to comply with 35 Ill. Adm. Code 703.320(a)(1)(A) to minimize emissions of toxic compounds from the following events:
 - A) Section 724.445(a), requiring that an incinerator operate in accordance with operating requirements specified in the permit; and
 - B) Section 724.445(c), requiring compliance with the emission standards and operating requirements during startup and shutdown if hazardous waste is in the combustion chamber, except for particular hazardous wastes.

BOARD NOTE: Sections 9.1 and 39.5 of the Environmental Protection Act [415 ILCS 5/9.1 and 39.5] make the federal MACT standards directly applicable to entities in Illinois and authorize the Agency to issue permits based on the federal standards. Operating conditions used to determine effective treatment of hazardous waste remain effective after the owner or operator demonstrates compliance with the standards of 40 CFR 63, subpart EEE. In adopting this subsection (b), USEPA stated as follows (at 64 Fed Reg. 52828, 52975 (September 30, 1999)):

Under this approach . . . , MACT air emissions and related operating requirements are to be included in Title V permits; RCRA permits will continue to be required for all other aspects of the combustion unit and the facility that are governed by RCRA (e.g., corrective action, general facility standards, other combustor-specific concerns such as materials handling, risk-based emissions limits and operating requirements, as appropriate, and other hazardous waste management units).

~~64 Fed Reg. 52828, 52975 (Sept. 30, 1999).~~

- c) After consideration of the waste analysis included with Part B of the permit application, the Agency, in establishing the permit conditions, must exempt the applicant from all requirements of this Subpart O, except Section 724.441 (Waste Analysis) and Section 724.451 (Closure):
- 1) If the Agency finds that the waste to be burned is one of the following:
 - A) ~~Listed~~ It 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;
 - B) ~~Listed~~ It 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 Section 721.123(a)(4) and (5), and will not be burned when other hazardous wastes are present in the combustion zone;
 - C) ~~A~~ It is a hazardous waste solely because it possesses the characteristic of ignitability, as determined by the test for characteristics of hazardous wastes under Subpart C of 35 Ill. Adm. Code 721; or
 - D) ~~A~~ It is a hazardous waste solely because it possesses any of the reactivity characteristics described by 35 Ill. Adm. Code 721.123(a)(1), (a)(2), (a)(3), (a)(6), (a)(7), and (a)(8) and will not be burned when other hazardous wastes are present in the combustion zone; and
 - 2) If the waste analysis shows that the waste contains none of the hazardous constituents listed in Subpart H of 35 Ill. Adm. Code 721 that would reasonably be expected to be in the waste.

- d) If the waste to be burned is one that is described by subsection (b)(1)(A), (b)(1)(B), (b)(1)(C), or (b)(1)(D) of this Section and contains insignificant concentrations of the hazardous constituents listed in Subpart H of 35 Ill. Adm. Code 721, then the Agency may, in establishing permit conditions, exempt the applicant from all requirements of this Subpart O, except Section 724.441 (Waste Analysis) and Section 724.451 (Closure), after consideration of the waste analysis included with Part B of the permit application, unless the Agency finds that the waste will pose a threat to human health or the environment when burned in an incinerator.
- e) The owner or operator of an incinerator may conduct trial burns subject only to the requirements of 35 Ill. Adm. Code 703.222 through 703.225 (short-term and incinerator permits).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.442 Principal Organic Hazardous Constituents (POHCs)

- a) Principal organic hazardous constituents (POHCs) in the waste feed must be treated to the extent required by the performance standard of Section 724.443.
- b) Designation of POHCs.
 - 1) One or more POHCs will be specified in the facility's permit, from among those constituents listed in 35 Ill. Adm. Code 721, Appendix H, for each waste feed to be burned. This specification will be based on the degree of difficulty of incineration of the organic constituents in the waste and on their concentration or mass in the waste feed, considering the results of waste analyses and trial burns or alternative data submitted with Part B of the facility's permit application. Organic constituents ~~which~~ that represent the greatest degree of difficulty of incineration will be those most likely to be designated as POHCs. Constituents are more likely to be designated as POHCs if they are present in large quantities or concentrations in the waste.
 - 2) Trial POHCs will be designated for performance of trial burns in accordance with the procedure specified in 35 Ill. Adm. Code 703.222 through 703.225 for obtaining trial burn permits.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.443 Performance Standards

An incinerator burning hazardous waste must be designed, constructed, and maintained so that, when operated in accordance with operating requirements specified under Section 724.445, it will meet the following performance standards:

- a) Destruction and removal efficiency.
- 1) Except as provided in ~~paragraph-subsection (a)(2) of this Section~~, an incinerator burning hazardous waste must achieve a destruction and removal efficiency (DRE) of 99.99% for each principal organic hazardous constituent (POHC) designated (under Section 724.442) in its permit for each waste feed. DRE is determined for each POHC from the following equation:

$$\text{DRE} = 100(N - O) / N$$

$$\text{DRE} = \frac{100 \times (N - O)}{N}$$

Where:

N = Mass feed rate of one principal organic hazardous constituent (POHC) in the waste stream feeding the incinerator, and

O = Mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere.

- 2) An incinerator burning hazardous wastes F020, F021, F022, F023, F026, or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999% for each principal organic hazardous constituent (POHC) designated (under Section 724.442) in its permit. This performance must be demonstrated on POHCs that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each POHC from the equation in ~~paragraph-subsection (a)(1) of this Section~~. In addition, the owner or operator of the incinerator ~~shall~~ must notify the Agency of its intent to incinerate hazardous wastes F020, F021, F022, F023, F026, or F027.
- b) An incinerator burning hazardous waste and producing stack emissions of more than 1.8 kilograms per hour (4 pounds per hour) of hydrogen chloride (HCl) must control HCl emissions such that the rate of emission is no greater than the larger

of either 1.8 kilograms per hour or ~~1%~~ one percent of the HCl in the stack gas prior to entering any pollution control equipment.

- c) An incinerator burning hazardous waste must not emit particulate matter in excess of 180 milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) when corrected for the amount of oxygen in the stack gas according to the following formula:

$$C = 14(M) / (21 - Y)$$

$$C = \frac{14 \times M}{21 - Y}$$

- 1) Where:

C = the corrected concentration of particulate matter,

M = the measured concentration of particulate matter, and

Y = the measured concentration of oxygen in the stack gas, using the Orsat method for oxygen analysis of dry flue gas, presented in 40 CFR 60, Appendix A (Method 3).

- 2) This correction procedure is to be used by all hazardous waste incinerators except those operating under conditions of oxygen enrichment. For these facilities, The Agency ~~will~~ must select an appropriate correction procedure, to be specified in the facility permit.

- d) For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 724.445) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the performance requirements of this Section may be “information” justifying modification, revocation or reissuance of a permit under 35 Ill. Adm. Code 702.184.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.444 Hazardous Waste Incinerator Permits

- a) The owner or operator of a hazardous waste incinerator may burn only wastes specified in its permit and only under operating conditions specified for those wastes under Section 724.445 except the following:

- 1) In approved trial burns under 35 Ill. Adm. Code 703.222 through 703.225; or
 - 2) Under exemptions created by Section 724.440.
- b) Other hazardous wastes may be burned only after operating conditions have been specified in a new permit or a permit modification as applicable. Operating requirements for new wastes may be based on either trial burn results or alternative data included with Part B of a permit application under 35 Ill. Adm. Code 703.205.
- c) The permit for a new hazardous waste incinerator must establish appropriate conditions for each of the applicable requirements of this Subpart O, including but not limited to allowable waste feeds and operating conditions necessary to meet the requirements of Section 724.445, sufficient to comply with the following standards:
- 1) For the period beginning with initial introduction of hazardous waste to the incinerator and ending with initiation of the trial burn, and only for the minimum time required to establish operating conditions required in ~~paragraph subsection (c)(2) of this Section~~, not to exceed a duration of 720 hours operating time for treatment of hazardous waste, the operating requirements must be those most likely to ensure compliance with the performance standards of Section 724.443, based on the Agency's engineering judgement. The Agency may extend the duration of this period once for up to 720 additional hours when good cause for the extension is demonstrated by the applicant
 - 2) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the performance standards of Section 724.443 and must be in accordance with the approved trial burn plan;
 - 3) 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, the operating requirements must be those most likely to ensure compliance with the performance standards of Section 724.443 based on the Agency's engineering ~~judgement~~ judgment.
 - 4) For the remaining duration of the permit, the operating requirements must be those demonstrated, in a trial burn or by alternative data specified in 35

Ill. Adm. Code 703.205(c), as sufficient to ensure compliance with the performance standards of Section 724.443.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.445 Operating Requirements

- a) An incinerator must be operated in accordance with operating requirements specified in the permit. These will be specified on a case-by-case basis as those demonstrated (in a trial burn or in alternative data as specified in Section 724.444(b) and included with Part B of the facility's permit application) to be sufficient to comply with the performance standards of Section 724.443.
- b) Each set of operating requirements will specify the composition of the waste feed (including acceptable variations in the physical or chemical properties of the waste feed ~~which~~ that will not affect compliance with the performance requirement of Section 724.443) to which the operating requirements apply. For each such waste feed, the permit will specify acceptable operating limits, including the following conditions:
 - 1) Carbon monoxide (CO) level in the stack exhaust gas;
 - 2) Waste feed rate;
 - 3) Combustion temperature;
 - 4) An appropriate indicator of combustion gas velocity;
 - 5) Allowable variations in incinerator system design or operating procedures; and
 - 6) Such other operating requirements as are necessary to ensure that the performance standards of Section 724.443 are met.
- c) During start-up and shut-down of an incinerator, hazardous waste (except wastes exempted in accordance with Section 724.440) must not be fed into the incinerator unless the incinerator is operating within the conditions of operation (temperature, air feed rate, etc.) specified in the permit.
- d) Fugitive emissions from the combustion zone must be controlled by the following:
 - 1) Keeping the combustion zone totally sealed against fugitive emissions; ~~or~~

- 2) Maintaining a combustion zone pressure lower than atmospheric pressure; or
 - 3) An ~~alternate~~-alternative means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.
- e) An incinerator must be operated with a functioning system to automatically cut off waste feed to the incinerator when operating conditions deviate from limits established under ~~paragraph~~-subsection (a) of this Section.
 - f) An incinerator must cease operation when changes in waste feed, incinerator design, or operating conditions exceed limits designated in its permit.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.447 Monitoring and Inspections

- a) The owner or operator must conduct, as a minimum, the following monitoring while incinerating hazardous waste:
 - 1) Combustion temperature, waste feed rate, and the indicator of combustion gas velocity specified in the facility permit must be monitored on a continuous basis.
 - 2) Carbon monoxide must be monitored on a continuous basis at a point in the incinerator downstream of the combustion zone and prior to release to the atmosphere.
 - 3) Upon request by the Agency, sampling and analysis of the waste and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieved the performance standard of Section 724.443.
- b) The incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be subjected to thorough visual inspection, at least daily, for leaks, spills, fugitive emissions and signs of tampering.
- c) The emergency waste feed cutoff system and associated alarms must be tested at least weekly to verify operability, unless the applicant demonstrates to the Agency that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be adequate. At a minimum, operational testing must be conducted at least monthly.

- d) This monitoring and inspection data must be recorded and the records must be placed in the operating log required by Section 724.173.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.451 Closure

At closure the owner or operator must remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the incinerator site.

~~(Board Note: BOARD NOTE: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(d), that the residue removed from the incinerator is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with applicable requirements of this Subchapter.)~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART S: SPECIAL PROVISIONS FOR CLEANUP

Section 724.651 Grandfathered Corrective Action Management Units

- a) To implement remedies under Section 724.201 or RCRA section 3008(h), or to implement remedies at a permitted facility that is not subject to Section 724.201, the Agency may designate an area at the facility as a corrective action management unit in accordance with the requirements of this Section. "Corrective action management unit" or "CAMU" means an area within a facility that is used only for managing remediation wastes for implementing corrective action or cleanup at that facility. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.
- 1) Placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes.
 - 2) Consolidation or placement of remediation wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.
- b) Designation of a CAMU.

- 1) The Agency may designate a regulated unit (as defined in Section 724.190(a)(2)) as a CAMU, or it may incorporate a regulated unit into a CAMU, if the following is true:
 - A) The regulated unit is closed or closing, meaning it has begun the closure process under Section 724.213 or 35 Ill. Adm. Code 725.213; and
 - B) Inclusion of the regulated unit will enhance implementation of effective, protective, and reliable remedial actions for the facility.
- 2) The requirements of Subparts F, G, and H of this Part and the unit-specific requirements of this Part or the 35 Ill. Adm. Code 725 requirements that applied to that regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.
- c) The Agency must designate a CAMU in accordance with the following factors:
 - 1) The CAMU must facilitate the implementation of reliable, effective, protective, and cost-effective remedies;
 - 2) Waste management activities associated with the CAMU must not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;
 - 3) The CAMU must include uncontaminated areas of the facility only if including such areas for the purpose of managing remediation waste is more protective than managing such wastes at contaminated areas of the facility;
 - 4) Areas within the CAMU where wastes remain in place after its closure must be managed and contained so as to minimize future releases to the extent practicable;
 - 5) The CAMU must expedite the timing of remedial activity implementation, when appropriate and practicable;
 - 6) The CAMU must enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and

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

- i) Requirements for excavation, removal, treatment, or containment of wastes;
 - ii) For areas in which wastes will remain after closure of the CAMU, requirements for the capping of such areas; and
 - iii) Requirements for the removal and decontamination of equipment, devices, and structures used in remediation waste management activities within the CAMU.
- C) In establishing specific closure requirements for a CAMU under this subsection (e), the Agency must consider the following factors:
- i) The characteristics of the CAMU;
 - ii) The volume of wastes that remain in place after closure;
 - iii) The potential for releases from the CAMU;
 - iv) The physical and chemical characteristics of the waste;
 - v) The hydrological and other relevant environmental conditions at the facility that may influence the migration of any potential or actual releases; and
 - vi) The potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.
- D) Post-closure care requirements as necessary to protect human health and the environment, including, for areas where wastes will remain in place, monitoring and maintenance activities and the frequency with which such activities must be performed to ensure the integrity of any cap, final cover, or other containment system.
- f) The Agency must document the rationale for designating the CAMU and must make such documentation available to the public.
- g) Incorporation of a CAMU into an existing permit must be approved by the Agency according to the procedures for Agency-initiated permit modifications under 35 Ill. Adm. Code 703.270 through 703.273 or according to the permit modification procedures of 35 Ill. Adm. Code 703.283.

- h) The designation of a CAMU does not change the Agency's existing authority to address cleanup levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.652 Corrective Action Management Units

- a) To implement remedies under Section 724.201 or RCRA section 3008(h), or to implement remedies at a permitted facility that is not subject to Section 724.201, the Agency may designate an area at the facility as a corrective action management unit under the requirements in this Section. "Corrective action management unit" or "CAMU" means an area within a facility that is used only for managing CAMU-eligible wastes for implementing corrective action or cleanup at that facility. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.
- 1) "CAMU-eligible waste" means the following:
- A) All solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris, that are managed for implementing cleanup. As-generated wastes (either hazardous or non-hazardous) from ongoing industrial operations at a site are not CAMU-eligible wastes.
 - B) Wastes that would otherwise meet the description in subsection (a)(1)(A) of this Section are not CAMU-eligible waste where the following is true:
 - i) The wastes are hazardous waste found during cleanup in intact or substantially intact containers, tanks, or other non-land-based units found above ground, unless the wastes are first placed in the tanks, containers, or non-land-based units as part of cleanup, or the containers or tanks are excavated during the course of cleanup; or
 - ii) The Agency makes the determination in subsection (a)(2) of this Section to prohibit the wastes from management in a CAMU.
 - C) Notwithstanding subsection (a)(1)(A) of this Section, where appropriate, as-generated non-hazardous waste may be placed in a

CAMU where such waste is being used to facilitate treatment or the performance of the CAMU.

- 2) The Agency must prohibit the placement of waste in a CAMU where the Agency determines that the wastes have not been managed in compliance with applicable land disposal treatment standards of 35 Ill. Adm. Code 728, applicable unit design requirements of this Part or 35 Ill. Adm. Code 725, or other applicable requirements of this Subtitle G, and that the non-compliance likely contributed to the release of the waste.
 - 3) Prohibition against placing liquids in a CAMU.
 - A) The placement of bulk or noncontainerized liquid hazardous waste or free liquids contained in hazardous waste (whether or not sorbents have been added) in any CAMU is prohibited except where placement of such wastes facilitates the remedy selected for the waste.
 - B) The requirements in Section 724.414(d) for placement of containers holding free liquids in landfills apply to placement in a CAMU, except where placement facilitates the remedy selected for the waste.
 - C) The placement of any liquid ~~which~~ that is not a hazardous waste in a CAMU is prohibited unless such placement facilitates the remedy selected for the waste or a demonstration is made pursuant to Section 724.414(f).
 - D) The absence or presence of free liquids in either a containerized or a bulk waste must be determined in accordance with Section 724.414(c). Sorbents used to treat free liquids in a CAMU must meet the requirements of Section 724.414(e).
 - 4) Placement of CAMU-eligible wastes into or within a CAMU does not constitute land disposal of hazardous waste.
 - 5) Consolidation or placement of CAMU-eligible wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.
- b) Establishing a CAMU.

- 1) The Agency must designate a regulated unit (as defined in Section 724.190(a)(2)) as a CAMU or must incorporate a regulated unit into a CAMU, if it determines that the following is true of a regulated unit:
 - A) The regulated unit is closed or closing, meaning it has begun the closure process under Section 724.213 or 35 Ill. Adm. Code 725.213; and
 - B) Inclusion of the regulated unit will enhance implementation of effective, protective, and reliable remedial actions for the facility.
- 2) The Subpart F, G, and H requirements and the unit-specific requirements of this Part or 35 Ill. Adm. Code 265 that applied to the regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.
- c) The Agency must designate a CAMU that will be used for storage or treatment only in accordance with subsection (f) of this Section. The Agency must designate any other CAMU in accordance with the following requirements:
 - 1) The CAMU must facilitate the implementation of reliable, effective, protective, and cost-effective remedies;
 - 2) Waste management activities associated with the CAMU must not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;
 - 3) The CAMU must include uncontaminated areas of the facility, only if including such areas for the purpose of managing CAMU-eligible waste is more protective than management of such wastes at contaminated areas of the facility;
 - 4) Areas within the CAMU, where wastes remain in place after closure of the CAMU, must be managed and contained so as to minimize future releases, to the extent practicable;
 - 5) The CAMU must expedite the timing of remedial activity implementation, when appropriate and practicable;
 - 6) The CAMU must enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and

- 7) The CAMU must, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.
- d) The owner or operator must provide sufficient information to enable the Agency to designate a CAMU in accordance with the criteria in this Section. This must include, unless not reasonably available, information on the following:
 - 1) The origin of the waste and how it was subsequently managed (including a description of the timing and circumstances surrounding the disposal or release);
 - 2) Whether the waste was listed or identified as hazardous at the time of disposal or release; and
 - 3) Whether the disposal or release of the waste occurred before or after the land disposal requirements of 35 Ill. Adm. Code 728 were in effect for the waste listing or characteristic.
 - e) The Agency must specify, in the permit or order, requirements for the CAMU to include the following:
 - 1) The areal configuration of the CAMU.
 - 2) Except as provided in subsection (g) of this Section, requirements for CAMU-eligible waste management to include the specification of applicable design, operation, treatment, and closure requirements.
 - 3) Minimum Design Requirements: a CAMU, except as provided in subsection (f) of this Section, into which wastes are placed must be designed in accordance with the following:
 - A) Unless the Agency approves alternative requirements under subsection (e)(3)(B) of this Section, a CAMU that consists of new, replacement, or laterally expanded units must include a composite liner and a leachate collection system that is designed and constructed to maintain less than a 30-cm depth of leachate over the liner. For purposes of this Section, "composite liner" means a system consisting of two components; the upper component must consist of a minimum 30-mil flexible membrane liner (FML), and the lower component must consist of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec. FML components consisting of high density polyethylene (HDPE) must be at least 60 mil thick. The FML

component must be installed in direct and uniform contact with the compacted soil component;

- B) **Alternative Requirements.** The Agency must approve ~~alternate~~ alternative requirements if it determines that either of the following is true:
- i) The Agency determines that alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents into the groundwater or surface water at least as effectively as the liner and leachate collection systems in subsection (e)(3)(A) of this Section; or
 - ii) The CAMU is to be established in an area with existing significant levels of contamination, and the Agency determines that an alternative design, including a design that does not include a liner, would prevent migration from the unit that would exceed long-term remedial goals.

4) **Minimum treatment requirements:** Unless the wastes will be placed in a CAMU for storage or treatment only in accordance with subsection (f) of this Section, CAMU-eligible wastes that, absent this Section, would be subject to the treatment requirements of 35 Ill. Adm. Code 728, and that the Agency determines contain principal hazardous constituents must be treated to the standards specified in subsection (e)(4)(C) of this Section.

A) **Principal hazardous constituents** are those constituents that the Agency determines pose a risk to human health and the environment substantially higher than the cleanup levels or goals at the site.

- i) In general, the Agency must designate as principal hazardous constituents those contaminants specified in subsection (e)(4)(H) of this Section.

BOARD NOTE: The Board has codified 40 CFR 264.552(e)(4)(i)(A)(1) and (e)(4)(i)(A)(2) as subsections (e)(4)(H)(i) and (e)(4)(H)(ii) of this Section in order to comply with Illinois Administrative Code codification requirements.

- ii) The Agency must also designate constituents as principal hazardous constituents, where appropriate, when risks to

human health and the environment posed by the potential migration of constituents in wastes to groundwater are substantially higher than cleanup levels or goals at the site; when making such a designation, the Agency must consider such factors as constituent concentrations, and fate and transport characteristics under site conditions.

- iii) The Agency must also designate other constituents as principal hazardous constituents that the Agency determines pose a risk to human health and the environment substantially higher than the cleanup levels or goals at the site.
- B) In determining which constituents are “principal hazardous constituents,” the Agency must consider all constituents ~~which~~ that, absent this Section, would be subject to the treatment requirements in 35 Ill. Adm. Code 728.
 - C) Waste that the Agency determines contains principal hazardous constituents must meet treatment standards determined in accordance with subsection (e)(4)(D) or (e)(4)(E) of this Section.
 - D) Treatment standards for wastes placed in a CAMU.
 - i) For non-metals, treatment must achieve 90 percent reduction in total principal hazardous constituent concentrations, except as provided by subsection (e)(4)(D)(iii) of this Section.
 - ii) For metals, treatment must achieve 90 percent reduction in principal hazardous constituent concentrations as measured in leachate from the treated waste or media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by subsection (e)(4)(D)(iii) of this Section.
 - iii) When treatment of any principal hazardous constituent to a 90 percent reduction standard would result in a concentration less than 10 times the Universal Treatment Standard for that constituent, treatment to achieve constituent concentrations less than 10 times the Universal Treatment Standard is not required. Universal Treatment

Standards are identified in Table U to 35 Ill. Adm. Code 728. Table U.

- iv) For waste exhibiting the hazardous characteristic of ignitability, corrosivity, or reactivity, the waste must also be treated to eliminate these characteristics.
 - v) For debris, the debris must be treated in accordance with § 268.45, or by methods or to levels established under subsections (e)(4)(D)(i) through (e)(4)(D)(iv) or subsection (e)(4)(E) of this Section, whichever the Agency determines is appropriate.
 - vi) Alternatives to TCLP. For metal bearing wastes for which metals removal treatment is not used, the Agency must specify a leaching test other than the TCLP (~~SW846, SW-846~~, Method 1311, incorporated by reference in 35 Ill. Adm. Code 720.111) to measure treatment effectiveness, provided the Agency determines that an alternative leach testing protocol is appropriate for use, and that the alternative more accurately reflects conditions at the site that affect leaching.
- E) Adjusted standards. The Board will grant an adjusted standard pursuant to Section 28.1 of the Act to adjust the treatment level or method in subsection (e)(4)(D) of this Section to a higher or lower level, based on one or more of the following factors, as appropriate, if the owner or operator demonstrates that the adjusted level or method would be protective of human health and the environment, based on consideration of the following:
- i) The technical impracticability of treatment to the levels or by the methods in subsection (e)(4)(D) of this Section;
 - ii) The levels or methods in subsection (e)(4)(D) of this Section would result in concentrations of principal hazardous constituents (PHCs) that are significantly above or below cleanup standards applicable to the site (established either site-specifically, or promulgated under State or federal law);
 - iii) The views of the affected local community on the treatment levels or methods in subsection (e)(4)(D) of this Section, as

applied at the site, and, for treatment levels, the treatment methods necessary to achieve these levels;

- iv) The short-term risks presented by the on-site treatment method necessary to achieve the levels or treatment methods in subsection (e)(4)(D) of this Section;
- v) The long-term protection offered by the engineering design of the CAMU and related engineering controls under the circumstances set forth in subsection (e)(4)(I) of this Section.

BOARD NOTE: The Board has codified 40 CFR 264.552(e)(4)(v)(E)(1) through (e)(4)(v)(E)(5) as subsections (e)(4)(I)(i) through (e)(4)(I)(v) of this Section in order to comply with Illinois Administrative Code codification requirements.

- F) The treatment required by the treatment standards must be completed prior to, or within a reasonable time after, placement in the CAMU.
- G) For the purpose of determining whether wastes placed in a CAMU have met site-specific treatment standards, the Agency must specify a subset of the principal hazardous constituents in the waste as analytical surrogates for determining whether treatment standards have been met for other principal hazardous constituents if it determines that the specification is appropriate based on the degree of difficulty of treatment and analysis of constituents with similar treatment properties.
- H) Principal hazardous constituents that the Agency must designate are the following:
 - i) Carcinogens that pose a potential direct risk from ingestion or inhalation at the site at or above 10^{-3} ; and
 - ii) Non-carcinogens that pose a potential direct risk from ingestion or inhalation at the site an order of magnitude or greater over their reference dose.
- I) Circumstances relating to the long-term protection offered by engineering design of the CAMU and related engineering controls are the following:

- i) Where the treatment standards in subsection (e)(4)(D) of this Section are substantially met and the principal hazardous constituents in the waste or residuals are of very low mobility;
 - ii) Where cost-effective treatment has been used and the CAMU meets the Subtitle C liner and leachate collection requirements for new land disposal units at Section 724.401(c) and (d);
 - iii) Where, after review of appropriate treatment technologies, the Board determines that cost-effective treatment is not reasonably available, and the CAMU meets the Subtitle C liner and leachate collection requirements for new land disposal units at Section 724.401(c) and (d);
 - iv) Where cost-effective treatment has been used and the principal hazardous constituents in the treated wastes are of very low mobility; or
 - v) Where, after review of appropriate treatment technologies, the Board determines that cost-effective treatment is not reasonably available, the principal hazardous constituents in the wastes are of very low mobility, and either the CAMU meets or exceeds the liner standards for new, replacement, or a laterally expanded CAMU in subsections (e)(3)(A) and (e)(3)(B) of this Section or the CAMU provides substantially equivalent or greater protection.
- 5) Except as provided in subsection (f) of this Section, requirements for groundwater monitoring and corrective action that are sufficient to do the following:
- A) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in groundwater from sources located within the CAMU; ~~and~~
 - B) Detect and subsequently characterize releases of hazardous constituents to groundwater that may occur from areas of the CAMU in which wastes will remain in place after closure of the CAMU; and

- C) Require notification to the Agency and corrective action as necessary to protect human health and the environment for releases to groundwater from the CAMU.
- 6) Except as provided in subsection (f) of this Section, closure and post-closure requirements, as follows:
- A) Closure of corrective action management units must do the following:
 - i) Minimize the need for further maintenance; and
 - ii) Control, minimize, or eliminate, to the extent necessary to protect human health and the environment, for areas where wastes remain in place, post-closure escape of hazardous wastes, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere.
 - B) Requirements for closure of a CAMU must include the following, as appropriate and as deemed necessary by the Agency for a given CAMU:
 - i) Requirements for excavation, removal, treatment or containment of wastes; and
 - ii) Requirements for removal and decontamination of equipment, devices, and structures used in CAMU-eligible waste management activities within the CAMU.
 - C) In establishing specific closure requirements for a CAMU under this subsection (e), the Agency must consider the following factors:
 - i) CAMU characteristics;
 - ii) Volume of wastes ~~which~~ that remain in place after closure;
 - iii) Potential for releases from the CAMU;
 - iv) Physical and chemical characteristics of the waste;

- v) Hydrological and other relevant environmental conditions at the facility ~~which~~ that may influence the migration of any potential or actual releases; and
 - vi) Potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.
- D) Cap requirements:
- i) At final closure of the CAMU, for areas in which wastes will remain with constituent concentrations at or above remedial levels or goals applicable to the site after closure of the CAMU, the owner or operator must cover the CAMU with a final cover designed and constructed to meet the performance criteria listed in subsection (e)(6)(F) of this Section, except as provided in subsection (e)(6)(D)(ii) of this Section:

BOARD NOTE: The Board has codified 40 CFR 264.552(e)(6)(iv)(A)(1) through (e)(6)(iv)(A)(5) as subsections (e)(6)(F)(i) through (e)(6)(F)(v) of this Section in order to comply with Illinois Administrative Code codification requirements.
 - ii) The Agency must apply cap requirements that deviate from those prescribed in subsection (e)(6)(D)(i) of this Section if it determines that the modifications are needed to facilitate treatment or the performance of the CAMU (e.g., to promote biodegradation).
- E) Post-closure requirements as necessary to protect human health and the environment, to include, for areas where wastes will remain in place, monitoring and maintenance activities, and the frequency with which such activities must be performed to ensure the integrity of any cap, final cover, or other containment system.
- F) The final cover design and performance criteria are as follows:
- i) Provide long-term minimization of migration of liquids through the closed unit;
 - ii) Function with minimum maintenance;

- iii) Promote drainage and minimize erosion or abrasion of the cover;
 - iv) Accommodate settling and subsidence so that the cover's integrity is maintained; and
 - v) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.
- f) A CAMU used for storage or treatment only is a CAMU in which wastes will not remain after closure. Such a CAMU must be designated in accordance with all of the requirements of this Section, except as follows:
 - 1) A CAMU that is used for storage or treatment only and that operates in accordance with the time limits established in the staging pile regulations at Section 724.654(d)(1)(C), (h), and (i) is subject to the requirements for staging piles at Section 724.654(d)(1)(A) and (d)(1)(B), (d)(2), (e), (f), (j), and (k); in lieu of the performance standards and requirements for a CAMU in subsections (c) and (e)(3) through (e)(6) of this Section.
 - 2) A CAMU that is used for storage or treatment only and that does not operate in accordance with the time limits established in the staging pile regulations at Section 724.654(d)(1)(C), (h), and (i):
 - A) The owner or operator must operate in accordance with a time limit, established by the Agency, that is no longer than necessary to achieve a timely remedy selected for the waste and
 - B) The CAMU is subject to the requirements for staging piles at Section 724.654(d)(1)(A) and (d)(1)(B), (d)(2), (e), (f), (j), and (k) in lieu of the performance standards and requirements for a CAMU in subsections (c), ~~and (e)(4)~~, and (6) of this Section.
- g) A CAMU into which wastes are placed where all wastes have constituent levels at or below remedial levels or goals applicable to the site do not have to comply with the requirements for liners at subsection (e)(3)(A) of this Section, caps at subsection (e)(6)(D) of this Section, groundwater monitoring requirements at subsection (e)(5) of this Section or, for treatment or storage-only a CAMU, the design standards at subsection (f) of this Section.
- h) The Agency must provide public notice and a reasonable opportunity for public comment before designating a CAMU. Such notice must include the rationale for any proposed adjustments under subsection (e)(4)(E) of this Section to the treatment standards in subsection (e)(4)(D) of this Section.

- i) Notwithstanding any other provision of this Section, the Agency must impose those additional requirements that it determines are necessary to protect human health and the environment.
- j) Incorporation of a CAMU into an existing permit must be approved by the Agency according to the procedures for Agency-initiated permit modifications under 35 Ill. Adm. Code 703.270 through 703.273, or according to the permit modification procedures of 35 Ill. Adm. Code 703.280 through 703.283.
- k) The designation of a CAMU does not change the Agency's existing authority to address cleanup levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.653 Temporary Units

- a) For temporary tanks and container storage areas used to treat or store hazardous remediation wastes during remedial activities required under Section 724.201 or RCRA section 3008(h), or at a permitted facility that is not subject to Section 724.201, the Agency may designate a unit at the facility as a temporary unit. A temporary unit must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the temporary unit originated. For temporary units, the Agency may replace the design, operating, or closure standards applicable to these units under this Part 724 or 35 Ill. Adm. Code 725 with alternative requirements that protect human health and the environment.
- b) Any temporary unit to which alternative requirements are applied in accordance with subsection (a) of this Section shall must be as follows:
 - 1) Located within the facility boundary; and
 - 2) Used only for treatment or storage of remediation wastes.
- c) In establishing alternative requirements to be applied to a temporary unit, the Agency shall must consider the following factors:
 - 1) The length of time such unit will be in operation;
 - 2) The type of unit;
 - 3) The volumes of wastes to be managed;

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

BOARD NOTE: USEPA promulgated this provision pursuant to HSWA provisions of RCRA Subtitle C. Since the federal provision became immediately effective in Illinois, and until USEPA authorizes this Illinois provision, an owner or operator must seek TU authorization from USEPA Region V, as well as authorization from the Agency under this provision.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.654 Staging Piles

- a) Definition of a staging pile. A staging pile is an accumulation of solid, non-flowing remediation waste (as defined in 35 Ill. Adm. Code 720.110) that is not a containment building and which is used only during remedial operations for temporary storage at a facility. A staging pile must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the staging pile originated. Staging piles must be designated by the Agency in accordance with the requirements in this Section.
 - 1) For the purposes of this Section, storage includes mixing, sizing, blending, or other similar physical operations as long as they are intended to prepare the wastes for subsequent management or treatment.
 - 2) This subsection (a)(2) corresponds with 40 CFR 264.554(a)(2), which USEPA has marked as “reserved.” This statement maintains structural consistency with the federal regulations.

- b) Use of a staging pile. An owner or operator may use a staging pile to store hazardous remediation waste (or remediation waste otherwise subject to land disposal restrictions) only if an owner or operator follows the standards and design criteria the Agency has designated for that staging pile. The Agency must designate the staging pile in a permit or, at an interim status facility, in a closure plan or order (consistent with 35 Ill. Adm. Code 703.155(a)(5) and (b)(5)). The Agency must establish conditions in the permit, closure plan, or order that comply with subsections (d) through (k) of this Section.

- c) Information that an owner or operator must submit to gain designation of a staging pile. When seeking a staging pile designation, an owner or operator must provide the following:
 - 1) Sufficient and accurate information to enable the Agency to impose standards and design criteria for the facility’s staging pile according to subsections (d) through (k) of this Section;
 - 2) Certification by an independent, qualified, registered professional engineer of technical data, such as design drawings and specifications, and engineering studies, unless the Agency determines, based on information that an owner or operator provides, that this certification is not necessary to ensure that a staging pile will protect human health and the environment; and

- 3) Any additional information the Agency determines is necessary to protect human health and the environment.
- d) Performance criteria that a staging pile must satisfy. The Agency must establish the standards and design criteria for the staging pile in the permit, closure plan, or order.
- 1) The standards and design criteria must comply with the following:
 - A) The staging pile must facilitate a reliable, effective, and protective remedy;
 - B) The staging pile must be designed so as to prevent or minimize releases of hazardous wastes and hazardous constituents into the environment, and minimize or adequately control cross-media transfer, as necessary to protect human health and the environment (for example, through the use of liners, covers, or runoff and runoff controls, as appropriate); and
 - C) The staging pile must not operate for more than two years, except when the Agency grants an operating term extension under subsection (i) of this Section. An owner or operator must measure the two-year limit or other operating term specified by the Agency in the permit, closure plan, or order from the first time an owner or operator places remediation waste into a staging pile. An owner or operator must maintain a record of the date when it first placed remediation waste into the staging pile for the life of the permit, closure plan, or order, or for three years, whichever is longer.
 - 2) In setting the standards and design criteria, the Agency must consider the following factors:
 - A) The length of time the pile will be in operation;
 - B) The volumes of wastes the owner or operator intends to store in the pile;
 - C) The physical and chemical characteristics of the wastes to be stored in the unit;
 - D) The potential for releases from the unit;

- E) The hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases; and
 - F) The potential for human and environmental exposure to potential releases from the unit.
- e) Receipt of ignitable or reactive remediation waste. An owner or operator must not place ignitable or reactive remediation waste in a staging pile unless the following is true:
- 1) The owner or operator has treated, rendered, or mixed the remediation waste before it placed the waste in the staging pile so that the following is true of the waste:
 - A) The remediation waste no longer meets the definition of ignitable or reactive under 35 Ill. Adm. Code 721.121 or 721.123; and
 - B) The owner or operator has complied with Section 724.117(b); or
 - 2) ~~An~~ The owner or operator manages the remediation waste to protect it from exposure to any material or condition that may cause it to ignite or react.
- f) Managing incompatible remediation wastes in a staging pile. The term “incompatible waste” is defined in 35 Ill. Adm. Code 720.110. An owner or operator must comply with the following requirements for incompatible wastes in staging piles:
- 1) ~~An~~ The owner or operator must not place incompatible remediation wastes in the same staging pile unless an owner or operator has complied with Section 724.117(b);
 - 2) If remediation waste in a staging pile is incompatible with any waste or material stored nearby in containers, other piles, open tanks, or land disposal units (for example, surface impoundments), an owner or operator must separate the incompatible materials, or protect them from one another by using a dike, berm, wall, or other device; and
 - 3) ~~An~~ The owner or operator must not pile remediation waste on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to comply with Section 724.117(b).

- g) Staging piles are not subject to land disposal restrictions and federal minimum technological requirements. Placing hazardous remediation wastes into a staging pile does not constitute land disposal of hazardous wastes or create a unit that is subject to the federal minimum technological requirements of section 3004(o) of RCRA-3004(o), 42 USC 6924(o).
- h) How long an owner or operator may operate a staging pile. The Agency may allow a staging pile to operate for up to two years after hazardous remediation waste is first placed into the pile. An owner or operator must use a staging pile no longer than the length of time designated by the Agency in the permit, closure plan, or order (the “operating term”), except as provided in subsection (i) of this Section.
- i) Receiving an operating extension for a staging pile.
 - 1) The Agency may grant one operating term extension of up to 180 days beyond the operating term limit contained in the permit, closure plan, or order (see subsection (l) of this Section for modification procedures). To justify the need for an extension, an owner or operator must provide sufficient and accurate information to enable the Agency to determine that the following is true of continued operation of the staging pile:
 - A) Continued operation will not pose a threat to human health and the environment; and
 - B) Continued operation is necessary to ensure timely and efficient implementation of remedial actions at the facility.
 - 2) The Agency must, as a condition of the extension, specify further standards and design criteria in the permit, closure plan, or order, as necessary, to ensure protection of human health and the environment.
- j) The closure requirement for a staging pile located in a previously contaminated area.
 - 1) Within 180 days after the operating term of the staging pile expires, an owner or operator must close a staging pile located in a previously contaminated area of the site by removing or decontaminating all of the following:
 - A) Remediation waste;
 - B) Contaminated containment system components; and
 - C) Structures and equipment contaminated with waste and leachate.

- 2) An owner or operator must also decontaminate contaminated subsoils in a manner and according to a schedule that the Agency determines will protect human health and the environment.
 - 3) The Agency must include the above requirements in the permit, closure plan, or order in which the staging pile is designated.
- k) The closure requirement for a staging pile located in a previously uncontaminated area.
- 1) Within 180 days after the operating term of the staging pile expires, an owner or operator must close a staging pile located in an uncontaminated area of the site according to Sections 724.358(a) and 724.211 or according to 35 Ill. Adm. Code 725.358(a) and 725.211.
 - 2) The Agency must include the above requirement in the permit, closure plan, or order in which the staging pile is designated.
- l) Modifying an existing permit (e.g., a RAP), closure plan, or order to allow the use of a staging pile.
- 1) To modify a permit, other than a RAP, to incorporate a staging pile or staging pile operating term extension, either of the following must occur:
 - A) The Agency must approve the modification under the procedures for Agency-initiated permit modifications in 35 Ill. Adm. Code 703.270 through 703.273; or
 - B) An owner or operator must request a Class 2 modification under 35 Ill. Adm. Code 703.280 through 703.283.
 - 2) To modify a RAP to incorporate a staging pile or staging pile operating term extension, an owner or operator must comply with the RAP modification requirements under 35 Ill. Adm. Code 703.304(a) and (b).
 - 3) To modify a closure plan to incorporate a staging pile or staging pile operating term extension, an owner or operator must follow the applicable requirements under Section 724.212(c) or 35 Ill. Adm. Code 725.212(c).
 - 4) To modify an order to incorporate a staging pile or staging pile operating term extension, an owner or operator must follow the terms of the order and the applicable provisions of 35 Ill. Adm. Code 703.155(a)(5) or (b)(5).

- m) Public availability of information about a staging pile. The Agency must document the rationale for designating a staging pile or staging pile operating term extension and make this documentation available to the public.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.655 Disposal of CAMU-Eligible Wastes in Permitted Hazardous Waste Landfills

- a) The Agency must approve placement of CAMU-eligible wastes in hazardous waste landfills not located at the site from which the waste originated, without the wastes meeting the requirements of 35 Ill. Adm. Code 728, if it determines that the following conditions are met:
- 1) The waste meets the definition of CAMU-eligible waste in Section 724.652(a)(1) and (a)(2).
 - 2) The Agency identifies principal hazardous ~~constituents~~ constituents in such waste, in accordance with Section 724.652(e)(4)(A) and (e)(4)(B), and requires that such principal hazardous constituents are treated to any of the following standards specified for CAMU-eligible wastes:
 - A) The treatment standards under Section 724.652(e)(4)(D); or
 - B) Treatment standards adjusted in accordance with Section 724.652(e)(4)(E)(i), (e)(4)(E)(iii), (e)(4)(E)(iv)₂ or (e)(4)(F)(i); or
 - C) Treatment standards adjusted in accordance with Section 724.652(e)(4)(I)(ii), where treatment has been used and that treatment significantly reduces the toxicity or mobility of the principal hazardous constituents in the waste, minimizing the short-term and long-term threat posed by the waste, including the threat at the remediation site.
 - 3) The landfill receiving the CAMU-eligible waste must have a RCRA hazardous waste permit, meet the requirements for new landfills in Subpart N of this Part, and be authorized to accept CAMU-eligible wastes; for the purposes of this requirement, "permit" does not include interim status.
- b) The person seeking approval ~~shall~~ must provide sufficient information to enable the Agency to approve placement of CAMU-eligible waste in accordance with subsection (a) of this Section. Information required by Section 724.652(d)(1)

through (d)(3) for CAMU applications must be provided, unless not reasonably available.

- c) The Agency must provide public notice and a reasonable opportunity for public comment before approving CAMU eligible waste for placement in an off-site permitted hazardous waste landfill, consistent with the requirements for CAMU approval at Section 724.652(h). The approval must be specific to a single remediation.
- d) Applicable hazardous waste management requirements in this Part, including recordkeeping requirements to demonstrate compliance with treatment standards approved under this Section, for CAMU-eligible waste must be incorporated into the receiving facility permit through permit issuance or a permit modification, providing notice and an opportunity for comment and a hearing. Notwithstanding 35 Ill. Adm. Code 702.181(a), a landfill may not receive hazardous CAMU-eligible waste under this Section unless its permit specifically authorizes receipt of such waste.
- e) For each remediation, CAMU-eligible waste may not be placed in an off-site landfill authorized to receive CAMU-eligible waste in accordance with subsection (d) of this Section until the following additional conditions have been met:
 - 1) The landfill owner or operator notifies the Agency and persons on the facility mailing list, maintained in accordance with 35 Ill. Adm. Code 705.163(a), of his or her intent to receive CAMU-eligible waste in accordance with this Section; the notice must identify the source of the remediation waste, the principal hazardous constituents in the waste, and treatment requirements.
 - 2) Persons on the facility mailing list may provide comments, including objections to the receipt of the CAMU-eligible waste, to the Agency within 15 days after notification.
 - 3) The Agency must object to the placement of the CAMU-eligible waste in the landfill within 30 days of notification; the Agency must extend the review period an additional 30 days if it determines that the extension is necessary because of public concerns or insufficient information.
 - 4) CAMU-eligible wastes may not be placed in the landfill until the Agency has notified the facility owner or operator that it does not object to its placement.
 - 5) If the Agency objects to the placement or does not notify the facility owner or operator that it has chosen not to object, the facility may not

receive the waste, notwithstanding 35 Ill. Adm. Code 702.181(a), until the objection has been resolved, or the owner/operator obtains a permit modification in accordance with the procedures of 35 Ill. Adm. Code 703.280 through 703.283 specifically authorizing receipt of the waste.

- 6) The Board will grant an adjusted standard under Section 28.1 of the Act that modifies, reduces, or eliminates the notification requirements of this subsection (e) as they apply to specific categories of CAMU-eligible waste, if the owner or operator demonstrates that this is possible based on minimal risk.
- f) Generators of CAMU-eligible wastes sent off-site to a hazardous waste landfill under this Section must comply with the requirements of 35 Ill. Adm. Code 728.107(a)(4). Off-site facilities treating CAMU-eligible wastes to comply with this Section must comply with the requirements of 35 Ill. Adm. Code 728.107(b)(4), except that the certification must be with respect to the treatment requirements of subsection (a)(2) of this Section.
- g) For the purposes of this Section only, the “design of the CAMU” in Section 724.652(e)(4)(E)(v) means design of the permitted Subtitle C landfill.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART W: DRIP PADS

Section 724.670 Applicability

- a) The requirements of this Subpart W apply to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, or surface water run-on to an associated collection system.
 - 1) “Existing drip pads” are the following:
 - A) Those constructed before December 6, 1990; and
 - B) Those for which the owner or operator ~~has had~~ a design and ~~has had~~ entered into binding financial or other agreements for construction prior to December 6, 1990.
 - 2) All other drip pads are “new drip pads.”

- 3) The requirements at Section 724.673(b)(3) to install a leak collection system applies only to those drip pads that ~~are~~ were constructed after December 24, 1992 except for those constructed after December 24, 1992 for which the owner or operator ~~has~~ had a design and has entered into binding financial or other agreements for construction prior to December 24, 1992.

- b) The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither run-off nor run-on is generated is not subject to regulation under Section 724.672(e) or (f).

- c) The requirements of this subsection (c) are not applicable to the management of infrequent and incidental drippage in storage yards provided that the owner or operator maintains and complies with a written contingency plan that describes how the owner or operator will respond immediately to the discharge of infrequent and incidental drippage. At a minimum, the contingency plan must describe how the owner or operator will do the following:
 - 1) Clean up the drippage;
 - 2) Document the clean-up of the drippage;
 - 3) Retain documentation regarding the clean-up for three years; and
 - 4) Manage the contaminated media in a manner consistent with State and ~~Federal~~ federal regulations.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.671 Assessment of ~~existing drip pad integrity~~ Existing Drip Pad Integrity

- a) For each existing drip pad, the owner or operator ~~shall~~ must evaluate the drip pad and determine that it meets all of the requirements of this Subpart W, except the requirements for liners and leak detection systems of Section 724.673(b). No later than June 6, 1991, the owner or operator ~~shall~~ must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent, qualified registered professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated, and re-certified annually until all upgrades, repairs or modifications necessary to achieve compliance with all of the standards of Section 724.673 are complete. The evaluation must document the extent to which the drip pad meets each of the design and operating standards of Section 724.673, except the standards for liners and leak detection systems, specified in Section 724.673(b).

- b) The owner or operator ~~shall~~ must develop a written plan for upgrading, repairing, and modifying the drip pad to meet the requirements of Section 724.673(b) and submit the plan to the Agency no later than ~~2~~two years before the date that all repairs, upgrades and modifications will be complete. This written plan must describe all changes to be made to the drip pad in sufficient detail to document compliance with all the requirements of Section 724.673. The plan must be reviewed and certified by an independent qualified, registered professional engineer. All upgrades, repairs, and modifications must be completed in accordance with the following:
- 1) For existing drip pads of known and documentable age, all upgrades, repairs, and modifications must ~~be~~ have been completed by June 6, 1993, or when the drip pad has reached 15 years of age, whichever comes later.
 - 2) For existing drip pads for which the age cannot be documented, by June 6, 1999; but, if the age of the facility is greater than ~~7~~seven years, all upgrades, repairs and modifications must be completed by the time the facility reaches 15 years of age or by June 6, 1993, whichever comes later.
 - 3) The owner or operator may petition the Board for an extension of the deadline in subsection (b)(1) or (b)(2) of this Section.
 - A) The owner or operator ~~shall~~ must file a petition for a RCRA variance, as specified in 35 Ill. Adm. Code 104.
 - B) The Board will grant the petition for extension if it finds ~~that~~ the following:
 - i) The drip pad meets all of the requirements of Section 724.673, except those for liners and leak detection systems specified in Section 724.673(b); and
 - ii) That it will continue to be protective of human health and the environment.
- c) Upon completion of all upgrades, repairs, and modifications, the owner or operator ~~shall~~ must submit to the Agency, the as-built drawings for the drip pad, together with a certification by an independent, qualified, registered professional engineer attesting that the drip pad conforms to the drawings.
- d) If the drip pad is found to be leaking or unfit for use, the owner or operator ~~shall~~ must comply with the provisions of Section 724.672(m) or close the drip pad in accordance with Section 724.675.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.672 ~~Design and installation of new drip pads~~ Installation of New Drip Pads

Owners and operators of new drip pads ~~shall~~ must ensure that the pads are designed, installed and operated in accordance with one of the following:

- a) All of the requirements of Sections 724.673 (except Section 724.673(a)(4)), 724.674, and 724.675; or
- b) All of the requirements of Sections 724.673 (except Section 724.673(b)), 724.674, and 724.675.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.673 ~~Design and operating requirements~~ Operating Requirements

- a) Drip pads must fulfill the following:
 - 1) Not be constructed of earthen materials, wood, or asphalt, unless the asphalt is structurally supported;
 - 2) Be sloped to free-drain to the associated collection system treated wood drippage, rain, other waters, or solutions of drippage and water or other wastes;
 - 3) Have a curb or berm around the perimeter;
 - 4) In addition, the drip pad must fulfill the following:
 - A) Have a hydraulic conductivity of less than or equal to 1×10^{-7} centimeters per second (cm/sec), e.g., existing concrete drip pads must be sealed, coated, or covered with a surface material with a hydraulic conductivity of less than or equal to 1×10^{-7} cm/sec such that the entire surface where drippage occurs or may run across is capable of containing such drippage and mixtures of drippage and precipitation, materials, or other wastes while being routed to an associated collection system. This surface material must be maintained free of cracks and gaps that could adversely affect its hydraulic conductivity, and the material must be chemically compatible with the preservatives that contact the drip pad. The requirements of this provision apply only to the existing drip pads and those drip pads for which the owner or operator

elects to comply with Section 724.672(a) instead of Section 724.672(b).

B) The owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent qualified registered professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and recertified annually. The evaluation must document the extent to which the drip pad meets the design and operating standards of this Section, except for in subsection (b) ~~below of this~~ Section.

5) Be of sufficient structural strength and thickness to prevent failure due to physical contact, climatic conditions, the stress of installation, and the stress of daily operations, e.g., variable and moving loads such as vehicle traffic, movement of wood, etc.

BOARD NOTE: In judging the structural integrity requirement of this subsection (c), the Agency should generally consider applicable standards established by professional organizations generally recognized by the industry, including ACI 318 or ASTM C94, incorporated by reference in 35 Ill. Adm. Code 720.111.

b) If an owner or operator elects to comply with Section 724.672(b) instead of Section 724.672(a), the drip pad must have the following:

1) A synthetic liner installed below the drip pad that is designed, constructed, and installed to prevent leakage from the drip pad into the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the drip pad. The liner must be constructed of materials that will prevent waste from being absorbed into the liner and to prevent releases into the adjacent subsurface soil or groundwater or surface water during the active life of the facility. The liner must ~~be~~ fulfill the following:

A) ~~Constructed~~ It must be constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or drip pad leakage to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation (including stresses from vehicular traffic on the drip pad);

- B) ~~Placed~~ It must be placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and
- C) ~~Installed~~ It must be installed to cover all surrounding earth that could come in contact with the waste or leakage; and
- 2) A leakage detection system immediately above the liner that is designed, constructed, maintained, and operated to detect leakage from the drip pad. The leakage detection system must ~~be~~ fulfill the following:
- A) ~~Constructed~~ It must be constructed of materials that are as follows:
- i) Chemically resistant to the waste managed in the drip pad and the leakage that might be generated; and
 - ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying materials and by any equipment used at the drip pad; and
- B) ~~Designed~~ It must be designed and operated to function without clogging through the scheduled closure of the drip pad; and
- C) ~~Designed~~ It must be designed so that it will detect the failure of the drip pad or the presence of a release of hazardous waste or accumulated liquid at the earliest practicable time.
- 3) A leaking collection system immediately above the liner that is designed, constructed, maintained, and operated to collect leakage from the drip pad such that it can be removed from below the drip pad. The date, time, and quantity of any leakage collected in this system and removed must be documented in the operating log.
- A) The drip pad surface must be cleaned thoroughly in a manner and frequency such that accumulated residues of hazardous waste or other materials are removed, with residues being properly managed as to allow weekly inspections of the entire drip pad surface without interference or hindrance from accumulated residues of hazardous waste or other materials on the drip pad. The owner or operator must document the date and time of each cleaning and cleaning procedure used in the facility's operating log. The owner or operator must determine if the residues are hazardous, as per 35 Ill. Adm. Code 722.111, and, if so, the owner or operator must

manage them under 35 Ill. Adm. Code 721 through 728, and Section 3010 of RCRA.

- B) The Federal rules do not contain a 40 CFR 264.573(b)(3)(B). This subsection (b) is added to conform to Illinois Administrative Code rules.
- c) Drip pads must be maintained such that they remain free of cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the drip pad.
- BOARD NOTE: See subsection (m) of this Section for remedial action required if deterioration or leakage is detected.
- d) The drip pad and associated collection system must be designed and operated to convey, drain, and collect liquid resulting from dripage or precipitation in order to prevent run-off.
- e) Unless the drip pad is protected by a structure, as described in Section 724.670(b), the owner or operator ~~shall~~ must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the drip pad during peak discharge from at least a 24-hour, 25-year storm, unless the system has sufficient excess capacity to contain any run-on that might enter the system.
- f) Unless the drip pad is protected by a structure or cover, as described in Section 724.670(b), the owner or operator ~~shall~~ must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.
- g) The drip pad must be evaluated to determine that it meets the requirements of subsections (a) through (f) of this Section. The owner or operator ~~shall~~ must obtain a statement from an independent, qualified, registered professional engineer certifying that the drip pad design meets the requirements of this Section.
- h) Dripage and accumulated precipitation must be removed from the associated collection system as necessary to prevent overflow onto the drip pad.
- i) The drip surface must be cleaned thoroughly at least once every seven days such that accumulated residues of hazardous waste or other materials are removed, using an appropriate and effective cleaning technique, including but not limited to, rinsing, washing with detergents or other appropriate solvents, or steam cleaning. The owner or operator ~~shall~~ must document, in the facility's operating log, the date and time of each cleaning and the cleaning procedure used.

- j) Drip pads must be operated and maintained in a manner to minimize tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel or equipment.
- k) After being removed from the treatment vessel, treated wood from pressure and non-pressure processes must be held on the drip pad until drippage has ceased. The owner or operator ~~shall~~ must maintain records sufficient to document that all treated wood is held on the pad, in accordance with this Section, following treatment.
- l) Collection and holding units associated with run-on and run-off control systems must be emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system.
- m) Throughout the active life of the drip pad and as specified in the permit, if the owner or operator detects a condition that could lead to or has caused a release of hazardous waste, the condition must be repaired within a reasonably prompt period of time following discovery, in accordance with the following procedures:
 - 1) Upon detection of a condition that may have caused or has caused a release of hazardous waste (e.g., upon detection of leakage in the leak detection system), the owner or operator ~~shall~~ must do the following:
 - A) Enter a record of the discovery in the facility operating log;
 - B) Immediately remove from service the portion of the drip pad affected by the condition;
 - C) Determine what steps must be taken to repair the drip pad, clean up any leakage from below the drip pad, and establish a schedule for accomplishing the clean up and repairs;
 - D) Within 24 hours after discovery of the condition, notify the Agency of the condition and, within 10 working days, provide written notice to the Agency with a description of the steps that will be taken to repair the drip pad and clean up any leakage, and the schedule for accomplishing this work.
 - 2) The Agency ~~shall~~ must do the following: review the information submitted; make a determination regarding whether the pad must be removed from service completely or partially until repairs and clean up are complete; and notify the owner or operator of the determination and the underlying rationale in writing.

- 3) Upon completing all repairs and clean up, the owner or operator ~~shall~~ must notify the Agency in writing and provide a certification, signed by an independent, qualified, registered professional engineer, that the repairs and clean up have been completed according to the written plan submitted in accordance with subsection (m)(1)(D) of this Section.
- n) If a permit is necessary, the Agency ~~shall~~ must specify in the permit all design and operating practices that are necessary to ensure that the requirements of this Section are satisfied.
- o) The owner or operator ~~shall~~ must maintain, as part of the facility operating log, documentation of past operating and waste handling practices. This must include identification of preservative formulations used in the past, a description of dripage management practices, and a description of treated wood storage and handling practices.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.674 Inspections

- a) During construction or installation, liners and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation, liners must be inspected and certified as meeting the requirements of Section 724.673 by an independent, qualified, registered professional engineer. The certification must be maintained at the facility as part of the facility operating record. After installation liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters.
- b) While a drip pad is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:
 - 1) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;
 - 2) The presence of leakage in and proper functioning of leak detection system.
 - 3) Deterioration or cracking of the drip pad surface.

BOARD NOTE: See Section 724.672(m) for remedial action required if deterioration or leakage is detected.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.675 Closure

- a) At closure, the owner or operator ~~shall~~ must remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste.
- b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment, as required in subsection (a) of this Section, the owner or operator finds that not all contaminated subsoils can be practically removed or decontaminated, the operator ~~shall~~ must close the unit and perform post-closure care in accordance with closure and ~~post-closure~~ post-closure care requirements that apply to landfills (Section 724.410). For permitted units, the requirement to have a permit continues throughout the post-closure period. In addition, for the purposes of closure, ~~post-closure~~ post-closure, and financial responsibility, such a drip pad is then considered to be a landfill, and the owner or operator ~~shall~~ must meet all of the requirements for landfills specified in Subparts G and H of this Part.
- c) Existing drip pads without liners.
 - 1) The owner or operator of an existing drip pad that does not comply with the liner requirements of Section 724.673(b)(1) ~~shall~~ must do the following:
 - A) Include in the closure plan for the drip pad under Section 724.212 both a plan for complying with subsection (a) of this Section and a contingent plan for complying with subsection (b) of this Section in case not all contaminated subsoils can be practicably removed at closure; and
 - B) Prepare a contingent post-closure plan under Section 724.218 for complying with subsection (b) of this Section in case not all contaminated subsoils can be practicably removed at closure.
 - 2) The cost estimates calculated under Sections 724.212 and 724.244 for closure and post closure care of a drip pad subject to this subsection (c) must include the cost of complying with the contingent closure plan and the contingent ~~post-closure~~ post-closure plan, but are not required to include the cost of expected closure under subsection (a) of this Section.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART X: MISCELLANEOUS UNITS

Section 724.700 Applicability

The requirements in this Subpart X apply to owners and operators of facilities that treat, store, or dispose of hazardous waste in miscellaneous units, except as Section 724.101 provides otherwise.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.701 Environmental Performance Standards

A miscellaneous unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. Permits for miscellaneous units are to contain such terms and provisions as are necessary to protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of hazardous waste or hazardous constituents from the unit. Permit terms and provisions must include those requirements of Subparts I through O and AA through CC of this Part; 35 Ill. Adm. Code 702, 703, and 730; and 40 CFR 63, Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111, that are appropriate for the miscellaneous unit being permitted. Protection of human health and the environment includes, but is not limited to the following:

- a) Prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in the groundwater or subsurface environment, considering the following:
 - 1) The volume and physical and chemical characteristics of the waste in the unit, including its potential for migration through soil, liners, or other containing structures;
 - 2) The hydrologic and geologic characteristics of the unit and the surrounding area;
 - 3) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater;
 - 4) The quantity and direction of groundwater flow;

- 5) The proximity to and withdrawal rates of current and potential groundwater users;
 - 6) The patterns of land use in the region;
 - 7) The potential for deposition or migration of waste constituents into subsurface physical structures and the root zone of food-chain crops and other vegetation;
 - 8) The potential for health risks caused by human exposure to waste constituents; and
 - 9) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.
- b) Prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in surface water, in wetlands, or on the soil surface, considering the following:
- 1) The volume and physical and chemical characteristics of the waste in the unit;
 - 2) The effectiveness and reliability of containing, confining, and collecting systems and structures in preventing migration;
 - 3) The hydrologic characteristics of the unit and surrounding area, including the topography of the land around the unit;
 - 4) The patterns of precipitation in the region;
 - 5) The quantity, quality, and direction of groundwater flow;
 - 6) The proximity of the unit to surface waters;
 - 7) The current and potential uses of the nearby surface waters and any water quality standards in 35 Ill. Adm. Code 302 or 303;
 - 8) The existing quality of surface waters and surface soils, including other sources of contamination and their cumulative impact on surface waters and surface soils;
 - 9) The patterns of land use in the region;

- 10) The potential for health risks caused by human exposure to waste constituents; and
 - 11) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.
- c) Prevention of any release that may have adverse effects on human health or the environment due to migration of waste constituents in the air, considering the following:
- 1) The volume and physical and chemical characteristics of the waste in the unit, including its potential for the emission and dispersal of gases, aerosols, and particulates;
 - 2) The effectiveness and reliability of systems and structures to reduce or prevent emissions of hazardous constituents to the air;
 - 3) The operating characteristics of the unit;
 - 4) The atmospheric, meteorologic, and topographic characteristics of the unit and the surrounding area;
 - 5) The existing quality of the air, including other sources of contamination and their cumulative impact on the air;
 - 6) The potential for health risks caused by human exposure to waste constituents; and
 - 7) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by waste constituents.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.702 Monitoring, Analysis, Inspection, Response, Reporting, and Corrective Action

Monitoring, testing, analytical data, inspections, response and reporting procedures and frequencies must ensure compliance with Sections 724.115, 724.133, 724.175, 724.176, 724.177, 724.201, and 724.701, as well as any additional requirements needed to protect human health and the environment as specified in the permit.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.703 ~~Post-closure~~Post-Closure Care

A miscellaneous unit that is a disposal unit must be maintained in a manner that complies with Section 724.701 during the post-closure care period. In addition, if a treatment or storage unit has contaminated soils or groundwater that cannot be completely removed or decontaminated during closure, then that unit must also meet the requirements of Section 724.701 during post-closure care. The post-closure plan under Section 724.218 must specify the procedure that will be used to satisfy this requirement.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 724.930 Applicability

- a) This Subpart AA applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in Section 724.101).
- b) Except for Sections 724.934(d) and (e), this Subpart AA applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw (parts per million by weight), if these operations are conducted ~~in~~ as follows:
 - 1) ~~Units~~ In units that are subject to the permitting requirements of 35 Ill. Adm. Code 703;
 - 2) ~~A~~ In a unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 35 Ill. Adm. Code 703; or
 - 3) ~~A~~ In a unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a 90-day tank or container) and which is not a recycling unit under the provisions of 35 Ill. Adm. Code 721.106.
- c) For the owner and operator of a facility subject to this Subpart AA that received a final permit under 35 Ill. Adm. Code 702, 703, and 705 prior to December 6, 1996, the requirements of this Subpart AA ~~shall~~ must be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until such date when the owner and operator receives a final permit incorporating the requirements of this ~~subpart~~

Subpart AA, the owner and operator is subject to the requirements of Subpart AA of 35 Ill. Adm. Code 725.~~Subpart AA~~.

BOARD NOTE: The requirements of Sections 724.932 through 724.936 apply to process vents on hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104, 722.134 and 724.101(g) are not affected by these requirements.

- d) This subsection (d) corresponds with 40 CFR 264.1030(d), which is marked “reserved” by USEPA. This statement maintains structural consistency with USEPA rules.
- e) The requirements of this Subpart AA do not apply to the process vents at a facility where the facility owner or operator certifies that all of the process vents ~~which that~~ would otherwise be subject to this Subpart AA are equipped with and operating air emission controls in accordance with the process vent requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. The documentation of compliance under regulations at 40 CFR 60, 61, or 63 must be kept with, or made readily available with, the facility operating record.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.931 Definitions

As used in this Subpart AA, all terms not defined in this Subpart AA have the meaning given them in the Resource Conservation and Recovery Act and 35 Ill. Adm. Code 720 through 726.

“Air stripping operation” means a desorption operation employed to transfer one or more volatile components from a liquid mixture into a gas (air) either with or without the application of heat to the liquid. Packed towers, spray towers and bubble-cap, sieve, or valve-type plate towers are among the process configurations used for contacting the air and a liquid.

“Bottoms receiver” means a container or tank used to receive and collect the heavier bottoms fractions of the distillation feed stream that remain in the liquid phase.

“Btu” means British thermal unit.

“Closed-vent system” means a system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device.

“Condenser” means a heat-transfer device that reduces a thermodynamic fluid from its vapor phase to its liquid phase.

“Connector” means flanged, screwed, welded, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment. For the purposes of reporting and recordkeeping, “connector” means flanged fittings that are not covered by insulation or other materials that prevent location of the fittings.

“Continuous recorder” means a data-recording device recording an instantaneous data value at least once every 15 minutes.

“Control device” means an enclosed combustion device, vapor recovery system, or flare. Any device the primary function of which is the recovery or capture of solvents or other organics for use, reuse, or sale (e.g., a primary condenser on a solvent recovery unit) is not a control device.

“Control device shutdown” means the cessation of operation of a control device for any purpose.

“Distillate receiver” means a container or tank used to receive and collect liquid material (condensed) from the overhead condenser of a distillation unit and from which the condensed liquid is pumped to larger storage tanks or other process units.

“Distillation operation” means an operation, either batch or continuous, separating one or more feed ~~stream(s)-streams~~ into two or more exit streams, each exit stream having component concentrations different from those in the feed ~~stream(s) streams~~. The separation is achieved by the redistribution of the components between the liquid and vapor phase as they approach equilibrium within the distillation unit.

“Double block and bleed system” means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

“Equipment” means each valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, flange or other connector, and any control devices or systems required by this Subpart AA.

“First attempt at repair” means to take rapid action for the purpose of stopping or reducing leakage of organic material to the atmosphere using best practices.

“Flame zone” means the portion of the combustion chamber in a boiler occupied by the flame envelope.

“Flow indicator” means a device that indicates whether gas flow is present in a vent stream.

“Fractionation operation” means a distillation operation or method used to separate a mixture of several volatile components of different boiling points in successive stages, each stage removing from the mixture some proportion of one of the components.

“ft” means foot.

“h” means hour.

“Hazardous waste management unit shutdown” means a work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit. An unscheduled work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit for less than 24 hours is not a hazardous waste management unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping operation are not hazardous waste management unit shutdowns.

“Hot well” means a container for collecting condensate as in a steam condenser serving a vacuum-jet or steam-jet ejector.

“In gas-vapor service” means that the piece of equipment contains or contacts a hazardous waste stream that is in the gaseous state at operating conditions.

“In heavy liquid service” means that the piece of equipment is not in gas-vapor service or in light liquid service.

“In light liquid service” means that the piece of equipment contains or contacts a waste stream where the vapor pressure of one or more of the organic components in the stream is greater than 0.3 kilopascals (kPa) at 20° C, the total concentration of the pure organic components having a vapor pressure greater than 0.3 kPa at 20° C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions.

“In situ sampling systems” means nonextractive samplers or in-line samplers.

“In vacuum service” means that equipment is operating at an internal pressure that is at least 5 kPa below ambient pressure.

“Kg” means kilogram.

“kPa” means kilopascals.

“lb” means pound.

“m” means meter.

“Mg” means Megagrams, or metric tonnes.

“MJ” means Megajoules, or ten to the sixth Joules.

“MW” means Megawatts.

“Malfunction” means any sudden failure of a control device or a hazardous waste management unit or failure of a hazardous waste management unit to operate in a normal or usual manner, so that organic emissions are increased.

“Open-ended valve or line” means any valve, except a pressure relief valve, that has one side of the valve seat in contact with hazardous waste and one side open to the atmosphere, either directly or through open piping.

“ppmv” means parts per million by volume.

“ppmw” means parts per million by weight.

“Pressure release” means the emission of materials resulting from the system pressure being greater than the set pressure of the pressure relief device.

“Process heater” means a device that transfers heat liberated by burning fuel to fluids contained in tubes, including all fluids except water that are heated to produce steam.

“Process vent” means any open-ended pipe or stack that is vented to the atmosphere either directly, through a vacuum-producing system, or through a tank (e.g., distillate receiver, condenser, bottoms receiver, surge control tank, separator tank, or hot well) associated with hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations.

“Repaired” means that equipment is adjusted, or otherwise altered, to eliminate a leak.

“s” means second.

“Sampling connection system” means an assembly of equipment within a process or waste management unit that is used during periods of representative operation to

take samples of the process or waste fluid. Equipment that is used to take non-routine grab samples is not considered a sampling connection system.

“scm” means standard cubic meter.

“scft” means standard cubic foot.

“Sensor” means a device that measures a physical quantity or the change in a physical quantity, such as temperature, pressure, flow rate, pH, or liquid level.

“Separator tank” means a device used for separation of two immiscible liquids.

“Solvent extraction operation” means an operation or method of separation in which a solid or solution is contacted with a liquid solvent (the two being mutually insoluble) to preferentially dissolve and transfer one or more components into the solvent.

“Startup” means the setting in operation of a hazardous waste management unit or control device for any purpose.

“Steam stripping operation” means a distillation operation in which vaporization of the volatile constituents of a liquid mixture takes place by the introduction of steam directly in to the charge.

“Surge control tank” means a large-sized pipe or storage reservoir sufficient to contain the surging liquid discharge of the process tank to which it is connected.

“Thin-film evaporation operation” means a distillation operation that employs a heating surface consisting of a large diameter tube that may be either straight or tapered, horizontal or vertical. Liquid is spread on the tube wall by a rotating assembly of blades that maintain a close clearance from the wall or actually ride on the film of liquid on the wall.

“USDOT” means the United States Department of Transportation.

“Vapor incinerator” means any enclosed combustion device that is used for destroying organic compounds and does not extract energy in the form of steam or process heat.

“Vented” means discharged through an opening, typically an open-ended pipe or stack, allowing the passage of a stream of liquids, gases, or fumes into the atmosphere. The passage of liquids, gases, or fumes is caused by mechanical means, such as compressors or vacuum-producing systems, or by process-related means, such as evaporation produced by heating, and not caused by tank loading

and unloading (working losses) or by natural means, such as diurnal temperature changes.

“yr” means year.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.932 Standards: Process Vents

- a) The owner or operator of a facility with process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations managing hazardous wastes with organic concentrations of at least 10 ppmw ~~shall~~ must do either of the following:
 - 1) Reduce total organic emissions from all affected process vents at the facility below 1.4 kg/h (3 lb/h) and 2.8 Mg/yr (3.1 tons/yr); or
 - 2) Reduce, by use of a control device, total organic emissions from all affected process vents at the facility by 95 weight percent.
- b) If the owner or operator installs a closed-vent system and control device to comply with the provisions of subsection (a) of this Section, the closed-vent system and control device must meet the requirements of Section 724.933.
- c) Determinations of vent emissions and emission reductions or total organic compound concentrations achieved by add-on control devices must be either based on engineering calculations or performance tests. If performance tests are used to determine vent emissions, emission reductions, or total organic compound concentrations achieved by add-on control devices, the performance tests must conform with the requirements of Section 724.934(c).
- d) When an owner or operator and the Agency do not agree on determinations of vent emissions or emission reductions or total organic compound concentrations achieved by add-on control devices based on engineering calculations, the procedures in Section 724.934(c) must be used to resolve the disagreement.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.933 Standards: Closed-Vent Systems and Control Devices

- a) Compliance Required.

- 1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part ~~shall~~ must comply with the provisions of this Section.
- 2) Implementation Schedule.
 - A) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart AA on the effective date that the facility becomes subject to the provisions of this Subpart AA ~~shall~~ must prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart AA for installation and startup.
 - B) Any unit that ~~begins~~ began operation after December 21, 1990, and which ~~is~~ was subject to the provisions of this Subpart AA when operation ~~begins~~ began must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 30-month implementation schedule does not apply.
 - C) The owner or operator of any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart AA ~~shall~~ must comply with all requirements of this ~~subpart~~ Subpart AA as soon as practicable, but no later than 30 months after the effective date of the amendment. When control equipment required by this Subpart AA can not be installed and begin operation by the effective date of the amendment, the facility owner or operator ~~shall~~ must prepare an implementation schedule that includes the following information: ~~Specific~~ specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart AA. The owner or operator ~~shall~~ must enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.
 - D) An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart AA after December 8,

1997 due to an action other than those described in subsection (a)(2)(C) of this Section must comply with all applicable requirements immediately (i.e., the facility or unit must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart AA; the 30-month implementation schedule does not apply).

- b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 724.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.
- c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds and not in carbon equivalents, on a dry basis, corrected to three percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of ~~760 degrees Celsius~~ (° C). If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame zone of the boiler or process heater.
- d) Flares:
 - 1) A flare must be designed for and operated with no visible emissions, as determined by the methods specified in subsection (e)(1) of this Section, except for periods not to exceed a total of 5-five minutes during any 2-two consecutive hours.
 - 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(C) of this Section.
 - 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater and the flare is steam-assisted or air-assisted or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater and the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2) of this Section.
 - 4) Exit Velocity.
 - A) A steam-assisted or nonassisted flare must be designed for and operated with an exit velocity, as determined by the methods

specified in subsection (e)(3) of this Section, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C) of this Section.

- B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).
 - C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, less than the velocity, V, as determined by the method specified in subsection (e)(4) of this Section, and less than 122 m/s (400 ft/s) is allowed.
 - 5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V, as determined by the method specified in subsection (e)(5) of this Section.
 - 6) A flare used to comply with this Section must be steam-assisted, air-assisted, or nonassisted.
- e) Compliance determination and equations.
- 1) Reference Method 22 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart AA. The observation period is 2 two hours and must be used according to Method 22.
 - 2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H_T = K \times \sum_{i=1}^n C_i \times H_i$$

Where:

H_T is the net heating value of the sample in MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25° C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mole is 20° C.

$K = 1.74 \times 10^7 (1/\text{ppm})(\text{g mol/scm})(\text{MJ/kcal})$ where the standard temperature for (g mol/scm) is 20° C.

$\Sigma(X_i)$ means the sum of the values of X for each component i, from i=1 to n.

C_i is the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 in 40 CFR 60, and for carbon monoxide, by ASTM D 1946-90, incorporated by reference in 35 Ill. Adm. Code 720.111.

H_i is the net heat of combustion of sample component i, kcal/gmol at 25° C and 760 mm Hg. The heats of combustion must be determined using ASTM D 2382, incorporated by reference in 35 Ill. Adm. Code 720.111, if published values are not available or cannot be calculated.

- 3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.
- 4) The maximum allowed velocity in m/s, V_{\max} , for a flare complying with subsection (d)(4)(C) of this Section must be determined by the following equation:

$$\log_{10}(V_{\max}) = \frac{H_T + 28.8}{31.7}$$

Where:

\log_{10} means logarithm to the base 10

H_T is the net heating value as determined in subsection (e)(2) of this Section.

- 5) The maximum allowed velocity in m/s, V_{\max} , for an air-assisted flare must be determined by the following equation:

$$V_{\max} = 8.706 + 0.7084H_T$$

Where:

H_T is the net heating value as determined in subsection (e)(2) of this Section.

- f) The owner or operator ~~shall~~ must monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:
- 1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before the point at which the vent streams are combined.
 - 2) Install, calibrate, maintain, and operate according to the manufacturer's specifications a device to continuously monitor control device operation, ~~as specified below~~ follows:
 - A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.
 - B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.
 - C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.
 - D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$,

whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.

- E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure parameters that indicate good combustion operating practices are being used.
 - F) For a condenser, either of the following:
 - i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or
 - ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature with an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side).
 - G) For a carbon adsorption system that regenerates the carbon bed directly in the control device such as a fixed-bed carbon adsorber, either of the following:
 - i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed, or
 - ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.
- 3) Inspect the readings from each monitoring device required by subsections (f)(1) and (f)(2) of this Section at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.
- g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control

device ~~shall~~ must replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 724.935(b)(4)(C)(vi).

- h) An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device ~~shall~~ must replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:
 - 1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of Section 724.935(b)(4)(C)(vii), whichever is longer.
 - 2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 724.935(b)(4)(C)(vii).
- i) An alternative operational or process parameter may be monitored if the operator demonstrates that the parameter will ensure that the control device is operated in conformance with these standards and the control device's design specifications.
- j) An owner or operator of an affected facility seeking to comply with the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.
- k) A closed-vent system must meet either of the following design requirements:
 - 1) A closed-vent system must be designed to operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background, as determined by the methods specified at Section 724.934(b), and by visual inspections; or
 - 2) A closed-vent system must be designed to operate at a pressure below atmospheric pressure. The system must be equipped with at least one pressure gauge or other pressure measurement device that can be read

from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.

- 1) The owner or operator ~~shall~~ must monitor and inspect each closed-vent system required to comply with this Section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:
 - 1) Each closed-vent system that is used to comply with subsection (k)(1) of this Section ~~shall~~ must be inspected and monitored in accordance with the following requirements:
 - A) An initial leak detection monitoring of the closed-vent system ~~shall~~ must be conducted by the owner or operator on or before the date that the system becomes subject to this Section. The owner or operator ~~shall~~ must monitor the closed-vent system components and connections using the procedures specified in Section 724.934(b) to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background.
 - B) After initial leak detection monitoring required in subsection (l)(1)(A) of this Section, the owner or operator ~~shall~~ must inspect and monitor the closed-vent system as follows:
 - i) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) must be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The owner or operator ~~shall~~ must monitor a component or connection using the procedures specified in Section 724.934(b) to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted).
 - ii) Closed-vent system components or connections other than those specified in subsection (l)(1)(B)(i) of this Section must be monitored annually and at other times as requested by the Regional Administrator, except as provided for in subsection (o) of this Section, using the procedures specified in Section 724.934(b) to demonstrate that the

components or connections operate with no detectable emissions.

- C) In the event that a defect or leak is detected, the owner or operator ~~shall~~ must repair the defect or leak in accordance with the requirements of subsection (1)(3) of this Section.
 - D) The owner or operator ~~shall~~ must maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.
- 2) Each closed-vent system that is used to comply with subsection (k)(2) of this Section must be inspected and monitored in accordance with the following requirements:
- A) The closed-vent system must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping or loose connections.
 - B) The owner or operator ~~shall~~ must perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the owner or operator ~~shall~~ must perform the inspections at least once every year.
 - C) In the event that a defect or leak is detected, the owner or operator ~~shall~~ must repair the defect in accordance with the requirements of subsection (1)(3) of this Section.
 - D) The owner or operator ~~shall~~ must maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.
- 3) The owner or operator ~~shall~~ must repair all detected defects as follows:
- A) Detectable emissions, as indicated by visual inspection or by an instrument reading greater than 500 ppmv above background, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in subsection (1)(3)(C) of this Section.
 - B) A first attempt at repair must be made no later than five calendar days after the emission is detected.

- C) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown, or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment must be completed by the end of the next process unit shutdown.
 - D) The owner or operator ~~shall~~ must maintain a record of the defect repair in accordance with the requirements specified in Section 724.935.
- m) A closed-vent system or control device used to comply with provisions of this Subpart AA must be operated at all times when emissions may be vented to it.
- n) The owner or operator using a carbon adsorption system to control air pollutant emissions ~~shall~~ must document that all carbon removed that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:
- 1) It is regenerated or reactivated in a thermal treatment unit that meets one of the following:
 - A) The owner or operator of the unit has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart X of this Part; or
 - B) The unit is equipped with and operating air emission controls in accordance with the applicable requirements of Subparts AA and CC of this Part or Subparts AA and CC of 35 Ill. Adm. Code 725.~~Subparts AA and CC~~; or
 - C) The unit is equipped with and operating air emission controls in accordance with a national emission standard for hazardous air pollutants under 40 CFR 61 or 40 CFR 63.
 - 2) It is incinerated in a hazardous waste incinerator for which the owner or operator has done either of the following:
 - A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart O of this Part; or

- B) The owner or operator has certified compliance in accordance with the interim status requirements of Subpart O of 35 Ill. Adm. Code 725.~~Subpart O.~~
- 3) It is burned in a boiler or industrial furnace for which the owner or operator has done either of the following:
- A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart H of 35 Ill. Adm. Code 726.~~Subpart H;~~ or
 - B) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of Subpart H of 35 Ill. Adm. Code 726.~~Subpart H.~~
- o) Any components of a closed-vent system that are designated, as described in Section 724.935(c)(9), as unsafe to monitor are exempt from the requirements of subsection (l)(1)(B)(ii) of this Section if both of the following conditions are fulfilled:
- 1) The owner or operator of the closed-vent system has determined that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (l)(1)(B)(ii) of this Section; and
 - 2) The owner or operator of the closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedure specified in subsection (l)(1)(B)(ii) of this Section as frequently as practicable during safe-to-monitor times.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.934 Test Methods and Procedures

- a) Each owner or operator subject to the provisions of this Subpart ~~AA~~ shall must comply with the test methods and procedures requirements provided in this Section
- b) When a closed-vent system is tested for compliance with no detectable emissions, as required in Section 724.933(l), the test must comply with the following requirements:

- 1) Monitoring must comply with Reference Method 21 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) The detection instrument must meet the performance criteria of Reference Method 21.
 - 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
 - 4) Calibration gases must be as follows:
 - A) Zero air (less than 10 ppm of hydrocarbon in air); and
 - B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.
 - 5) The background level must be determined as set forth in Reference Method 21.
 - 6) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
 - 7) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.
- c) Performance tests to determine compliance with Section 724.932(a) and with the total organic compound concentration limit of Section 724.933(c) must comply with the following:
- 1) Performance tests to determine total organic compound concentrations and mass flow rates entering and exiting control devices must be conducted and data reduced in accordance with the following reference methods and calculation procedures:
 - A) Method 2 in 40 CFR 60 for velocity and volumetric flow rate.
 - B) Method 18 in 40 CFR 60 for organic content.
 - C) Each performance test must consist of three separate runs, each run conducted for at least 1-one hour under the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. For

the purpose of determining total organic compound concentrations and mass flow rates, the average of results of all runs applies. The average must be computed on a time-weighted basis.

- D) Total organic mass flow rates must be determined by the following equation:

$$E_h = Q_{2sd} \times \left(\sum_{i=1}^n C_i \times MW_i \right) \times 0.0416 \times 10^{-6}$$

Where:

E_h = The total organic mass flow rate, kg/h.

Q_{2sd} = The volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Method 2 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.

n = The number of organic compounds in the vent gas.

C_i = The organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Method 18 in 40 CFR 60.

MW_i = The molecular weight of organic compound i in the vent gas, kg/kg-mol.

0.0416 = The conversion factor for molar volume, kg-mol/m³, at 293 K and 760 mm Hg.

10^{-6} = The conversion factor from ppm.

- E) The annual total organic emission rate must be determined by the following equation:

$$A = F \times H$$

Where:

A is total organic emission rate, kg/y.

F is the total organic mass flow rate, kg/h, as calculated in subsection (c)(1)(D) of this Section.

H is the total annual hours of operation for the affected unit.

- F) Total organic emissions from all affected process vents at the facility must be determined by summing the hourly total organic mass emissions rates (F as determined in subsection (c)(1)(D) of this Section) and by summing the annual total organic mass emission rates (A as determined in subsection (c)(1)(E) of this Section) for all affected process vents at the facility.
- 2) The owner or operator ~~shall~~ must record such process information as is necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction do not constitute representative conditions for the purpose of a performance test.
- 3) The owner or operator of an affected facility ~~shall~~ must provide, or cause to be provided, performance testing facilities as follows:
- A) Sampling ports adequate for the test methods specified in subsection (c)(1) of this Section.
 - B) Safe sampling ~~platform(s)~~ platforms.
 - C) Safe access to sampling ~~platform(s)~~ platforms.
 - D) Utilities for sampling and testing equipment.
- 4) For the purpose of making compliance determinations, the time-weighted average of the results of the three runs must apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions or other circumstances beyond the owner or operator's control, compliance may, upon the Agency's approval, be determined using the average of the results of the two other runs.
- d) To show that a process vent associated with a hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation is not subject to the requirements of this Subpart AA, the owner or operator ~~shall~~ must make an initial determination that the time-weighted, annual

average total organic concentration of the waste managed by the waste management unit is less than 10 ppmw using one of the following two methods:

- 1) Direct measurement of the organic concentration of the waste using the following procedures:
 - A) The owner or operator ~~shall~~ must take a minimum of four grab samples of waste for each wastestream managed in the affected unit under process conditions expected to cause the maximum waste organic concentration.
 - B) For waste generated onsite, the grab samples must be collected at a point before the waste is exposed to the atmosphere such as in an enclosed pipe or other closed system that is used to transfer the waste after generation to the first affected distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation. For waste generated offsite, the grab samples must be collected at the inlet to the first waste management unit that receives the waste provided the waste has been transferred to the facility in a closed system such as a tank truck and the waste is not diluted or mixed with other waste.
 - C) Each sample must be analyzed and the total organic concentration of the sample must be computed using Method 9060 or 8260 of SW-846, incorporated by reference under 35 Ill. Adm. Code 720.111.
 - D) The arithmetic mean of the results of the analyses of the four samples apply for each wastestream managed in the unit in determining the time-weighted, annual average total organic concentration of the waste. The time-weighted average is to be calculated using the annual quantity of each waste stream processed and the mean organic concentration of each wastestream managed in the unit.
- 2) Using knowledge of the waste to determine that its total organic concentration is less than 10 ppmw. Documentation of the waste determination is required. Examples of documentation that must be used to support a determination under this subsection (d)(2) include the following:
 - A) Production process information documenting that no organic compounds are used;

- B) Information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to generate a wastestream having a total organic content less than 10 ppmw; or
 - C) Prior speciation analysis results on the same wastestream where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.
- e) The determination that a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation that manages hazardous wastes that have time-weighted, annual average total organic concentrations less than 10 ppmw must be made as follows:
- 1) By the effective date that the facility becomes subject to the provisions of this Subpart AA or by the date when the waste is first managed in a waste management unit, whichever is later; and either of the following:
 - 2) For continuously generated waste, annually; or
 - 3) Whenever there is a change in the waste being managed or a change in the process that generates or treats the waste.
- f) When an owner or operator and the Agency do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, the procedures in Method 8260 in SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, may be used to resolve the dispute.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.935 ~~Recordkeeping requirements~~ Requirements

- a) Compliance Required.
 - 1) Each owner or operator subject to the provisions of this Subpart AA ~~shall~~ must comply with the recordkeeping requirements of this Section.
 - 2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart AA may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

- b) Owners and operators ~~shall~~ must record the following information in the facility operating record:
- 1) For facilities that comply with the provisions of Section 724.933(a)(2), an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The schedule must also include a rationale of why the installation cannot be completed at an earlier date. The implementation schedule must be in the facility operating record by the effective date that the facility becomes subject to the provisions of this Subpart AA.
 - 2) Up-to-date documentation of compliance with the process vent standards in Section 724.932, including the following:
 - A) Information and data identifying all affected process vents, annual throughput, and operating hours of each affected unit, estimated emission rates for each 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).
 - B) Information and data supporting determination of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions, such as when the waste management unit is operating at the highest load or capacity level reasonably expected to occur. If the owner or operator takes any action (e.g., managing a waste of different composition or increasing operating hours of affected waste management units) that would result in an increase in total organic emissions from affected process vents at the facility, then a new determination is required.
 - 3) Where an owner or operator chooses to use test data to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan. The test plan must include the following:

- A) A description of how it is determined that the planned test is going to be conducted when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. This must include the estimated or design flow rate and organic content of each vent stream and define the acceptable operating ranges of key process and control device parameters during the test program.
 - B) A detailed engineering description of the closed-vent system and control device including the following:
 - i) Manufacturer's name and model number of control device;
 - ii) Type of control device;
 - iii) Dimensions of the control device;
 - iv) Capacity; and
 - v) Construction materials.
 - C) 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) Documentation of compliance with Section 724.933 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 Section 724.933(k).
 - C) If engineering calculations are used, a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of APTI Course 415 (incorporated by reference in 35 Ill. Adm. Code 720.111) or other engineering texts, approved by the Agency, that present basic control device design information. Documentation provided by the control device manufacturer or vendor that describes the control device design in accordance with subsections (b)(4)(C)(i) through (b)(4)(C)(vii) of this Section may be used to

comply with this requirement. The design analysis must address the vent stream characteristics and control device operation parameters as specified below.

- i) For a thermal vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.
- ii) For a catalytic vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperatures across the catalyst bed inlet and outlet.
- iii) For a boiler or process heater, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average flame zone temperatures, combustion zone residence time and description of method and location where the vent stream is introduced into the combustion zone.
- iv) For a flare, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also consider the requirements specified in Section 724.933(d).
- v) For a condenser, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream and design average temperatures of the coolant fluid at the condenser inlet and outlet.
- vi) For a carbon adsorption system such as a fixed-bed adsorber that regenerates the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design

analysis must also establish the design exhaust vent stream organic compound concentration level, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the carbon bed steaming and cooling/drying cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time and design service life of carbon.

- vii) For a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.
- D) 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.
- E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of ~~95%~~ 95 percent or greater unless the total organic concentration limit of Section 724.932(a) is achieved at an efficiency less than 95 weight percent or the total organic emission limits of Section 724.932(a) for affected process vents at the facility are attained by a control device involving vapor recovery at an efficiency less than 95 weight percent. A statement provided by the control device manufacturer or vendor certifying that the control equipment meets the design specifications may be used to comply with this requirement.
- F) If performance tests are used to demonstrate compliance, all test results.

- c) Design documentation and monitoring operating and inspection information for each closed-vent system and control device required to comply with the provisions of this Part must be recorded and kept up-to-date in the facility operating record. The information must include the following:
- 1) Description and date of each modification that is made to the closed-vent system or control device design.
 - 2) Identification of operating parameter, description of monitoring device, and diagram of monitoring sensor location or locations used to comply with Section 724.933(f)(1) and (f)(2).
 - 3) Monitoring, operating and inspection information required by Section 724.933(f) through (k).
 - 4) Date, time, and duration of each period that occurs while the control device is operating when any monitored parameter exceeds the value established in the control device design analysis as specified below:
 - A) For a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of 760° C, any period when the combustion temperature is below 760° C.
 - B) For a thermal vapor incinerator designed to operate with an organic emission reduction efficiency of 95 weight percent or greater, any period when the combustion zone temperature is more than 28° C below the design average combustion zone temperature established as a requirement of subsection (b)(4)(C)(i) of this Section.
 - C) For a catalytic vapor incinerator, any period when:
 - i) Temperature of the vent stream at the catalyst bed inlet is more than 28° C below the average temperature of the inlet vent stream established as a requirement of subsection (b)(4)(C)(ii) of this Section; or
 - ii) Temperature difference across the catalyst bed is less than 80% of the design average temperature difference established as a requirement of subsection (b)(4)(C)(ii) of this Section.

- D) For a boiler or process heater, any period when either of the following occurs:
- i) Flame zone temperature is more than 28° C below the design average flame zone temperature established as a requirement of subsection (b)(4)(C)(iii) of this Section; or
 - ii) Position changes where the vent stream is introduced to the combustion zone from the location established as a requirement of subsection (b)(4)(C)(iii) of this Section.
- E) For a flare, period when the pilot flame is not ignited.
- F) For a condenser that complies with Section 724.933(f)(2)(F)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the condenser are more than ~~20%~~20 percent greater than the design outlet organic compound concentration level established as a requirement of subsection (b)(4)(C)(v) of this Section.
- G) For a condenser that complies with Section 724.933(f)(2)(F)(ii), any period when the following occurs:
- i) Temperature of the exhaust vent stream from the condenser is more than 6° C above the design average exhaust vent stream temperature established as a requirement of subsection (b)(4)(C)(v) of this Section.
 - ii) Temperature of the coolant fluid exiting the condenser is more than 6° C above the design average coolant fluid temperature at the condenser outlet established as a requirement of subsection (b)(4)(C)(v) of this Section.
- H) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 724.933(f)(2)(G)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the carbon bed are more than ~~20%~~20 percent greater than the design exhaust vent stream organic compound concentration level established as a requirement of subsection (b)(4)(C)(vi) of this Section.
- I) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the

control device and complies with Section 724.933(f)(2)(G)(ii), any period when the vent stream continues to flow through the control device beyond the predetermined carbon bed regeneration time established as a requirement of subsection (b)(4)(C)(vi) of this Section.

- 5) Explanation for each period recorded under subsection (c)(4) of this Section of the cause for control device operating parameter exceeding the design value and the measures implemented to correct the control device operation.
- 6) For a carbon adsorption system operated subject to requirements specified in Section 724.933(g) or (h)(2), any date when existing carbon in the control device is replaced with fresh carbon.
- 7) For a carbon adsorption system operated subject to requirements specified in Section 724.933(h)(1), a log that records the following:
 - A) Date and time when control device is monitored for carbon breakthrough and the monitoring device reading; and
 - B) Date when existing carbon in the control device is replaced with fresh carbon.
- 8) Date of each control device startup and shutdown.
- 9) An owner or operator designating any components of a closed-vent system as unsafe to monitor pursuant to Section 724.933(o) ~~shall~~ must record in a log that is kept in the facility operating record the identification of closed-vent system components that are designated as unsafe to monitor in accordance with the requirements of Section 724.933(o), an explanation for each closed-vent system component stating why the closed-vent system component is unsafe to monitor, and the plan for monitoring each closed-vent system component.
- 10) When each leak is detected, as specified in Section 724.933(l), the following information must be recorded:
 - A) The instrument identification number; the closed-vent system component identification number; and the operator name, initials, or identification number.
 - B) The date the leak was detected and the date of first attempt to repair the leak.

- C) The date of successful repair of the leak.
- D) Maximum instrument reading measured by Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, after it is successfully repaired or determined to be nonrepairable.
- E) “Repair delayed” and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
 - i) The owner or operator may develop a written procedure that identifies the conditions that justify a delay of repair. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure.
 - ii) If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked on-site before depletion and the reason for depletion.
- d) Records of the monitoring, operating, and inspection information required by subsections (c)(3) through (c)(10) of this Section must be kept at least ~~3~~three years following the date of each occurrence, measurement, corrective action, or record.
- e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the Agency ~~shall~~must specify the appropriate recordkeeping requirements.
- f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 724.932, including supporting documentation as required by Section 724.934(d)(2), when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used, must be recorded in a log that is kept in the facility operating record.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.936 Reporting Requirements

- a) A semiannual report must be submitted by owners and operators subject to the requirements of this Subpart AA to the Agency by dates specified in the RCRA permit. The report must include the following information:
- 1) The USEPA identification number (35 Ill. Adm. Code 722.112), name, and address of the facility.
 - 2) For each month during the semiannual reporting period the following:
 - aA) Dates when the control device did the following:
 - i) Exceeded or operated outside of the design specifications, as defined in Section 724.935(c)(4); and
 - ii) Such exceedances were not corrected within 24 hours, or that a flare operated with visible emissions, as defined by Method 22 monitoring;
 - B) The duration and cause of each exceedance or visible emissions; and
 - C) Any corrective measures taken.
- b) If during the semiannual reporting period, the control device does not exceed or operate outside of the design specifications, as defined in Section 724.935(c)(4), for more than 24 hours or a flare does not operate with visible emissions, as defined in Section 724.933(d), a report to the Agency is not required.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 724.950 Applicability

- a) The regulations in this Subpart BB apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in Section 724.101).
- b) Except as provided in Section 724.964(k), this Subpart BB applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:

- 1) A unit that is subject to the RCRA permitting requirements of 35 Ill. Adm. Code 702, 703, and 705,
 - 2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a hazardous waste recycling unit that is not a “90-day” tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705, or
 - 3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a “90-day” tank or container) and which is not a recycling unit under the provisions of 35 Ill. Adm. Code 721.106.
- c) For the owner or operator of a facility subject to this Subpart BB that received a final permit under 35 Ill. Adm. Code 702, 703, and 705 prior to December 6, 1996, the requirements of this Subpart BB ~~shall~~ must be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until such date when the owner or operator receives a final permit incorporating the requirements of this Subpart BB, the owner or operator is subject to the requirements of Subpart BB of 35 Ill. Adm. Code 725. ~~Subpart BB~~.
 - d) Each piece of equipment to which this Subpart BB applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.
 - e) Equipment that is in vacuum service is excluded from the requirements of Sections 724.952 to 724.960, if it is identified as required in Section 724.964(g)(5).
 - f) Equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year is excluded from the requirements of Sections 724.952 through 724.960 if it is identified as required in Section 724.964(g)(6).

BOARD NOTE: The requirements of Sections 724.952 through 724.965 apply to equipment associated with hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104 and 724.101(g) are not affected by these requirements.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.951 Definitions

As used in this Subpart BB, all terms have the meaning given them in Section 724.931, the Resource Conservation and Recovery Act and 35 Ill. Adm. Code 720 through 726.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.952 Standards: Pumps in Light Liquid Service

- a) Monitoring.
 - 1) Each pump in light liquid service must be monitored monthly to detect leaks by the methods specified in Section 724.963(b), except as provided in subsections (d), (e), and (f).
 - 2) Each pump in light liquid service must be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.
- b) Leaks.
 - 1) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
 - 2) If there are indications of liquids dripping from the pump seal, a leak is detected.
- c) Repairs.
 - 1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 724.959.
 - 2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than ~~5~~five calendar days after each leak is detected.
- d) Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of subsection (a) of this Section, provided the following requirements are met:
 - 1) Each dual mechanical seal system must be as follows:
 - A) Operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressures; ~~or~~

- B) Equipped with a barrier fluid degassing reservoir that is connected by a closed-vent system to a control device that complies with the requirements of Section 724.960; or
 - C) Equipped with a system that purges the barrier fluid into a hazardous wastestream with no detectable emissions to the atmosphere.
- 2) The barrier fluid system must not be a hazardous waste with organic concentrations 10 percent or greater by weight.
 - 3) Each barrier fluid system must be equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.
 - 4) Each pump must be checked by visual inspection, each calendar week, for indications of liquids dripping from the pump seals.
 - 5) Alarms.
 - A) Each sensor as described in subsection (d)(3) of this Section must be checked daily or be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly.
 - B) The owner or operator ~~shall~~ must determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.
 - 6) Leaks.
 - A) If there are indications of liquids dripping from the pump seal or the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined in subsection (d)(5)(B) of this Section, a leak is detected.
 - B) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 724.959.
 - C) A first attempt at repair (e.g., relapping the seal) must be made no later than ~~5~~ five calendar days after each leak is detected.
- e) Any pump that is designated, as described in Section 724.964(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm

above background, is exempt from the requirements of subsections (a), (c),₂ and (d) of this Section, if the pump meets the following requirements:

- 1) ~~Must-It must~~ have no externally actuated shaft penetrating the pump housing.
 - 2) ~~Must-It must~~ operate with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background,₂ as measured by the methods specified in Section 724.963(c).
 - 3) ~~Must-It must~~ be tested for compliance with subsection (e)(2) of this Section initially upon designation, annually and at other times,₂ as specified in the RCRA permit.
- f) If any pump is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal or seals to a control device that complies with the requirements of Section 724.960, it is exempt from the requirements of subsections (a) through (e) of this Section.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.953 Standards: Compressors

- a) Each compressor must be equipped with a seal system that includes a barrier fluid system and that prevents leakage of total organic emissions to the atmosphere, except as provided in subsections (h) and (i) of this Section.
- b) Each compressor seal system,₂ as required in subsection (a) of this Section, must be as follows:
 - 1) Operated with the barrier fluid at a pressure that is at all times greater than the compressor stuffing box pressure; or
 - 2) Equipped with a barrier fluid system that is connected by a closed-vent system to a control device that complies with the requirements of Section 724.960; or
 - 3) Equipped with a system that purges the barrier fluid into a hazardous wastestream with no detectable emissions to atmosphere.
- c) The barrier fluid must not be a hazardous waste with organic concentrations 10 percent or greater by weight.

- d) Each barrier fluid system, as described in subsections (a) through (c) of this Section, must be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.
- e) Failure detection.
 - 1) Each sensor as required in subsection (d) of this Section must be checked daily or must be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly, unless the compressor is located within the boundary of an unmanned plant site, in which case the sensor must be checked daily.
 - 2) The owner or operator ~~shall~~ must determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.
- f) If the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined under subsection (e)(2) of this Section, a leak is detected.
- g) Repairs.
 - 1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 724.959.
 - 2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than ~~5~~ five calendar days after each leak is detected.
- h) A compressor is exempt from the requirements of subsections (a) and (b) of this Section if it is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal to a control device that complies with the requirements of Section 724.960, except as provided in subsection (i) of this Section.
- i) Any compressor that is designated, as described in Section 724.964(g)(2), for no detectable emission as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsections (a) through (h) of this Section if the following is true of the compressor:
 - 1) ~~Is It is~~ It is determined to be operating with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 724.963(c).

- 2) ~~Is It~~ is tested for compliance with subsection (i)(1) of this Section initially upon designation, annually and other times, as specified in the RCRA permit.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.954 Standards: Pressure Relief Devices in ~~Gas-Vapor~~ Gas/Vapor Service

- a) Except during pressure releases, each pressure relief device in gas-vapor service must be operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 724.963(c).
- b) Actions following pressure release.
- 1) After each pressure release, the pressure relief device must be returned to a condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as soon as practicable, but no later than ~~5-five~~ calendar days after each pressure release, except as provided in Section 724.959.
- 2) No later than ~~5-five~~ calendar days after the pressure release, the pressure relief device must be monitored to confirm the condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 724.963(c).
- c) Any pressure relief device that is equipped with a closed-vent system capable of capturing and transporting leakage from the pressure relief device to a control device as described in Section 724.960 is exempt from the requirements of subsections (a) and (b) of this Section.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.955 Standards: Sampling Connecting Systems

- a) Each sampling connection system must be equipped with a closed-purge, closed-loop, or closed-vent system. This system must collect the sample purge for return to the process or for routing to the appropriate treatment system. Gases displaced during filling of the sample container are not required to be collected or captured.
- b) Each closed-purge, closed-loop, or closed-vent system, as required in subsection (a) of this Section, must meet one of the following requirements:

- 1) ~~Return~~ It must return the purged process fluid directly to the process line;
 - 2) ~~Collect~~ It must collect and recycle the purged process fluid; or
 - 3) ~~Be~~ It must be designed and operated to capture and transport all the purged process fluid to a waste management unit that complies with the applicable requirements of Sections 724.984 through 724.986 or a control device that complies with the requirements of Section 724.960.
- c) In-situ sampling systems and sampling systems without purges are exempt from the requirements of subsections (a) and (b) of this Section.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.956 Standards: ~~Open-ended~~ Open-Ended Valves or Lines

- a) Equipment.
 - 1) Each open-ended valve or line must be equipped with a cap, blind flange, plug, or a second valve.
 - 2) The cap, blind flange, plug, or second valve must seal the open end at all times except during operations requiring hazardous wastestream flow through the open-ended valve or line.
- b) Each open-ended valve or line equipped with a second valve must be operated in a manner such that the valve on the hazardous wastestream end is closed before the second valve is closed.
- c) When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves but must comply with subsection (a) of this Section at all other times.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.957 Standards: Valves in ~~Gas-vapor~~ Gas/Vapor or Light Liquid Service

- a) Each valve in gas-vapor or light liquid service must be monitored monthly to detect leaks by the methods specified in Section 724.963(b) and must comply with subsections (b) through (e) of this Section, except as provided in subsections (f), (g), and (h) of this Section, and in Section 724.961 and 724.962.
- b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

- c) Monitoring Frequency.
- 1) Any valve for which a leak is not detected for two successive months must be monitored the first month of every succeeding quarter, beginning with the next quarter, until a leak is detected.
 - 2) If a leak is detected, the valve must be monitored monthly until a leak is not detected for two successive months.
- d) Leak repair.
- 1) When a leak is detected, it must be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in Section 724.959.
 - 2) A first attempt at repair must be made no later than ~~5~~five calendar days after each leak is detected.
- e) First attempts at repair include, but are not limited to the following best practices where practicable:
- 1) Tightening of bonnet bolts.
 - 2) Replacement of bonnet bolts.
 - 3) Tightening of packing gland nuts.
 - 4) Injection of lubricant into lubricated packing.
- f) Any valve that is designated, as described in Section 724.964(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsection (a) of this Section if the following is true of the valve:
- 1) ~~Has~~It has no external actuating mechanism in contact with the hazardous wastestream.
 - 2) ~~Is~~It is operated with emissions less than 500 ppm above background as determined by the method specified in Section 724.963(c).
 - 3) ~~Is~~It is tested for compliance with subsection (f)(2) of this Section initially upon designation, annually, and at other times as specified in the RCRA permit.

- g) Any valve that is designated, as described in Section 724.964(h)(1), as an unsafe-to-monitor valve is exempt from the requirements of subsection (a) of this Section, if the following occurs:
- 1) The owner or operator of the valve determines that the valve is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (a) of this Section.
 - 2) The owner or operator of the valve adheres to a written plan that requires monitoring of the valve as frequently as practicable during safe-to-monitor times.
- h) Any valve that is designated, as described in Section 724.964(h)(2), as a difficult-to-monitor valve is exempt from the requirements of subsection (a) of this Section, if the following occurs:
- 1) The owner or operator of the valve determines that the valve cannot be monitored without elevating the monitoring personnel more than ~~2~~two meters above a support surface;
 - 2) The hazardous waste management unit within which the valve is located was in operation before June 21, 1990; and
 - 3) The owner or operator of the valve follows a written plan that requires monitoring of the valve at least once per calendar year.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.958 Standards: Pumps, Valves, Pressure Relief Devices, and Other Connectors

- a) Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service and flanges and other connectors must be monitored within ~~5~~five days by the method specified in Section 724.963(b), if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method.
- b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- c) Repairs.
 - 1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 724.959.

- 2) The first attempt at repair must be made no later than ~~5~~five calendar days after each leak is detected.
- d) First attempts at repair include, but are not limited to, the best practices described under Section 724.957(e).
- e) Any connector that is inaccessible or is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined) is exempt from the monitoring requirements of subsection (a) of this Section and from the recordkeeping requirements of Section 724.964.

(Source: Amended at 22 Ill. Reg. 636, effective December 16, 1997)

Section 724.959 Standards: Delay of Repair

- a) Delay of repair of equipment for which leaks have been detected is allowed if the repair is technically infeasible without a hazardous waste management unit shutdown. In such a case, repair of this equipment must occur before the end of the next hazardous waste management unit shutdown.
- b) Delay of repair of equipment for which leaks have been detected is allowed for equipment that is isolated from the hazardous waste management unit and that does not continue to contain or contact hazardous waste with organic concentrations at least 10 percent by weight.
- c) Delay of repair for valves is allowed if the following are true:
 - 1) The owner or operator determines that emissions of purged material resulting from immediate repair are greater than the emissions likely to result from delay of repair; and
 - 2) When repair procedures are effected, the purged material is collected and destroyed or recovered in a control device complying with Section 724.960.
- d) Delay of repair for pumps is allowed if the following are true:
 - 1) Repair requires the use of a dual mechanical seal system that includes a barrier fluid system; and
 - 2) Repair is completed as soon as practicable, but not later than ~~6~~six months after the leak was detected.

- e) Delay of repair beyond a hazardous waste management unit shutdown is allowed for a valve if valve assembly replacement is necessary during the hazardous waste management unit shutdown, valve assembly supplies have been depleted, and valve assembly supplies had been sufficiently stocked before the supplies were depleted. Delay of repair beyond the next hazardous waste management unit shutdown is not allowed unless the next hazardous waste management unit shutdown occurs sooner than ~~6~~six months after the first hazardous waste management unit shutdown.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.960 Standards: ~~Closed-vent~~Closed-Vent Systems and Control Devices

- a) An owner or operator of a closed-vent system or control device subject to this Subpart ~~BB~~shall must comply with the provisions of Section 724.933.
- b) Implementation Schedule.
- 1) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart ~~BB~~ on the effective date that the facility becomes subject to the provisions of this Subpart ~~BB~~shall must prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart ~~BB~~ for installation and startup.
 - 2) Any unit that begins operation after December 21, 1990, and which is subject to the provisions of this Subpart ~~BB~~ when operation begins, must comply with the rules immediately (i.e., the unit must have control devices installed and operating on startup of the affected unit); the 30-month implementation schedule does not apply.
 - 3) The owner or operator of any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart ~~BB~~shall must comply with all requirements of this Subpart ~~BB~~ as soon as practicable but no later than 30 months after the effective date of the amendment. When control equipment required by this Subpart ~~BB~~ can not be installed and begin operation by the effective date of the amendment, the facility owner or operator~~shall must~~ prepare an implementation schedule that includes the following information: ~~Specific~~specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation

of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart BB. The owner or operator ~~shall~~ must enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.

- 4) An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart BB due to an action other than those described in subsection (b)(3) of this Section ~~shall~~ must comply with all applicable requirements immediately (i.e., the facility or unit must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart BB; the 30-month implementation schedule does not apply).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.961 Alternative Percentage Standard for Valves

- a) An owner or operator subject to the requirements of Section 724.957 may elect to have all valves within a hazardous waste management unit comply with an alternative standard ~~which~~ that allows no greater than ~~2~~ two percent of the valves to leak.
- b) The following requirements must be met if an owner or operator decides to comply with the alternative standard of allowing ~~2~~ two percent of valves to leak:
 - 1) An owner or operator ~~shall~~ must notify the Agency that the owner or operator has elected to comply with the requirements of this Section.
 - 2) A performance test as specified in subsection (c) of this Section must be conducted initially upon designation, annually and other times specified in the RCRA permit.
 - 3) If a valve leak is detected it must be repaired in accordance with Section 724.957(d) and (e).
- c) Performance tests must be conducted in the following manner:
 - 1) All valves subject to the requirements in Section 724.957 within the hazardous waste management unit must be monitored within ~~1~~ one week by the methods specified in Section 724.963(b).
 - 2) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

- 3) The leak percentage must be determined by dividing the number of valves subject to the requirements in Section 724.957 for which leaks are detected by the total number of valves subject to the requirements in Section 724.957 within the hazardous waste management unit.
- d) If an owner or operator decides to comply with this Section no longer, the owner or operator ~~shall~~ must notify the Agency in writing that the work practice standard described in Section 724.957(a) through (e) will be followed.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.962 Skip Period Alternative for Valves

- a) Election.
 - 1) An owner or operator subject to the requirements of Section 724.957 may elect for all valves within a hazardous waste management unit to comply with one of the alternative work practices specified in subsections (b)(2) and (b)(3) of this Section.
 - 2) An owner or operator ~~shall~~ must notify the Agency before implementing one of the alternative work practices.
- b) Reduced Monitoring.
 - 1) An owner or operator ~~shall~~ must comply with the requirements for valves, as described in Section 724.957, except as described in subsections (b)(2) and (b)(3).
 - 2) After two consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, an owner or operator may begin to skip one of the quarterly leak detection periods (i.e., the owner or operator may monitor for leaks once every six months) for the valves subject to the requirements in Section 724.957.
 - 3) After five consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, an owner or operator may begin to skip three of the quarterly leak detection periods (i.e., the owner or operator may monitor for leaks once every year) for the valves subject to the requirements in Section 724.957.
 - 4) If the percentage of valves leaking is greater than 2 percent, the owner or operator ~~shall~~ must monitor monthly in compliance with the requirements

in Section 724.957, but may again elect to use this Section after meeting the requirements of Section 724.957(c)(1).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.963 Test Methods and Procedures

- a) Each owner or operator subject to the provisions of this Subpart ~~BB~~ shall must comply with the test methods and procedures requirements provided in this Section.
- b) Leak detection monitoring, as required in Sections 724.952 through 724.962, must comply with the following requirements:
 - 1) Monitoring must comply with Reference Method 21 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) The detection instrument must meet the performance criteria of Reference Method 21.
 - 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
 - 4) Calibration gases must be as follows:
 - A) Zero air (less than 10 ppm of hydrocarbon in air); and
 - B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than 10,000 ppm methane or n-hexane.
 - 5) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
- c) When equipment is tested for compliance with no detectable emissions, as required in Sections 724.952(e), 724.953(i), 724.954, and 724.957(f), the test must comply with the following requirements:
 - 1) The requirements of subsections (b)(1) through (b)(4) of this Section apply.
 - 2) The background level must be determined as set forth in Reference Method 21.

- 3) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
 - 4) This arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.
- d) In accordance with the waste analysis plan required by Section 724.113(b), an owner or operator of a facility ~~shall~~ must determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using the following:
- 1) Methods described in ASTM Methods D 2267-88, E 168-88, E 169-87, and E 260-85, incorporated by reference in 35 Ill. Adm. Code 720.111;
 - 2) Method 9060 or 8260 of SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111; or
 - 3) Application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced. Documentation of a waste determination by knowledge is required. Examples of documentation that must be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to have a total organic content less than 10 percent, or prior speciation analysis results on the same wastestream where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.
- e) If an owner or operator determines that a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the determination can be revised only after following the procedures in subsection (d)(1) or (d)(2) of this Section.
- f) When an owner or operator and the Agency do not agree on whether a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the procedures in subsection (d)(1) or (d)(2) of this Section must be used to resolve the dispute.

- g) Samples used in determining the percent organic content must be representative of the highest total organic content hazardous waste that is expected to be contained in or contact the equipment.
- h) To determine if pumps or valves are in light liquid service, the vapor pressures of constituents must either be obtained from standard reference texts or be determined by ASTM D 2879-92, incorporated by reference in 35 Ill. Adm. Code 720.111.
- i) Performance tests to determine if a control device achieves 95 weight percent organic emission reduction must comply with the procedures of Section 724.934(c)(1) through (c)(4).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.964 Recordkeeping Requirements

- a) Lumping Units.
 - 1) Each owner or operator subject to the provisions of this Subpart BB ~~shall~~ must comply with the recordkeeping requirements of this Section.
 - 2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart BB may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.
- b) Owners and operators ~~shall~~ must record the following information in the facility operating record:
 - 1) For each piece of equipment to which this Subpart BB applies, the following:
 - A) Equipment identification number and hazardous waste management unit identification.
 - B) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).
 - C) Type of equipment (e.g., a pump or pipeline valve).
 - D) Percent-by-weight total organics in the hazardous wastestream at the equipment.

- E) Hazardous waste state at the equipment (e.g., gas-vapor or liquid).
 - F) Method of compliance with the standard (e.g., “monthly leak detection and repair” or “equipped with dual mechanical seals”).
- 2) For facilities that comply with the provisions of Section 724.933(a)(2), an implementation schedule, as specified in that Section.
 - 3) Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan, as specified in Section 724.935(b)(3).
 - 4) Documentation of compliance with Section 724.960, including the detailed design documentation or performance test results specified in Section 724.935(b)(4).
- c) When each leak is detected as specified in Sections 724.952, 724.953, 724.957, or 724.958, the following requirements apply:
- 1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with Section 724.958(a), and the date the leak was detected, must be attached to the leaking equipment.
 - 2) The identification on equipment except on a valve, may be removed after it has been repaired.
 - 3) The identification on a valve may be removed after it has been monitored for ~~2~~two successive months as specified in Section 724.957(c) and no leak has been detected during those ~~2~~two months.
- d) When each leak is detected as specified in Section 724.952, 724.953, 724.957, or 724.958, the following information must be recorded in an inspection log and must be kept in the facility operating record:
- 1) The instrument and operator identification numbers and the equipment identification number.
 - 2) The date evidence of a potential leak was found in accordance with Section 724.958(a).

- 3) The date the leak was detected and the dates of each attempt to repair the leak.
 - 4) Repair methods applied in each attempt to repair the leak.
 - 5) “Above 10,000₂”; if the maximum instrument reading measured by the methods specified in Section 724.963(b) after each repair attempt is equal to or greater than 10,000 ppm.
 - 6) “Repair delayed” and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
 - 7) Documentation supporting the delay of repair of a valve in compliance with Section 724.959(c).
 - 8) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown.
 - 9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.
 - 10) The date of successful repair of the leak.
- e) Design documentation and monitoring, operating, and inspection information for each closed-vent system and control device required to comply with the provisions of Section 724.960 must be recorded and kept up-to-date in the facility operating record, as specified in Section 724.935(c)(1) and (c)(2), and monitoring, operating and inspection information in Section 724.935(c)(3) through (c)(8).
- f) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the Agency ~~shall~~ must specify the appropriate recordkeeping requirements, indicating proper operation and maintenance of the control device, in the RCRA permit.
- g) The following information pertaining to all equipment subject to the requirements in Sections 724.952 through 724.960 must be recorded in a log that is kept in the facility operating record:
- 1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subpart BB.
 - 2) List of Equipment

- A) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of Sections 724.952(e), 724.953(i) and 724.957(f).
 - B) The designation of this equipment as subject to the requirements of Section 724.952(e), 724.953(i), or 724.957(f) must be signed by the owner or operator.
- 3) A list of equipment identification numbers for pressure relief devices required to comply with Section 724.954(a).
 - 4) Compliance tests.
 - A) The dates of each compliance test required in Sections 724.952(e), 724.953(i), 724.954, and 724.957(f).
 - B) The background level measured during each compliance test.
 - C) The maximum instrument reading measured at the equipment during each compliance test.
 - 5) A list of identification numbers for equipment in vacuum service.
 - 6) Identification, either by list or location (area or group), of equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per year.
- h) The following information pertaining to all valves subject to the requirements of Section 724.957(g) and (h) must be recorded in a log that is kept in the facility operating record:
 - 1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve.
 - 2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.
 - i) The following information must be recorded in the facility operating record for valves complying with Section 724.962:

- 1) A schedule of monitoring.
 - 2) The percent of valves found leaking during each monitoring period.
- j) The following information must be recorded in a log that is kept in the facility operating record:
- 1) Criteria required in Sections 724.952(d)(5)(B) and 724.953(e)(2) and an explanation of the design criteria.
 - 2) Any changes to these criteria and the reasons for the changes.
- k) The following information must be recorded in a log that is kept in the facility operating record for use in determining exemptions, as provided in Section 724.950 and other specific Subparts:
- 1) An analysis determining the design capacity of the hazardous waste management unit.
 - 2) A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in Section 724.960 and an analysis determining whether these hazardous wastes are heavy liquids.
 - 3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in Sections 724.952 through 724.960. The record must include supporting documentation as required by Section 724.963(d)(3) when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in Sections 724.952 through 724.960, then a new determination is required.
- l) Records of the equipment leak information required by subsection (d) of this Section and the operating information required by subsection (e) of this Section need be kept only ~~3~~ three years.
- m) The owner or operator of any facility with equipment that is subject to this Subpart BB and to regulations at 40 CFR 60, 61, or 63, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to determine compliance with this

Subpart BB by documentation of compliance either pursuant to Section 724.964 or by documentation of compliance with the regulations at 40 CFR 60, 61, or 63, pursuant to the relevant provisions of 40 CFR 60, 61, or 63.- The documentation of compliance under the regulation at 40 CFR 60, 61, or 63 must be kept with or made readily available with the facility operating record.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.965 Reporting Requirements

- a) A semiannual report must be submitted by owners and operators subject to the requirements of this Subpart BB to the Agency by dates specified in the RCRA permit. The report must include the following information:
 - 1) The USEPA identification number (35 Ill. Adm. Code 722.112), name, and address of the facility.
 - 2) For each month during the semiannual reporting period, the following:
 - A) The equipment identification number of each valve for which a leak was not repaired, as required in Section 724.957(d).
 - B) The equipment identification number of each pump for which a leak was not repaired, as required in ~~Sections~~ Section 724.952(c) and (d)(6).
 - C) The equipment identification number of each compressor for which a leak was not repaired, as required in Section 724.953(g),
 - 3) Dates of hazardous waste management unit shutdowns that occurred within the semiannual reporting period.
 - 4) For each month during the semiannual reporting period, dates when the control device installed as required by Sections 724.952, 724.953, 724.954, or 724.955, exceeded or operated outside of the design specifications, as defined in Section 724.964(e) and as indicated by the control device monitoring required by Section 724.960 and was not corrected within 24 hours, the duration and cause of each exceedance, and any corrective measures taken.
- b) If, during the semiannual reporting period, leaks from valves, pumps, and compressors are repaired as required in Sections 724.957(d), 724.952(c) and (d)(6), and 724.953(g), respectively, and the control device does not exceed or

operate outside of the design specifications, as defined in Section 724.964(e) for more than 24 hours, a report to the Agency is not required.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE
IMPOUNDMENTS, AND CONTAINERS

Section 724.980 Applicability

- a) The requirements of this Subpart CC apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to Subpart I, J, or K of this Part, except as Section 724.101 and subsection (b) of this Section provide otherwise.
- b) The requirements of this Subpart CC do not apply to the following waste management units at the facility:
 - 1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996.
 - 2) A container that has a design capacity less than or equal to 0.1 m³ (3.5 ft³ or 26.4 gal).
 - 3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
 - 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
 - 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit as a result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA section 3004(u), 3004(v), or 3008(h); CERCLA authorities; or similar federal or State authorities.
 - 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations

under the authority of the Atomic Energy Act (42 USC 2011 et seq.) and the Nuclear Waste Policy Act.

- 7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. For the purpose of complying with this subsection (b)(7), a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of Section 724.984(i), except as provided in Section 724.982(c)(5).
 - 8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 724.931.
- c) For the owner and operator of a facility subject to this Subpart CC and that received a final RCRA permit prior to December 6, 1996, the requirements of this Subpart CC must be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until the date when the owner and operator receives a final permit incorporating the requirements of this Subpart CC, the owner and operator ~~is~~ are subject to the requirements of Subpart CC of 35 Ill. Adm. Code 725. ~~Subpart CC.~~
- d) The requirements of this Subpart CC, except for the recordkeeping requirements specified in Section 724.989(i), are stayed for a tank or container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions:
- 1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection (d), “organic peroxide” means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.
 - 2) The owner or operator prepares documentation, in accordance with Section 724.989(i), explaining why an undue safety hazard would be created if air emission controls specified in Sections 724.984 through 724.987 are installed and operated on the tanks and containers used at the

facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section.

- 3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2) of this Section. The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.981 Definitions

As used in this Subpart CC, all terms ~~shall~~ will have the meaning given to them in 35 Ill. Adm. Code 725.981, RCRA, and 35 Ill. Adm. Code 720.110.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.982 Standards: General

- a) This Section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this Subpart CC.
- b) The owner or operator ~~shall~~ must control air pollutant emissions from each waste management unit in accordance with the standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit, except as provided for in subsection (c) of this Section.
- c) A tank, surface impoundment, or container is exempt from standards specified in Sections 724.984 through 724.987, as applicable, provided that all hazardous waste placed in the waste management unit is one of the following:
 - 1) A tank, surface impoundment, or container for which all hazardous waste entering the unit has an average VO concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). The average VO concentration ~~shall~~ must be determined by the procedures specified in Section 724.983(a). The owner or operator ~~shall~~ must review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit.

- 2) A tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions:
- A) The process removes or destroys the organics contained in the hazardous waste to a level such that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C_e) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process ~~shall~~ must be determined using the procedures specified in Section 724.983(b).
 - B) The process removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 100 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment ~~shall~~ must be determined using the procedures specified in Section 724.983(b).
 - C) The process removes or destroys the organics contained in the hazardous waste to such a level that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process must be determined using the procedures specified in Section 724.983(b).
 - D) The process is a biological process that destroys or degrades the organics contained in the hazardous waste so that either of the following conditions ~~is~~ are met:
 - i) The organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the organic biodegradation efficiency (R_{bio}) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process ~~shall~~ must be determined using the procedures specified in Section 724.983(b).

- ii) The total actual organic mass biodegradation rate (MR_{bio}) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process ~~shall~~ must be determined using the procedures specified in Section 724.983(b).
- E) The process removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:
- i) From the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is continuously managed in waste management units that use air emission controls in accordance with the standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.
 - ii) From the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere.

BOARD NOTE: The USEPA considers a drain system that meets the requirements of 40 CFR 63, subpart RR, “National Emission Standards for Individual Drain Systems.”; to be a closed system.
 - iii) The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination, determined for each of the individual hazardous waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual hazardous waste stream at the point of waste origination ~~shall~~ must be determined using the procedures specified in Section 724.983(a). The average VO concentration of the hazardous waste at the point of waste treatment ~~shall~~ must be determined using the procedures specified in Section 724.983(b).

- F) A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination ~~shall~~ must be determined using the procedures specified in Section 724.983(b) and Section 724.983(a), respectively.
- G) A hazardous waste incinerator for which either of the following conditions is true:
- i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart H of 35 Ill. Adm. Code 726.~~Subpart H;~~ or
 - ii) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of Subpart O of 35 Ill. Adm. Code 725.~~Subpart O.~~
- H) A boiler or industrial furnace for which either of the following conditions is true:
- i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart H of 35 Ill. Adm. Code 726.~~Subpart H;~~ or
 - ii) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of Subpart O of 35 Ill. Adm. Code 726.~~Subpart H~~ 725.
- I) For the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of subsections (c)(2)(A) through (c)(2)(F) of this Section, the owner or operator ~~shall~~ must account for VO concentrations

determined to be below the limit of detection of the analytical method by using the following VO concentration:

- i) If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is used for the analysis, one-half the blank value determined in Section 4.4 of the method or a value of 25 ppmw, whichever is less.
 - ii) If any other analytical method is used, one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m³) at 25° C.
- 3) A tank or surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of subsection (c)(2)(D) of this Section.
- 4) A tank, surface impoundment, or container for which all hazardous waste placed in the unit fulfills either of the following conditions:
- A) It meets the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified in Table T to 35 Ill. Adm. Code 728.142; or
 - B) The organic hazardous constituents in the waste have been treated by the treatment technology established by USEPA for the waste, as set forth in 35 Ill. Adm. Code 728.142(a), or have been removed or destroyed by an equivalent method of treatment approved by the Agency pursuant to 35 Ill. Adm. Code 728.142(b).
- 5) A tank used for bulk feed of hazardous waste to a waste incinerator and all of the following conditions are met:
- A) The tank is located inside an enclosure vented to a control device that is designed and operated in accordance with all applicable requirements specified under 40 CFR 61, subpart FF, "National Emission Standards for Benzene Waste Operations," incorporated by reference in 35 Ill. Adm. Code 720.111, for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams (11 tons) per year;

- B) The enclosure and control device serving the tank were installed and began operation prior to November 25, 1996; and
 - C) The enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in “Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure” under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical or electrical equipment; or to direct air flow into the enclosure. The owner or operator ~~shall~~ must perform the verification procedure for the enclosure as specified in Section 5.0 to “Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure” annually.
- d) The Agency may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container that is exempted from using air emission controls under the provisions of this Section, as follows:
- 1) The waste determination for average VO concentration of a hazardous waste at the point of waste origination ~~shall~~ must be performed using direct measurement in accordance with the applicable requirements of Section 724.983(a). The waste determination for a hazardous waste at the point of waste treatment ~~shall~~ must be performed in accordance with the applicable requirements of Section 724.983(b).
 - 2) In performing a waste determination pursuant to subsection (d)(1) of this Section, the sample preparation and analysis ~~shall~~ must be conducted as follows:
 - A) In accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in subsection (d)(2)(B) of this Section.
 - B) If the Agency determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in the tank, surface impoundment, or container, then the Agency may choose an appropriate method.
 - 3) Where the owner or operator is requested to perform the waste determination, the Agency may elect to have an authorized representative

observe the collection of the hazardous waste samples used for the analysis.

- 4) Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (d)(1) of this Section ~~shall~~ must be used to establish compliance with the requirements of this Subpart CC.
- 5) Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart CC by performing or requesting that the owner or operator perform a waste determination using direct measurement based on waste samples collected within a one-hour period, as follows:
 - A) The average VO concentration of the hazardous waste at the point of waste origination ~~shall~~ must be determined by direct measurement in accordance with the requirements of Section 724.983(a).
 - B) Results of the waste determination performed or requested by the Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw ~~shall~~ must constitute noncompliance with this Subpart CC, except in a case as provided for in subsection (d)(5)(C) of this Section.
 - C) Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 500 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given one-hour period may be equal to or greater than 500 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Section 724.983(a) and Section 724.989 ~~shall~~ must be considered by the Agency together with the results of the waste determination performed or requested by the Agency in establishing compliance with this Subpart CC.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.983 Waste Determination Procedures

- a) Waste determination procedure for average volatile organic (VO) concentration of a hazardous waste at the point of waste origination.
 - 1) An owner or operator ~~shall~~ must determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 724.982(c)(1) from using air emission controls in accordance with standards specified in Section 724.984 through Section 724.987, as applicable to the waste management unit.
 - A) An owner or operator ~~shall~~ must make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the hazardous waste stream is placed in a waste management unit exempted under the provisions of Section 724.982(c)(1) from using air emission controls. Thereafter, an owner or operator ~~shall~~ must make an initial determination of the average VO concentration of the waste stream for each averaging period that a hazardous waste is managed in the unit.
 - B) An owner or operator ~~shall~~ must perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the applicable VO concentration limits specified in Section 724.982.
 - 2) For a waste determination that is required by subsection (a)(1) of this Section, the average VO concentration of a hazardous waste at the point of waste origination must be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(a)(2) through (a)(4).
- b) Waste determination procedures for treated hazardous waste.
 - 1) An owner or operator ~~shall~~ must perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 724.982(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.

- A) An owner or operator ~~shall~~ must make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the treated waste stream is placed in the exempt waste management unit. Thereafter, an owner or operator ~~shall~~ must update the information used for the waste determination at least once every 12 months following the date of the initial waste determination.
 - B) An owner or operator ~~shall~~ must perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to such a level that the applicable treatment conditions specified in Section 724.982(c)(2) are not achieved.
- 2) The waste determination for a treated hazardous waste must be performed in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(b)(2) through (b)(9), as applicable to the treated hazardous waste.
- c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.
 - 1) An owner or operator ~~shall~~ must determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in Section 724.984(c).
 - 2) The maximum organic vapor pressure of the hazardous waste may be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(c)(2) through (c)(4).
 - d) The procedure for determining no detectable organic emissions for the purpose of complying with this Subpart CC must be conducted in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(d).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.984 Standards: Tanks

- a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 724.982(b) references the use of this Section for such air emission control.

- b) The owner or operator ~~shall~~ must control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:
- 1) For a tank that manages hazardous waste that meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator ~~shall~~ must control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) of this Section or the Tank Level 2 controls specified in subsection (d) of this Section.
 - A) The hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category, as follows:
 - i) For a tank design capacity equal to or greater than 151 m³ (39,900 gal), the maximum organic vapor pressure limit for the tank is 5.2 kPa (0.75 psig).
 - ii) For a tank design capacity equal to or greater than 75 m³ (19,800 gal) but less than 151 m³ (39,900 gal), the maximum organic vapor pressure limit for the tank is 27.6 kPa (4.00 psig).
 - iii) For a tank design capacity less than 75 m³ (19,800 gal), the maximum organic vapor pressure limit for the tank is 76.6 kPa (11.1 psig).
 - B) The hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste is determined for the purpose of complying with subsection (b)(1)(A) of this Section.
 - C) The owner or operator does not treat the hazardous waste in the tank using a waste stabilization process, as defined in 35 Ill. Adm. Code 725.981.
 - 2) For a tank that manages hazardous waste that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator ~~shall~~ must control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of subsection (d) of this Section. Examples of tanks required to use Tank Level 2 controls include a tank used for a waste stabilization

process and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category, as specified in subsection (b)(1)(A) of this Section.

- c) Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls must meet the requirements specified in subsections (c)(1) through (c)(4) of this Section:
- 1) The owner or operator ~~shall~~ must determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 724.983(c). Thereafter, the owner or operator ~~shall~~ must perform a new determination whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A) of this Section, as applicable to the tank.
 - 2) The tank must be equipped with a fixed roof designed to meet the following specifications:
 - A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).
 - B) The fixed roof must be installed in such a manner that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.
 - C) Either of the following must be true of each opening in the fixed roof and of any manifold system associated with the fixed roof:
 - i) The opening or manifold system is equipped with a closure device designed to operate so that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or

between the perimeter of the opening and the closure device; or

- ii) The opening or manifold system is connected by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in the vent stream, and it must be operating whenever hazardous waste is managed in the tank, except as provided for in subsection (c)(2)(E) of this Section.
- D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: the organic vapor permeability; the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.
- E) The control device operated pursuant to subsection (c)(2)(C) of this Section needs not remove or destroy organics in the vent stream under the following conditions:
- i) During periods when it is necessary to provide access to the tank for performing the activities of subsection (c)(2)(E)(ii) of this Section, venting of the vapor headspace underneath the fixed roof to the control device is not required, opening of closure devices is allowed, and removal of the fixed roof is allowed. Following completion of the activity, the owner or operator ~~shall~~ must promptly secure the closure device in the closed position or reinstall the cover, as applicable, and resume operation of the control device; and
 - ii) During periods of routine inspection, maintenance, or other activities needed for normal operations, and for removal of accumulated sludge or other residues from the bottom of the tank.

BOARD NOTE: Subsections (c)(2)(E)(i) and (c)(2)(E)(ii) of this Section are derived from 40 CFR 264.1084(c)(2)(iii)(B)(I) and

(c)(2)(iii)(B)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- 3) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:
- A) Opening of closure devices or removal of the fixed roof is allowed at the following times:
 - i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator ~~shall~~ must promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.
 - ii) To remove accumulated sludge or other residues from the bottom of the tank.
 - B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

- C) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
- 4) The owner or operator ~~shall~~ must inspect the air emission control equipment in accordance with the following requirements.
 - A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.
 - B) The owner or operator ~~shall~~ must perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator ~~shall~~ must perform the inspections at least once every year except under the special conditions provided for in subsection (l) of this Section.
 - C) In the event that a defect is detected, the owner or operator ~~shall~~ must repair the defect in accordance with the requirements of subsection (k) of this Section.
 - D) The owner or operator ~~shall~~ must maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).
- d) Owners and operators controlling air pollutant emissions from a tank using Tank Level 2 controls must use one of the following tanks:
 - 1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e) of this Section;
 - 2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f) of this Section;
 - 3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g) of this Section;

- 4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h) of this Section; or
 - 5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i) of this Section.
- e) The owner or operator that controls air pollutant emissions from a tank using a fixed roof with an internal floating roof ~~shall~~ must meet the requirements specified in subsections (e)(1) through (e)(3) of this Section.
- 1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:
 - A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.
 - B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:
 - i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981; or
 - ii) Two continuous seals mounted one above the other. The lower seal may be a vapor-mounted seal.
 - C) The internal floating roof must meet the following specifications:
 - i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.
 - ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains.
 - iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90 percent of the opening.

- iv) Each automatic bleeder vent and rim space vent must be gasketed.
 - v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.
 - vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.
- 2) The owner or operator ~~shall~~ must operate the tank in accordance with the following requirements:
- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
 - B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
 - C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents must be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.
- 3) The owner or operator ~~shall~~ must inspect the internal floating roof in accordance with the procedures specified as follows:
- A) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from the atmosphere; or when the slotted membrane has more than 10 percent open area.

- B) The owner or operator ~~shall~~ must inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C) of this Section:
- i) Visually inspect the internal floating roof components through openings on the fixed-roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill, and
 - ii) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least once every 10 years.
- C) As an alternative to performing the inspections specified in subsection (e)(3)(B) of this Section for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.
- D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C) of this Section, the owner or operator ~~shall~~ must notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator ~~shall~~ must notify the Agency of the date and location of the inspection, as follows:
- i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(ii) of this Section.
 - ii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator ~~shall~~ must notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification,

including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.

- E) In the event that a defect is detected, the owner or operator ~~shall~~ must repair the defect in accordance with the requirements of subsection (k) of this Section.
 - F) The owner or operator ~~shall~~ must maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).
- 4) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (e).
- f) The owner or operator that controls air pollutant emissions from a tank using an external floating roof must meet the requirements specified in subsections (f)(1) through (f)(3) of this Section.
- 1) The owner or operator ~~shall~~ must design the external floating roof in accordance with the following requirements:
 - A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.
 - B) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.
 - i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm²) per meter (10.0 square inches (in²) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm) (1.5 in). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 cm (24 in) above the liquid surface.

- ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 21.2 cm² per meter (1.00 in² per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.51 in).
- C) The external floating roof must meet the following specifications:
- i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface.
 - ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.
 - iii) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.
 - iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.
 - v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.
 - vi) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.
 - vii) Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole.
 - viii) Each slotted guide pole must be equipped with a gasketed float or other device that closes off the liquid surface from the atmosphere.

- ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.
- 2) The owner or operator ~~shall~~ must operate the tank in accordance with the following requirements:
- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
 - B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.
 - C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.
 - D) Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
 - E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.
 - F) The cap on the end of each unslotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.
 - G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.
 - H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.
- 3) The owner or operator ~~shall~~ must inspect the external floating roof in accordance with the procedures specified as follows:
- A) The owner or operator ~~shall~~ must measure the external floating roof seal gaps in accordance with the following requirements:

- i) The owner or operator ~~shall~~ must perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.
 - ii) The owner or operator ~~shall~~ must perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year.
 - iii) If a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii) of this Section.
 - iv) The owner or operator ~~shall~~ must determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure of subsection (f)(3)(D) of this Section.
 - v) In the event that the seal gap measurements do not conform to the specifications in subsection (f)(1)(B) of this Section, the owner or operator ~~shall~~ must repair the defect in accordance with the requirements of subsection (k) of this Section.
 - vi) The owner or operator ~~shall~~ must maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).
- B) The owner or operator ~~shall~~ must visually inspect the external floating roof in accordance with the following requirements:
- i) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following conditions: holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged

below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- ii) The owner or operator ~~shall~~ must perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator ~~shall~~ must perform the inspections at least once every year except for the special conditions provided for in subsection (l) of this Section.
 - iii) In the event that a defect is detected, the owner or operator ~~shall~~ must repair the defect in accordance with the requirements of subsection (k) of this Section.
 - iv) The owner or operator ~~shall~~ must maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).
- C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B) of this Section, the owner or operator ~~shall~~ must notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator ~~shall~~ must notify the Agency of the date and location of the inspection, as follows:
- i) Prior to each inspection to measure external floating roof seal gaps as required under subsection (f)(3)(A) of this Section, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.
 - ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned as provided for in subsection (f)(3)(C)(iii) of this Section.

- iii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator ~~shall~~ must notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.
- D) Procedure for determining the total surface area of gaps in the primary seal and the secondary seal:
- i) The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the roof supports.
 - ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32 cm (0.125 in) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.
 - iii) For a seal gap measured under subsection (f)(3) of this Section, the gap surface area must be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.
 - iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal diameter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type, as specified in subsection (f)(1)(B) of this Section.

BOARD NOTE: Subsections (f)(3)(D)(i) through (f)(3)(D)(iv) of this Section are derived from 40 CFR ~~264.1084(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4)~~ 264.1084(f)(3)(i)(D)(1) through

(f)(3)(i)(D)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- 4) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any tank complying with the requirements of subsection (f) of this Section.
- g) The owner or operator that controls air pollutant emissions from a tank by venting the tank to a control device ~~shall~~ must meet the requirements specified in subsections (g)(1) through (g)(3) of this Section.
 - 1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:
 - A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.
 - B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure ~~devices~~ device must be designed to operate so that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.
 - C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

- D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.
- 2) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device, except as follows:
- A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:
 - i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator ~~shall~~ must promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.
 - ii) To remove accumulated sludge or other residues from the bottom of a tank.
 - B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
- 3) The owner or operator ~~shall~~ must inspect and monitor the air emission control equipment in accordance with the following procedures:
- A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following: visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.
 - B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.987.

- C) The owner or operator ~~shall~~ must perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator ~~shall~~ must perform the inspections at least once every year except for the special conditions provided for in subsection (l) of this Section.
 - D) In the event that a defect is detected, the owner or operator ~~shall~~ must repair the defect in accordance with the requirements of subsection (k) of this Section.
 - E) The owner or operator ~~shall~~ must maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).
- h) The owner or operator that controls air pollutant emissions by using a pressure tank must meet the following requirements:
- 1) The tank must be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.
 - 2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions, as determined using the procedure specified in Section 724.983(d).
 - 3) Whenever a hazardous waste is in the tank, the tank must be operated as a closed-vent system that does not vent to the atmosphere, except under either of the following two conditions:
 - A) The tank does not need to be operated as a closed-vent system at those times when the opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is required to avoid an unsafe condition.
 - B) The tank does not need to be operated as a closed-vent system at those times when the purging of inerts from the tank is required and the purge stream is routed to a closed-vent system and control device designed and operated in accordance with the requirements of Section 724.987.
- i) The owner or operator that controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device ~~shall~~ must meet the requirements specified in subsections (i)(1) through (i)(4) of this Section.

- 1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in “Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure” under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator ~~shall~~ must perform the verification procedure for the enclosure, as specified in Section 5.0 to “Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure,”; initially when the enclosure is first installed and, thereafter, annually.
 - 2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 724.987.
 - 3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of subsections (i)(1) and (i)(2) of this Section.
 - 4) The owner or operator ~~shall~~ must inspect and monitor the closed-vent system and control device, as specified in Section 724.987.
- j) The owner or operator ~~shall~~ must transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:
- 1) Transfer of hazardous waste, except as provided in subsection (j)(2) of this Section, to the tank from another tank subject to this Section or from a surface impoundment subject to Section 724.985 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, subpart RR, “National Emission Standards for Individual Drain Systems,”; incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) The requirements of subsection (j)(1) of this Section do not apply when transferring a hazardous waste to the tank under any of the following conditions:

- A) The hazardous waste meets the average VO concentration conditions specified in Section 724.982(c)(1) at the point of waste origination.
 - B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 724.982(c)(2).
 - C) The hazardous waste meets the requirements of Section 724.982(c)(4).
- k) The owner or operator ~~shall~~ must repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(4), (e)(3), (f)(3), or (g)(3) of this Section, as follows:
- 1) The owner or operator ~~shall~~ must make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (k)(2) of this Section.
 - 2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator ~~shall~~ must repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.
- l) Following the initial inspection and monitoring of the cover, as required by the applicable provisions of this Subpart CC, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:
- 1) In the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an “unsafe to inspect and monitor cover” and comply with all of the following requirements:
 - A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.

- B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart CC, as frequently as practicable during those times when a worker can safely access the cover.
- 2) In the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.985 Standards: Surface Impoundments

- a) The provisions of this Section apply to the control of air pollutant emissions from surface impoundments for which Section 724.982(b) references the use of this Section for such air emission control.
- b) The owner or operator ~~shall~~ must control air pollutant emissions from the surface impoundment by installing and operating either of the following:
 - 1) A floating membrane cover in accordance with the provisions specified in subsection (c) of this Section; or
 - 2) A cover that is vented through a closed-vent system to a control device in accordance with the provisions specified in subsection (d) of this Section.
- c) The owner or operator that controls air pollutant emissions from a surface impoundment using a floating membrane cover must meet the requirements specified in subsections (c)(1) through (c)(3) of this Section.
 - 1) The surface impoundment must be equipped with a floating membrane cover designed to meet the following specifications:
 - A) The floating membrane cover must be designed to float on the liquid surface during normal operations and form a continuous barrier over the entire surface area of the liquid.
 - B) The cover must be fabricated from a synthetic membrane material that is either of the following:
 - i) High density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (mm) (0.098 in); or

- ii) A material or a composite of different materials determined to have both organic permeability properties that are equivalent to those of the material listed in subsection (c)(1)(B)(i) of this Section and chemical and physical properties that maintain the material integrity for the intended service life of the material.
 - C) The cover must be installed in such a manner that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings.
 - D) Except as provided for in subsection (c)(1)(E) of this Section, each opening in the floating membrane cover must be equipped with a closure device so designed as to operate that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device.
 - E) The floating membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each emergency cover drain must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening or a flexible fabric sleeve seal.
 - F) The closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the floating membrane cover is installed.
- 2) Whenever a hazardous waste is in the surface impoundment, the floating membrane cover must float on the liquid and each closure device must be secured in the closed position, except as follows:
- A) Opening of closure devices or removal of the cover is allowed at the following times:

- i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator ~~shall~~ must promptly replace the cover and secure the closure device in the closed position, as applicable.
 - ii) To remove accumulated sludge or other residues from the bottom of surface impoundment.
 - B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
- 3) The owner or operator ~~shall~~ must inspect the floating membrane cover in accordance with the following procedures:
- A) The floating membrane cover and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.
 - B) The owner or operator ~~shall~~ must perform an initial inspection of the floating membrane cover and its closure devices on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator ~~shall~~ must perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.
 - C) In the event that a defect is detected, the owner or operator ~~shall~~ must repair the defect in accordance with the requirements of subsection (f) of this Section.

- D) The owner or operator ~~shall~~ must maintain a record of the inspection in accordance with the requirements specified in Section 724.989(c).
- d) The owner or operator that controls air pollutant emissions from a surface impoundment using a cover vented to a control device ~~shall~~ must meet the requirements specified in subsections (d)(1) through (d)(3) of this Section.
- 1) The surface impoundment must be covered by a cover and vented directly through a closed-vent system to a control device in accordance with the following requirements:
 - A) The cover and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the surface impoundment.
 - B) Each opening in the cover not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the cover is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the cover is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions using the procedure specified in Section 724.983(d).
 - C) The cover and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere to the extent practical and which will maintain the integrity of the cover and closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid or its vapors managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the cover is installed.
 - D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

- 2) Whenever a hazardous waste is in the surface impoundment, the cover must be installed with each closure device secured in the closed position and the vapor headspace underneath the cover vented to the control device except as follows:
 - A) Venting to the control device is not required, and opening of closure devices or removal of the cover is allowed at the following times:
 - i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator ~~shall~~ must promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the surface impoundment.
 - ii) To remove accumulated sludge or other residues from the bottom of the surface impoundment.
 - B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
- 3) The owner or operator ~~shall~~ must inspect and monitor the air emission control equipment in accordance with the following procedures:
 - A) The surface impoundment cover and its closure devices ~~shall~~ must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.
 - B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.987.

- C) The owner or operator ~~shall~~ must perform an initial inspection of the air emission control equipment on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator ~~shall~~ must perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.
 - D) In the event that a defect is detected, the owner or operator ~~shall~~ must repair the defect in accordance with the requirements of subsection (f) of this Section.
 - E) The owner or operator ~~shall~~ must maintain a record of the inspection in accordance with the requirements specified in Section 724.989(c).
- e) The owner or operator ~~shall~~ must transfer hazardous waste to a surface impoundment subject to this Section in accordance with the following requirements:
- 1) Transfer of hazardous waste, except as provided in subsection (e)(2) of this Section, to the surface impoundment from another surface impoundment subject to this Section or from a tank subject to Section 724.984 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, Subpart RR, “National Emission Standards for Individual Drain Systems,”; incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) The requirements of subsection (e)(1) of this Section do not apply when transferring a hazardous waste to the surface impoundment under any of the following conditions:
 - A) The hazardous waste meets the average VO concentration conditions specified in Section 724.982(c)(1) at the point of waste origination.
 - B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 724.982(c)(2).
 - C) The hazardous waste meets the requirements of Section 724.982(c)(4).

- f) The owner or operator ~~shall~~ must repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(3) or (d)(3) of this Section as follows:
- 1) The owner or operator ~~shall~~ must make first efforts at repair of the defect no later than five calendar days after detection and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (f)(2) of this Section.
 - 2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the surface impoundment and no alternative capacity is available at the site to accept the hazardous waste normally managed in the surface impoundment. In this case, the owner or operator ~~shall~~ must repair the defect the next time the process or unit that is generating the hazardous waste managed in the surface impoundment stops operation. Repair of the defect must be completed before the process or unit resumes operation.
- g) Following the initial inspection and monitoring of the cover, as required by the applicable provisions of this Subpart CC, subsequent inspection and monitoring may be performed at intervals longer than one year in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions. In this case, the owner or operator may designate the cover as an “unsafe to inspect and monitor cover” and comply with all of the following requirements:
- 1) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.
 - 2) Develop and implement a written plan and schedule to inspect and monitor the cover using the procedures specified in the applicable Section of this Subpart CC as frequently as practicable during those times when a worker can safely access the cover.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.986 Standards: Containers

- a) The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 724.982(b) references the use of this Section for such air emission control.

- b) General requirements.
- 1) The owner or operator ~~shall~~ must control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in subsection (b)(2) of this Section apply to the container.
 - A) For a container having a design capacity greater than 0.1 m³ (26 gal) and less than or equal to 0.46 m³ (120 gal), the owner or operator ~~shall~~ must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.
 - B) For a container having a design capacity greater than 0.46 m³ (120 gal) that is not in light material service, the owner or operator ~~shall~~ must control air pollutant emissions from the container in accordance with the Container Level 1 standards, specified in subsection (c) of this Section.
 - C) For a container having a design capacity greater than 0.46 m³ (120 gal) that is in light material service, the owner or operator ~~shall~~ must control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d) of this Section.
 - 2) When a container having a design capacity greater than 0.1 m³ (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator ~~shall~~ must control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.
- c) Container Level 1 standards.
- 1) A container using Container Level 1 controls is one of the following:
 - A) A container that meets the applicable USDOT regulations on packaging hazardous materials for transportation, as specified in subsection (f) of this Section.
 - B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the

cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a “portable tank” or bulk cargo container equipped with a screw-type cap).

- C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container so that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.
- 2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) of this Section must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity; for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.
- 3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator ~~shall~~ must install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position, except as follows:
- A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container, as follows:
 - i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator ~~shall~~ must promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.
 - ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of

time, the owner or operator ~~shall~~ must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container, as follows:
- i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).
 - ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator ~~shall~~ must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.
- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator ~~shall~~ must promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.
- D) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that

vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

- E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
- 4) The owner or operator of containers using Container Level 1 controls ~~shall~~ must inspect the containers and their covers and closure devices, as follows:
- A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container, as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator ~~shall~~ must visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest, incorporated by reference in Appendix A to 35 Ill. Adm. Code 722-Appendix A (USEPA Forms 8700-22

and 8700-22A), as required under Section 724.171. If a defect is detected, the owner or operator ~~shall~~ must repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

- B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator ~~shall~~ must visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator ~~shall~~ must repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.
 - C) When a defect is detected for the container, cover, or closure devices, the owner or operator ~~shall~~ must make first efforts at repair of the defect no later than 24 hours after detection and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.
- 5) The owner or operator ~~shall~~ must maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m³ (120 gal) or greater ~~which that~~ do not meet applicable ~~DOT-USDOT~~ regulations, as specified in subsection (f) of this Section, are not managing hazardous waste in light material service.
- d) Container Level 2 standards.
- 1) A container using Container Level 2 controls is one of the following:
 - A) A container that meets the applicable USDOT regulations on packaging hazardous materials for transportation, as specified in subsection (f) of this Section.
 - B) A container that operates with no detectable organic emissions, as defined in 35 Ill. Adm. Code 725.981, and determined in accordance with the procedure specified in subsection (g) of this Section.

- C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR 60, appendix A, Method 27, incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h) of this Section.
- 2) Transfer of hazardous waste in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that the USEPA considers to meet the requirements of this subsection (d)(2) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.
- 3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator ~~shall~~ must install all covers and closure devices for the container, and secure and maintain each closure device in the closed position, except as follows:
- A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container, as follows:
- i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator ~~shall~~ must promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.
- ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator ~~shall~~ must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the

loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container, as follows:
- i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).
 - ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator ~~shall~~ must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.
- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator ~~shall~~ must promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.
- D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established so that the device

remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

- E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
- 4) The owner or operator of containers using Container Level 2 controls ~~shall~~ must inspect the containers and their covers and closure devices, as follows:
- A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator ~~shall~~ must visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest incorporated by reference in the appendix to 40 CFR 262 (USEPA Forms 8700-22 and 8700-22A), as required under Section 724.171. If a defect is detected, the owner or operator ~~shall~~ must repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.
 - B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner

or operator ~~shall~~ must visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator ~~shall~~ must repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

- C) When a defect is detected for the container, cover, or closure devices, the owner or operator ~~shall~~ must make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

e) Container Level 3 standards.

- 1) A container using Container Level 3 controls is one of the following:
- A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B) of this Section.
- B) A container that is vented inside an enclosure ~~which~~ that is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B) of this Section.
- 2) The owner or operator ~~shall~~ must meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:
- A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in “Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure” under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator ~~shall~~ must perform the

verification procedure for the enclosure, as specified in Section 5.0 to “Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure” initially when the enclosure is first installed and, thereafter, annually.

- B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.
- 3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1) of this Section.
 - 4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart ~~CC shall~~ must inspect and monitor the closed-vent systems and control devices, as specified in Section 724.987.
 - 5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart ~~CC shall~~ must prepare and maintain the records specified in Section 724.989(d).
 - 6) The transfer of hazardous waste into or out of a container using Container Level 3 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA considers to meet the requirements of this subsection (e)(6) include using any one of the following: the use of a submerged-fill pipe or other submerged-fill method to load liquids into the container; the use of a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or the use of a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.
- f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A) of this Section, containers must be used that meet the applicable USDOT regulations on packaging hazardous materials for transportation, as follows:
- 1) The container meets the applicable requirements specified in 49 CFR 178, “Specifications for Packaging,”; or 49 CFR 179, “Specifications for Tank Cars,”; both incorporated by reference in 35 Ill. Adm. Code 720.111.

- 2) Hazardous waste is managed in the container in accordance with the applicable requirements specified in 49 CFR 107, ~~Subpart~~ subpart B, “Exemptions”; 49 CFR 172, “Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements”; 49 CFR 173, “Shippers—General Requirements for Shipments and Packages”; and 49 CFR 180, “Continuing Qualification and Maintenance of Packagings₁”; each incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 3) For the purpose of complying with this Subpart CC, no exceptions to the 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4) of this Section.
 - 4) For a lab pack that is managed in accordance with the requirements of 49 CFR 178, incorporated by reference in 35 Ill. Adm. Code 720.111, for the purpose of complying with this Subpart CC, an owner or operator may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b), incorporated by reference in 35 Ill. Adm. Code 720.111.
- g) To determine compliance with the no detectable organic emissions requirement of subsection (d)(1)(B) of this Section, the procedure specified in Section 724.983(d) must be used.
- 1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include, but are not limited to, the following: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.
 - 2) The test must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.
- h) Procedure for determining a container to be vapor-tight using Method 27 of 40 CFR 60, appendix A for the purpose of complying with subsection (d)(1)(C) of this Section.
- 1) The test must be performed in accordance with Method 27 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

- 2) A pressure measurement device must be used that has a precision of ± 2.5 mm (0.098 in) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.
- 3) If the test results determined by Method 27 indicate that the container sustains a pressure change less than or equal to 750 Pascals (0.11 psig) within five minutes after it is pressurized to a minimum of 4,500 Pascals (0.65 psig), then the container is determined to be vapor-tight.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.987 Standards: ~~Closed-vent~~Closed-Vent Systems and Control Devices

- a) This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subpart CC.
- b) The closed-vent system ~~shall~~ must meet the following requirements:
 - 1) The closed-vent system ~~shall~~ must route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in subsection (c) of this Section.
 - 2) The closed-vent system ~~shall~~ must be designed and operated in accordance with the requirements specified in Section 724.933(k).
 - 3) When the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device must be equipped with either a flow indicator, as specified in subsection (b)(3)(A) of this Section, or a seal or locking device, as specified in subsection (b)(3)(B) of this Section. For the purpose of complying with this subsection (b), low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure-relief valves, and other fittings used for safety purposes are not considered to be bypass devices.
 - A) If a flow indicator is used to comply with this subsection (b)(3), the indicator must be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. For the purposes of this subsection (b), a flow indicator means a device

that indicates the presence of either gas or vapor flow in the bypass line.

- B) If a seal or locking device is used to comply with subsection (b)(3) of this Section, the device must be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle or damper lever) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve. The owner or operator ~~shall~~ must visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position.
- 4) The closed-vent system must be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 724.933(1).
- c) The control device ~~shall~~ must meet the following requirements:
- 1) The control device ~~shall~~ must be one of the following devices:
 - A) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;
 - B) An enclosed combustion device designed and operated in accordance with the requirements of Section 724.933(c); or
 - C) A flare designed and operated in accordance with the requirements of Section 724.933(d).
 - 2) The owner or operator that elects to use a closed-vent system and control device to comply with the requirements of this Section ~~shall~~ must comply with the requirements specified in subsections (c)(2)(A) through (c)(2)(F) of this Section.
 - A) Periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of subsections (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable, must not exceed 240 hours per year.
 - B) The specifications and requirements in subsections (c)(1)(A), (c)(1)(B), and (c)(1)(C) of this Section for control devices do not apply during periods of planned routine maintenance.

- C) The specifications and requirements in subsections (c)(1)(A), (c)(1)(B), and (c)(1)(C) of this Section for control devices do not apply during a control device system malfunction.
 - D) The owner or operator ~~shall~~ must demonstrate compliance with the requirements of subsection (c)(2)(A) of this Section (i.e., planned routine maintenance of a control device, during which the control device does not meet the specifications of subsections (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable, must not exceed 240 hours per year) by recording the information specified in Section 724.989(e)(1)(E).
 - E) The owner or operator ~~shall~~ must correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants.
 - F) The owner or operator ~~shall~~ must operate the closed-vent system so that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance or control device system malfunction (i.e., periods when the control device is not operating or not operating normally), except in cases when it is necessary to vent the gases, vapors, or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions.
- 3) The owner or operator using a carbon adsorption system to comply with subsection (c)(1) of this Section ~~shall~~ must operate and maintain the control device in accordance with the following requirements:
- A) Following the initial startup of the control device, all activated carbon in the control device ~~shall~~ must be replaced with fresh carbon on a regular basis, in accordance with the requirements of Section 724.933(g) or Section 724.933(h).
 - B) All carbon that is a hazardous waste and that is removed from the control device must be managed in accordance with the requirements of Section 724.933(n), regardless of the average volatile organic concentration of the carbon.
- 4) An owner or operator using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) of this Section ~~shall~~ must operate

and maintain the control device in accordance with the requirements of Section 724.933(j).

- 5) The owner or operator ~~shall~~ must demonstrate that a control device achieves the performance requirements of subsection (c)(1) of this Section, as follows:
- A) An owner or operator ~~shall~~ must demonstrate using either a performance test, as specified in subsection (c)(5)(C) of this Section, or a design analysis, as specified in subsection (c)(5)(D) of this Section, the performance of each control device, except for the following:
- i) A flare;
 - ii) A boiler or process heater with a design heat input capacity of 44 megawatts or greater;
 - iii) A boiler or process heater into which the vent stream is introduced with the primary fuel;
 - iv) A boiler or industrial furnace burning hazardous waste for which the owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 and has designed and operates the unit in accordance with the interim status requirements of Subpart H of 35 Ill. Adm. Code 726.~~Subpart H~~; or
 - v) A boiler or industrial furnace burning hazardous waste that the owner or operator has designed and operates in accordance with the interim status requirements of Subpart H of 35 Ill. Adm. Code 726.~~Subpart H~~.
- B) An owner or operator ~~shall~~ must demonstrate the performance of each flare in accordance with the requirements specified in Section 724.933(e).
- C) For a performance test conducted to meet the requirements of subsection (c)(5)(A) of this Section, the owner or operator ~~shall~~ must use the test methods and procedures specified in Section 724.934(c)(1) through (c)(4).

- D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A) of this Section, the design analysis ~~shall~~ must meet the requirements specified in Section 724.935(b)(4)(C).
 - E) The owner or operator ~~shall~~ must demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) of this Section based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.
- 6) If the owner or operator and the Agency do not agree on a demonstration of control device performance using a design analysis then the disagreement ~~shall~~ must be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of subsection (c)(5)(C) of this Section. The Agency may choose to have an authorized representative observe the performance test.
 - 7) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.933(f)(2) and (1). The readings from each monitoring device required by Section 724.933(f)(2) must be inspected at least once each operating day to check control device operation. Any necessary corrective measures must be immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.988 Inspection and Monitoring Requirements

- a) The owner or operator ~~shall~~ must inspect and monitor air emission control equipment used to comply with this Subpart CC in accordance with the applicable requirements specified in Section 724.984 through Section 724.987.
- b) The owner or operator ~~shall~~ must develop and implement a written plan and schedule to perform the inspections and monitoring required by subsection (a) of this Section. The owner or operator ~~shall~~ must incorporate this plan and schedule into the facility inspection plan required under 35 Ill. Adm. Code 724.115.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.989 Recordkeeping Requirements

- a) Each owner or operator of a facility subject to the requirements of this Subpart ~~CC~~ shall must record and maintain the information specified in subsections (b) through (j) of this Section, as applicable to the facility. Except for air emission control equipment design documentation and information required by subsections (i) and (j) of this Section, records required by this Section must be maintained in the operating record for a minimum of three years. Air emission control equipment design documentation must be maintained in the operating record until the air emission control equipment is replaced or is otherwise no longer in service. Information required by subsections (i) and (j) of this Section must be maintained in the operating record for as long as the waste management unit is not using air emission controls specified in Sections 724.984 through 724.987, in accordance with the conditions specified in Section ~~724.984(d)~~ 724.980(d) or (b)(7), respectively.
- b) The owner or operator of a tank using air emission controls in accordance with the requirements of Section 724.984 ~~shall must~~ prepare and maintain records for the tank that include the following information:
- 1) For each tank using air emission controls in accordance with the requirements of Section 724.984, the owner or operator ~~shall must~~ record the following:
 - A) A tank identification number (or other unique identification description, as selected by the owner or operator).
 - B) A record for each inspection required by Section 724.984 that includes the following information:
 - i) Date inspection was conducted.
 - ii) For each defect detected during the inspection: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the requirements of Section 724.984, the owner or operator ~~shall must~~ also record the reason for the delay and the date that completion of repair of the defect is expected.
 - 2) In addition to the information required by subsection (b)(1) of this Section, the owner or operator ~~shall must~~ record the following information, as applicable to the tank:

- A) The owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 724.984(c) ~~shall~~ must prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of Section 724.984(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results.
- B) The owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section 724.984(e) ~~shall~~ must prepare and maintain documentation describing the floating roof design.
- C) Owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 724.984(f) ~~shall~~ must prepare and maintain the following records:
- i) Documentation describing the floating roof design and the dimensions of the tank.
 - ii) Records for each seal gap inspection required by Section 724.984(f)(3) describing the results of the seal gap measurements. The records must include the date that the measurements were performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in Section 724.984(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary.
- D) Each owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in Section 724.984(i) ~~shall~~ must prepare and maintain the following records:
- i) 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” under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.

- ii) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.
- c) The owner or operator of a surface impoundment using air emission controls in accordance with the requirements of Section 724.985 ~~shall~~ must prepare and maintain records for the surface impoundment that include the following information:
 - 1) A surface impoundment identification number (or other unique identification description as selected by the owner or operator).
 - 2) Documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, 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 Section 724.985(c).
 - 3) A record for each inspection required by Section 724.985 that includes the following information:
 - A) Date inspection was conducted.
 - B) For each defect detected during the inspection the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 724.985(f), the owner or operator ~~shall~~ must also record the reason for the delay and the date that completion of repair of the defect is expected.
 - 4) For a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator ~~shall~~ must prepare and maintain the records specified in subsection (e) of this Section.
- d) The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of Section 724.986 ~~shall~~ must prepare and maintain records that include the following information:
 - 1) 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” under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.

- 2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.
- e) The owner or operator using a closed-vent system and control device in accordance with the requirements of Section 724.987 ~~shall~~ must prepare and maintain records that include the following information:
- 1) Documentation for the closed-vent system and control device that includes:
 - A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (e)(1)(B) of this Section or by performance tests as specified in subsection (e)(1)(C) of this Section when the tank, surface impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur.
 - B) If a design analysis is used, then design documentation, as specified in Section 724.935(b)(4). The documentation must include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 724.935(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.
 - C) If performance tests are used, then a performance test plan as specified in Section 724.935(b)(3) and all test results.
 - D) Information as required by Section 724.935(c)(1) and Section 724.935(c)(2), as applicable.
 - E) An owner or operator ~~shall~~ must record, on a semiannual basis, the information specified in subsections (e)(1)(E)(i) and (e)(1)(E)(ii) of this Section for those planned routine maintenance operations that would require the control device not to meet the requirements of Section 724.987(c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable.

- i) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description must include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.
 - ii) A description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description must include the type of maintenance performed and the total number of hours during those six months that the control device did not meet the requirements of Section 724.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance.
 - F) An owner or operator ~~shall~~ must record the information specified in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) of this Section for those unexpected control device system malfunctions that would require the control device not to meet the requirements of Section 724.987 (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable.
 - i) The occurrence and duration of each malfunction of the control device system.
 - ii) The duration of each period during a malfunction when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not properly functioning.
 - iii) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation.
 - G) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 724.987(c)(3)(B).
- f) The owner or operator of a tank, surface impoundment, or container exempted from standards in accordance with the provisions of Section 724.982(c) ~~shall~~ must prepare and maintain the following records, as applicable:

- 1) For tanks, surface impoundments, or containers exempted under the hazardous waste organic concentration conditions specified in Section 724.982(c)(1) or (c)(2)(A) through (c)(2)(E), the owner or operator ~~shall~~ must record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator ~~shall~~ must record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of Section 724.983.
 - 2) For tanks, surface impoundments, or containers exempted under the provisions of Section 724.982(c)(2)(G) or (c)(2)(H), the owner or operator ~~shall~~ must record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.
- g) An owner or operator designating a cover as “unsafe to inspect and monitor” pursuant to Section 724.984(l) or Section 724.985(g) ~~shall~~ must record in a log that is kept in the facility operating record the following information: the identification numbers for waste management units with covers that are designated as “unsafe to inspect and monitor₂”; the explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.
- h) The owner or operator of a facility that is subject to this Subpart CC and to the control device standards in 40 CFR 60, Subpart VV or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to demonstrate compliance with the applicable Sections of this Subpart CC by documentation either pursuant to this Subpart CC, or pursuant to the provisions of 40 CFR 60, Subpart VV or 40 CFR 61, Subpart V, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.
- i) For each tank or container not using air emission controls specified in Sections 724.984 through 724.987 in accordance with the conditions specified in Section 724.980(d), the owner or operator ~~shall~~ must record and maintain the following information:
- 1) A list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in Section 724.980(d)(1).
 - 2) A description of how the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) of this Section are managed at the facility in tanks and containers. This description must include the following information:

- A) For the tanks used at the facility to manage this hazardous waste, sufficient information must be provided to describe the following for each tank: a facility identification number for the tank, the purpose and placement of this tank in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the tanks.
 - B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to describe each tank: a facility identification number for the container or group of containers, the purpose and placement of this container or group of containers in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the containers.
- 3) An explanation of why managing the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) of this Section in the tanks or containers identified pursuant to subsection (i)(2) of this Section would create an undue safety hazard if the air emission controls specified in Sections 724.984 through 724.987 were installed and operated on these waste management units. This explanation must include the following information:
- A) For tanks used at the facility to manage this hazardous waste, sufficient information must be provided to explain the following: how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the tanks; and why installation of safety devices on the required air emission controls, as allowed under this Subpart CC, would not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.
 - B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to explain the following: how use of the required air emission controls on the tanks would affect the container design features and handling procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the containers; and why installation of safety devices on the required air emission controls, as allowed under this Subpart CC, would not address those

situations in which evacuation of containers equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

- j) For each hazardous waste management unit not using air emission controls specified in Sections 724.984 through 724.987 in accordance with the requirements of Section 724.980(b)(7), the owner and operator ~~shall~~ must record and maintain the following information:
- 1) The certification that the waste management unit is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63.
 - 2) An identification of the specific federal requirements codified under 40 CFR 60, 61, or 63 with which the waste management unit is in compliance.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.990 Reporting Requirements

- a) Each owner or operator managing hazardous waste in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of Section 724.982(c) ~~shall~~ must report to the Agency each occurrence when hazardous waste is placed in the waste management unit in noncompliance with the conditions specified in Section 724.982(c)(1) or (c)(2), as applicable. Examples of such occurrences include placing in the waste management unit a hazardous waste having an average VO concentration equal to or greater than 500 ppmw at the point of waste origination or placing in the waste management unit a treated hazardous waste that fails to meet the applicable conditions specified in Section 724.982(c)(2)(A) through (c)(2)(F). The owner or operator ~~shall~~ must submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report ~~shall~~ must contain the USEPA identification number, the facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report ~~shall~~ must be signed and dated by an authorized representative of the owner or operator.
- b) Each owner or operator using air emission controls on a tank in accordance with the requirements of Section 724.984(c) ~~shall~~ must report to the Agency each occurrence when hazardous waste is managed in the tank in noncompliance with the conditions specified in Section 724.984(b). The owner or operator ~~shall~~ must

submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report ~~shall~~ must contain the USEPA identification number, the facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report ~~shall~~ must be signed and dated by an authorized representative of the owner or operator.

- c) Each owner or operator using a control device in accordance with the requirements of Section 724.987 ~~shall~~ must submit a semiannual written report to the Agency, except as provided for in subsection (d) of this Section. The report ~~shall~~ must describe each occurrence during the previous ~~6-month~~ six-month period when either of the two following events occurs: a control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined in Section 724.935(c)(4) or a flare is operated with visible emissions for five minutes or longer in a two-hour period, as defined in Section 724.933(d). The written report ~~shall~~ must include the USEPA identification number, the facility name and address, and an explanation why the control device could not be returned to compliance within 24 hours, and actions taken to correct the noncompliance. The report ~~shall~~ must be signed and dated by an authorized representative of the owner or operator.
- d) A report to the Agency in accordance with the requirements of subsection (c) of this Section is not required for a ~~6-month~~ six-month period during which all control devices subject to this Subpart CC are operated by the owner or operator so that both of the following conditions result: during no period of 24 hours or longer did a control device operate continuously in noncompliance with the applicable operating values defined in Section 724.935(c)(4) and no flare was operated with visible emissions for five minutes or longer in a two-hour period, as defined in Section 724.933(d).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART DD: CONTAINMENT BUILDINGS

Section 724.1100 Applicability

The requirements of this Subpart DD apply to owners or operators who store or treat hazardous waste in units designed and operated under Section 724.1101. These provisions ~~will become~~ became effective on February 18, 1993. The owner or operator is not subject to the definition of land disposal in 35 Ill. Adm. Code 728.102 provided that the unit fulfills the following:

- a) ~~It is~~ is a completely enclosed, self-supporting structure that is designed and constructed of manmade materials of sufficient strength and thickness to support

themselves, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to the following:

- 1) pressure gradients;
 - 2) settlement, compression, or uplift;
 - 3) physical contact with the hazardous wastes to which they are exposed;
 - 4) climatic conditions; or
 - 5) the stresses of daily operation including the movement of heavy equipment within the unit and contact of such equipment within the unit and contact of such equipment with containment walls.
- b) ~~Has~~ It has a primary barrier that is designed to be sufficiently durable to withstand the movement of personnel, wastes, and handling equipment within the unit.
- c) If used to manage liquids, the unit has the following:
- 1) A primary barrier designed and constructed of materials to prevent migration of hazardous constituents into the barrier;
 - 2) A liquid collection system designed and constructed of materials to minimize the accumulation of liquid on the primary barrier; and
 - 3) A secondary containment system designed and constructed of materials to prevent migration of hazardous constituents into the barrier, with a leak detection and liquid collection system capable of detecting, collecting, and removing leaks of hazardous constituents at the earliest practicable time, unless the unit has been granted a variance from the secondary containment system requirements under Section 724.1101(b)(4);
- d) ~~Has~~ It has controls sufficient to permit fugitive dust emissions to meet the no visible emission standard in Section 724.1101(c)(1)(A); and
- e) ~~Is~~ It is designed and operated to ensure containment and prevent the tracking of materials from the unit by personnel or equipment.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.1101 Design and ~~operating standards~~ Operating Standards

- a) All containment buildings must comply with the following design and operating standards:
- 1) The containment building must be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements (e.g. precipitation, wind, run on) and to assure containment of managed wastes.
 - 2) The floor and containment walls of the unit, including the secondary containment system if required under subsection (b) of this Section, must be designed and constructed of materials of sufficient strength and thickness to support themselves, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to pressure gradients, settlement, compression, or uplift, physical contact with the hazardous wastes to which they are exposed; climatic conditions; and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls. The unit must be designed so that it has sufficient structural strength to prevent collapse or other failure. All surfaces to be in contact with hazardous wastes must be chemically compatible with those wastes. The containment building ~~shall~~ must meet the structural integrity requirements established by professional organizations generally recognized by the industry such as the American Concrete Institute ~~{(ACI)}~~ and the American Society of Testing Materials ~~{(ASTM)}~~. If appropriate to the nature of the waste management operation to take place in the unit, an exception to the structural strength requirement may be made for light-weight doors and windows that meet ~~these~~ the following criteria:
 - A) They provide an effective barrier against fugitive dust emissions under subsection (c)(1)(C) ~~below~~ of this Section; and
 - B) The unit is designed and operated in a fashion that assures that wastes will not actually come in contact with these openings.
 - 3) Incompatible hazardous wastes or treatment reagents must not be placed in the unit or its secondary containment system if they could cause the unit or secondary containment system to leak, corrode, or otherwise fail.
 - 4) A containment building must have a primary barrier designed to withstand the movement of personnel, waste, and handling equipment in the unit during the operating life of the unit and appropriate for the physical and chemical characteristics of the waste to be managed.

- b) For a containment building used to manage hazardous wastes containing free liquids or treated with free liquids (the presence of which is determined by the paint filter test, a visual examination, or other appropriate means), the owner or operator must include the following:
- 1) A primary barrier designed and constructed of materials to prevent the migration of hazardous constituents into the barrier (e.g., a geomembrane covered by a concrete wear surface).
 - 2) A liquid collection and removal system to minimize the accumulation of liquid on the primary barrier of the containment building, as follows:
 - A) The primary barrier must be sloped to drain liquids to the associated collection system; and
 - B) Liquids and waste must be collected and removed to minimize hydraulic head on the containment system at the earliest practicable time.
 - 3) A secondary containment system including a secondary barrier designed and constructed to prevent migration of hazardous constituents into the barrier, and a leak detection system that is capable of detecting failure of the primary barrier and collecting accumulated hazardous wastes and liquids at the earliest practicable time.
 - A) The requirements of the leak detection component of the secondary containment system are satisfied by installation of a system that is, at a minimum, as follows:
 - i) ~~Constructed~~ It is constructed with a bottom slope of 1 percent or more; and
 - ii) ~~Constructed~~ It is constructed of a granular drainage material with a hydraulic conductivity of 1×10^{-2} cm/sec or more and a thickness of 12 inches (30.5 cm) or more, or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-5} m²/sec or more.
 - B) If treatment is to be conducted in the building, an area in which such treatment will be conducted must be designed to prevent the release of liquids, wet materials, or liquid aerosols to other portions of the building.

- C) The secondary containment system must be constructed of materials that are chemically resistant to the waste and liquids managed in the containment building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used in the containment building. (Containment buildings can serve as secondary containment systems for tanks placed within the building under certain conditions. A containment building can serve as an external liner system for a tank, provided it meets the requirements of Section 724.193(d)(1). In addition, the containment building must meet the requirements of Section 724.193(b) and Sections 724.193(c)(1) and (c)(2) to be an acceptable secondary containment system for a tank.)
- 4) For existing units other than 90-day generator units, USEPA may delay the secondary containment requirement for up to two years, based on a demonstration by the owner or operator that the unit substantially meets the standards of this Subpart DD. In making this demonstration, the owner or operator must have done the following:
- A) ~~Provide~~Provided written notice to USEPA of their request by November 16, 1992. This notification must ~~describe~~have described the unit and its operating practices with specific reference to the performance of existing systems, and specific plans for retrofitting the unit with secondary containment;
- B) ~~Respond~~Responded to any comments from USEPA on these plans within 30 days; and
- C) ~~Fulfill~~Fulfilled the terms of the revised plans, if such plans are approved by USEPA.
- c) Owners or operators of all containment buildings must; do the following:
- 1) Use controls and practice to ensure containment of the hazardous waste within the unit, and at a minimum:
- A) Maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be release from the primary barrier;
- B) Maintain the level of the stored or treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded;

- C) Take measures to prevent the tracking of hazardous waste out of the unit by personnel or by equipment used in handling the waste. An area must be designated to decontaminate equipment and any rinsate must be collected and properly managed; and
- D) Take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions (see 40 CFR 60, Appendix A, Method 22 - Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares). In addition, all associated particulate collection devices (e.g., fabric filter, electrostatic precipitator) must be operated and maintained with sound air pollution control practices (see 40 CFR 60 for guidance). This state of no visible emissions must be maintained effectively at all times during routine operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

BOARD NOTE: At 40 CFR 264.1101(c)(1)(iv), as added as 57 Fed. Reg. 37266 (Aug. 18, 1992), USEPA cites "40 CFR part 60, subpart 292.": At 57 Fed. Reg. 37217, USEPA repeats this citation in the preamble discussion of the rules. No such provision exists in the Code of Federal Regulations. The Board has chosen to use the more general citation: "40 CFR 60.":

- 2) Obtain certification by a qualified registered professional engineer (PE) that the containment building design meets the requirements of subsections (a) through (c) of this Section. For units placed into operation prior to February 18, 1993, this certification must be placed in the facility's operating record (on-site files for generators who are not formally required to have operating records) no later than 60 days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit.
- 3) Throughout the active life of the containment building, if the owner or operator detects a condition that could lead to or has caused a release of hazardous waste, must repair the condition promptly. In addition, however the following is required:
 - A) Upon detection of a condition that has caused to a release of hazardous wastes (e.g., upon detection of leakage from the primary barrier) the owner or operator must do the following:

- i) Enter a record of the discovery in the facility operating record;
 - ii) Immediately remove the portion of the containment building affected by the condition from service;
 - iii) Determine what steps must be taken to repair the containment building, remove any leakage from the secondary collection system, and establish a schedule for accomplishing the cleanup and repairs; and
 - iv) Within ~~7~~seven days after the discovery of the condition, notify the Agency in writing of the condition, and within 14 working days, provide a written notice to the Agency with a description of the steps taken to repair the containment building, and the schedule for accomplishing the work.
- B) The Agency ~~shall~~ must review the information submitted, make a determination in accordance with Section 34 of the Act, regarding whether the containment building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing.
- C) Upon completing all repairs and cleanup the owner and operator must notify the Agency in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with subsection (c)(3)(A)(iv) ~~above~~ of this Section.
- 4) Inspect and record in the facility's operating record, at least once every seven days, data gathered from monitoring equipment and leak detection equipment, as well as the containment building and the area immediately surrounding the containment building, to detect signs of releases of hazardous waste.
- d) For containment buildings that contain areas both with and without secondary containment, the owner or operator must do the following:
- 1) Design and operate each area in accordance with the requirements enumerated in subsections (a) through (c) of this Section;

- 2) Take measures to prevent the release of liquids or wet materials into areas without secondary containment; and
 - 3) Maintain in the facility's operating log a written description of the operating procedures used to maintain the integrity of areas without secondary containment.
- e) Notwithstanding any other provision of this Subpart ~~DD~~ the Agency ~~shall~~ must not require secondary containment for a permitted containment building where the owner operator demonstrates that the only free liquids in the unit are limited amounts of dust suppression liquids required to meet occupational health and safety requirements, and where containment of managed wastes and liquids can be assured without a secondary containment system.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.1102 Closure and ~~Post-closure~~ Post-Closure Care

- a) At closure of a containment building, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate; and manage them as hazardous waste, unless 35 Ill. Adm. Code 721.103(e) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for containment buildings must meet all of the requirements specified in Subparts G and H of 35 Ill. Adm. Code 739.~~Subparts G and H.~~
- b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in subsection (a) ~~above of this Section~~, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (35 Ill. Adm. Code 724.310). In addition, for the purposes of closure, post-closure, and financial responsibility, such a containment building is then considered to be a landfill, and the owner or operator must meet all the requirements for landfills specified in Subparts G and H of 35 Ill. Adm. Code 739.~~Subparts G and H.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES
STORAGE

Section 724.1201 Design and Operating Standards

- a) An owner or operator of a hazardous waste munitions and explosives storage unit ~~shall~~ must design and operate the unit with containment systems, controls, and monitoring that fulfill each of the following requirements:
- 1) The owner or operator minimizes the potential for detonation or other means of release of hazardous waste, hazardous constituents, hazardous decomposition products, or contaminated run-off to the soil, ~~ground water~~ groundwater, surface water, and atmosphere;
 - 2) The owner or operator provides a primary barrier, which may be a container (including a shell) or tank, designed to contain the hazardous waste;
 - 3) For wastes stored outdoors, the owner or operator provides that the waste and containers will not be in standing precipitation;
 - 4) For liquid wastes, the owner or operator provides a secondary containment system that assures that any released liquids are contained and promptly detected and removed from the waste area or a vapor detection system that assures that any released liquids or vapors are promptly detected and an appropriate response taken (e.g., additional containment, such as overpacking or removal from the waste area); and
 - 5) The owner or operator provides monitoring and inspection procedures that assure the controls and containment systems are working as designed and that releases that may adversely impact human health or the environment are not escaping from the unit.
- b) Hazardous waste munitions and explosives stored under this Subpart EE may be stored in one of the following:
- 1) Earth-covered magazines. The owner or operator of an earth-covered magazine ~~shall~~ must fulfill each of the following requirements:
 - A) The magazine is constructed of waterproofed, reinforced concrete or structural steel arches, with steel doors that are kept closed when not being accessed;

- B) The magazine is so designed and constructed that it fulfills each of the following requirements:
 - i) The magazine is of sufficient strength and thickness to support the weight of any explosives or munitions stored and any equipment used in the unit;
 - ii) The magazine provides working space for personnel and equipment in the unit; and
 - iii) The magazine can withstand movement activities that occur in the unit; and
 - C) The magazine is located and designed, with walls and earthen covers that direct an explosion in the unit in a safe direction, so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.
- 2) Above-ground magazines. Above-ground magazines must be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.
 - 3) Outdoor or open storage areas. Outdoor or open storage areas must be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.
- c) An owner or operator ~~shall~~ must store hazardous waste munitions and explosives in accordance with a standard operating procedure that specifies procedures ~~which~~ that ensure safety, security, and environmental protection. If these procedures serve the same purpose as the security and inspection requirements of Section 724.114, the preparedness and prevention procedures of Subpart C of this Part, and the contingency plan and emergency procedures requirements of Subpart D of this Part, then the standard operating procedure may be used to fulfill those requirements.
 - d) An owner or operator ~~shall~~ must package hazardous waste munitions and explosives to ensure safety in handling and storage.
 - e) An owner or operator ~~shall~~ must inventory hazardous waste munitions and explosives at least annually.
 - f) An owner or operator ~~shall~~ must inspect and monitor hazardous waste munitions and explosives and their storage units as necessary to ensure explosives safety and to ensure that there is no migration of contaminants out of the unit.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.1202 Closure and Post-Closure Care

- a) At closure of a magazine or unit ~~which that~~ stored hazardous waste under this Subpart EE, the owner or operator ~~shall~~ must remove or decontaminate all waste residues, contaminated containment system components, contaminated subsoils, and structures and equipment contaminated with waste and manage them as hazardous waste unless 35 Ill. Adm. Code 721.103(d) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for magazines or units must meet all of the requirements specified in Subparts G and H of this Part, except that the owner or operator may defer closure of the unit as long as it remains in service as a munitions or explosives magazine or storage unit.
- b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in subsection (a) of this Section, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, the owner or operator ~~shall~~ must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (see Section 724.410).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.Appendix A Recordkeeping Instructions

The Board hereby incorporates by reference 40 CFR 264, Appendix I-(1992), ~~as amended at 59 Fed. Reg. 13891 (Mar. 24, 1994) (2002)~~. This incorporation includes no later amendments or editions.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 724.Appendix I Groundwater Monitoring List

- a) The regulatory requirements pertain only to the list of substances; the right hand columns (Methods and PQL) are given for informational purposes only. See also subsections (e) and (f) of this Section.
- b) Common names are those widely used in government regulations, scientific publications and commerce; synonyms exist for many chemicals.

- c) “CAS RN” means “Chemical Abstracts Service Registry Number.” Where “total” is entered, all species in the groundwater that contain this element are included.
- d) CAS index names are those used in the 9th Cumulative index.
- e) “Suggested Methods” refer to analytical procedure numbers used in “Test Methods for Solid Waste,” SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Analytical details can be found in “Test Methods,” and in documentation on file with USEPA. The packed column gas chromatography methods 8010, 8020, 8030, 8040, 8060, 8080, 8090, 8110, 8120, 8140, 8150, 8240, and 8250 were in Update IIB of SW-846. However, in Update III, USEPA replaced these methods with “capillary column gas chromatography (GC) methods,” as the suggested methods.
- f) Practical Quantitation Limits (“PQLs”) are the lowest concentrations of analytes in groundwater that can be reliably determined within specified limits of precision and accuracy by the indicated methods under routine laboratory operating conditions. The POLs listed are generally stated to one significant figure. Caution: The PQL values in many cases are based only on a general estimate for the method and not on a determination for individual compounds; PQLs are not a part of the regulation.
- g) PCBs (CAS RN 1336-36-3). This category contains congener chemicals, including constituents Aroclor-1016 (CAS RN 12674-11-2), Aroclor-1221 (CAS RN 11104-28-2), Aroclor-1232 (CAS RN 11141-16-5), Aroclor-1242 (CAS RN 53469-21-9), Aroclor-1248 (CAS RN 12672-29-6), Aroclor-1254 (CAS RN 11097-69-1) and Aroclor-1260 (CAS RN 11096-82-5). The PQL shown is an average value for PCB congeners.
- h) PCDDs. This category includes congener chemicals, including tetrachloro-dibenzo-p-dioxins (see also 2,3,7,8-TCDD), pentachlorodibenzo-p-dioxins and hexachlorodibenzo-p-dioxins. The PQL shown is an average value for PCDD congeners.
- i) PCDFs. This category contains congener chemicals, including tetrachloro-dibenzofurans, pentachlorodibenzofurans and hexachlorodibenzofurans. The PQL shown is an average for all PCDF congeners.

Common Name	CAS RN	Chemical Abstracts Service Index Name	Suggested methods <u>Methods</u>	PQL ($\mu\text{g/L}$) ($\mu\text{g/L}$)
Acenaphthene	83-32-9	Acenaphthylene, 1,2-dihydro-	8100 8270	200. 10.
Acenaphthylene	208-96-8	Acenaphthylene	8100 8270	200. 10.
Acetone	67-64-1	2-Propanone	8240	100.
Acetophenone	98-86-2	Ethanone, 1-phenyl-	8270	10.
Acetonitrile; Methyl cyanide	75-05-8	Acetonitrile	8015	100.
2-Acetylaminofluorene; 2-AAF	53-96-3	Acetamide, N-9H-fluorenyl-	8270	10.
Acrolein	107-02-8	2-Propenal	8030 8240	5. 5.
Acrylonitrile	107-13-1	2-Propenenitrile	8030 8240	5. 5.
Aldrin	309-00-2	1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-(1 α ,4 α ,4a β ,5 α ,8 α ,8a β)-	8080 8270	0.05 10.
Allyl chloride	107-05-1	1-Propene, 3-chloro-	8010 8240	5. 100.
4-Aminobiphenyl	92-67-1	[1,1'-Biphenyl]-4-amine	8270	10.
Aniline	62-53-3	Benzenamine	8270	10.
Anthracene	120-12-7	Anthracene	8100 8270	200. 10.

Antimony	(Total)	Antimony	6010 7040 7041	300. 2000. 30.
Aramite	140-57-8	Sulfurous acid, 2-chloro-ethyl 2-[4-(1,1-dimethyl-ethyl)phenoxy]-1-methyl-ethyl ester	8270	10.
Arsenic	(Total)	Arsenic	6010 7060 7061	500. 10. 20.
Barium	(Total)	Barium	6010 7080	20. 1000.
Benzene	71-43-2	Benzene	8020 8240	2. 5.
Benzo[a]anthracene; Benzanthracene	56-55-3	Benz[a]anthracene	8100 8270	200. 10.
Benzo[b]fluoranthene	205-99-2	Benz[e]acephenanthrylene	8100 8270	200. 10.
Benzo[k]fluoranthene	207-08-9	Benzo[k]fluoranthene	8100 8270	200. 10.
Benzo[ghi]perylene	191-24-2	Benzo[ghi]perylene	8100 8270	200. 10.
Benzo[a]pyrene	50-32-8	Benzo[a]pyrene	8100 8270	200. 10.
Benzyl alcohol	100-51-6	Benzenemethanol	8270	20.
Beryllium	(Total)	Beryllium	6010 7090 7091	3. 50. 2.
α -BHC	319-84-6	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 α ,3 β ,4 α ,5 β ,6 β)-	8080 8250	0.05 10.

β -BHC	319-85-7	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 β ,3 α ,4 β ,5 α ,6 β)-	8080 8250	0.05 40.
δ -BHC	319-86-8	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 α ,3 α ,4 β ,5 α ,6 β)-	8080 8250	0.1 30.
χ-BHC ; γ-BHC ; Lindane	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 α ,3 β ,4 α ,5 α ,6 β)-	8080 8250	0.05 10.
Bis(2-chloroethoxy)-methane	111-91-1	Ethane, 1,1'-[methylenebis-(oxy)]bis[2-chloro-	8270	10.
Bis(2-chloroethyl)ether	111-44-4	Ethane, 1,1'-oxybis[2-chloro-	8270	10.
Bis(2-chloro-1-methylethyl) ether; 2,2'-Dichlorodiisopropyl ether	108-60-1	Propane, 2,2'-oxybis[1-chloro-	8010 8270	100. 10.
Bis(2-ethylhexyl) phthalate	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	8060 8270	20. 10.
Bromodichloromethane	75-27-4	Methane, bromodichloro-	8010 8240	1. 5.
Bromoform; Tribromomethane	75-25-2	Methane, tribromo-	8010 8240	2. 5.
4-Bromophenyl phenyl ether	101-55-3	Benzene, 1-bromo-4-phenoxy-	8270	10.
Butyl benzyl phthalate; Benzyl butyl phthalate	85-68-7	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester	8060 8270	5. 10.
Cadmium	Total	Cadmium	6010 7130 7131	40. 50. 1.
Carbon disulfide	75-15-0	Carbon disulfide	8240	5.

Carbon tetrachloride	56-23-5	Methane, tetrachloro-	8010	1.
			8240	5.
Chlordane	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	8080	0.1
			8250	10.
p-Chloroaniline	106-47-8	Benzeneamine, 4-chloro-	8270	20.
Chlorobenzene	108-90-7	Benzene, chloro-	8010	2.
			8020	2.
			8240	5.
Chlorobenzilate	510-15-6	Benzeneacetic acid, 4-chloro- α -(4-chlorophenyl)- α -hydroxy-, ethylf ester	8270	10.
p-Chloro-m-cresol	59-50-7	Phenol, 4-chloro-3-methyl-	8040	5.
			8270	20.
Chloroethane; Ethyl chloride	75-00-3	Ethane, chloro-	8010	5.
			8240	10.
Chloroform	67-66-3	Methane, trichloro-	8010	0.5
			8240	5.
2-Chloronapthalene	91-58-7	Naphthalene, 2-chloro-	8120	10.
			8270	10.
2-Chlorophenol	95-57-8	Phenol, 2-chloro-	8040	5.
			8270	10.
4-Chlorophenyl phenyl ether	7005-72-3	Benzene, 1-chloro-4-phenoxy-	8270	10.
Chloroprene	126-99-8	1,3-Butadiene, 2-chloro-	8010	50.
			8240	5.
Chromium	(Total)	Chromium	6010	70.
			7190	500.
			7191	10.

Chrysene	218-01-9	Chrysene	8100 8270	200. 10.
Cobalt	(Total)	Cobalt	6010 7200 7201	70. 500. 10.
Copper	(Total)	Copper	6010 7210	60. 200.
m-Cresol	108-39-4	Phenol, 3-methyl-	8270	10.
o-Cresol	95-48-7	Phenol, 2-methyl-	8270	10.
p-Cresol	106-44-5	Phenol, 4-methyl-	8270	10.
Cyanide	57-12-5	Cyanide	9010	40.
2,4-D; 2,4-Dichloro- phenoxyacetic acid	94-75-7	Acetic acid, (2,4-dichloro- phenoxy)-	8150	10.
4,4'-DDD	72-54-8	Benzene, 1,1'-(2,2-dichloro- ethylidene)bis[4-chloro-	8080 8270	0.1 10.
4,4'-DDE	72-55-9	Benzene, 1,1'-(dichloro- ethylidene)bis[4-chloro-	8080 8270	0.05 10.
4,4'-DDT	50-29-3	Benzene, 1,1'-(2,2,2-tri- chloroethylidene)bis[4- chloro-	8080 8270	0.1 10.
Diallate	2303-16-4	Carbamothioic acid, bis(1- methylethyl)-, S-(2,3-di- chloro--2-propenyl) ester	8270	10.
Dibenz[a,h]anthracene	53-70-3	Dibenz[a,h]anthracene	8100 8270	200. 10.
Dibenzofuran	132-64-9	Dibenzofuran	8270	10.
Dibromochloromethane; Chlorodibromomethane	124-48-1	Methane, dibromochloro-	8010 8240	1. 5.

1,2-Dibromo-3-chloro- propane; DBCP	96-12-8	Propane, 1,2-dibromo-3- chloro-	8010	100.
			8240	5.
			8270	10.
1,2-Dibromoethane; Ethylene dibromide	106-93-4	Ethane, 1,2-dibromo-	8010	10.
			8240	5.
Di-n-butyl phthalate	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester	8060	5.
			8270	10.
o-Dichlorobenzene	95-50-1	Benzene, 1,2-dichloro-	8010	2.
			8020	5.
			8120	10.
			8270	10.
m-Dichlorobenzene	541-73-1	Benzene, 1,3-dichloro-	8010	5.
			8020	5.
			8120	10.
			8270	10.
p-Dichlorobenzene	106-46-7	Benzene, 1,4-dichloro-	8010	2.
			8020	5.
			8120	15.
			8270	10.
3,3'-Dichlorobenzidine	91-94-1	[1,1'-Biphenyl]-4,4'-di- amine, 3,3'-dichloro-	8270	20.
trans-1,4-Dichloro-2-butene	110-57-6	2-Butene, 1,4-dichloro-, (E)-	8240	5.
Dichlorodifluoromethane	75-71-8	Methane, dichlorodifluoro-	8010	10.
			8240	5.
1,1-Dichloroethane	75-34-3	Ethane, 1,1-dichloro-	8010	1.
			8240	5.
1,2-Dichloroethane; Ethylene dichloride	107-06-2	Ethane, 1,2-dichloro-	8010	0.5
			8240	5.
1,1-Dichloroethylene; Vinylidene chloride	75-35-4	Ethene, 1,1-dichloro-	8010	1.
			8240	5.

trans-1,2-Dichloroethylene	156-60-5	Ethene, 1,2-dichloro-, (E)-	8010 8240	1. 5.
2,4-Dichlorophenol	120-83-2	Phenol, 2,4-dichloro-	8040 8270	5. 10.
2,6-Dichlorophenol	87-65-0	Phenol, 2,6-dichloro-	8270	10.
1,2-Dichloropropane	78-87-5	Propane, 1,2-dichloro-	8010 8240	0.5 5.
cis-1,3-Dichloropropene	10061-01-5	1-Propene, 1,3-dichloro-, (Z)-	8010 8240	20. 5.
trans-1,3-Dichloropropene	10061-02-6	1-Propene, 1,3-dichloro-, (E)-	8010 8240	5. 5.
Dieldrin	60-57-1	2,7:3,6-Dimethanonaphth- [2,3-b]oxirene, 3,4,5,6,9,9- hexachloro- 1a,2,2a,3,6,6a,7,7a-octa- hydro- ,(1 α ,2 β ,2 α ,3 β ,6 β ,6 α ,7 β , 7 α)-	8080 8270	0.05 10.
Diethyl phthalate	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	8060 8270	5. 10.
O,O-Diethyl O-2-pyrazinyl phosphorothioate; Thionazin	297-97-2	Phosphorothioic acid, O,O- diethyl O-pyrazinyl ester	8270	10.
Dimethoate	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-[2-(methyl- amino)-2-oxoethyl] ester	8270	10.
p-(Dimethylamino)- azobenzene	60-11-7	Benzenamine, N,N-di- methyl-4-(phenylazo)-	8270	10.
7,12-Dimethylbenz[a]- anthracene	57-97-6	Benz[a]anthracene,7,12-di- methyl-	8270	10.

3,3'-Dimethylbenzidine	119-93-7	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-	8270	10.
α,α -Dimethylphenethylamine	122-09-8	Benzeneethanamine, α,α -dimethyl-	8270	10.
2,4-Dimethylphenol	105-67-9	Phenol, 2,4-dimethyl-	8040 8270	5. 10.
Dimethyl phthalate	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester	8060 8270	5. 10.
m-Dinitrobenzene	99-65-0	Benzene, 1,3-dinitro-	8270	10.
4,6-Dinitro-o-cresol	534-52-1	Phenol, 2-methyl-4,6-dinitro-	8040 8270	150. 50.
2,4-Dinitrophenol	51-28-5	Phenol, 2,4-dinitro-	8040 8270	150. 50.
2,4-Dinitrotoluene	121-14-2	Benzene, 1-methyl-2,4-dinitro-	8090 8270	0.2 10.
2,6-Dinitrotoluene	606-20-2	Benzene, 2-methyl-1,3-dinitro-	8090 8270	0.1 10.
Dinoseb; DNBP; 2-sec-Butyl-4,6-dinitrophenol	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	8150 8270	1. 10.
Di-n-octyl phthalate	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester	8060 8270	30. 10.
1,4-Dioxane	123-91-1	1,4-Dioxane	8015	150.
Diphenylamine	122-39-4	Benzeneamine, N-phenyl-	8270	10.
Disulfoton	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester	8140 8270	2. 10.

Endosulfan I	959-98-8	6,9-Methano-2,4,3-benzodioxathiepin,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide, (3 α ,5a β ,6 α ,9 α ,9a β)-	8080 8250	0.1 10.
Endosulfan II	33213-65-9	6,9-Methano-2,4,3-benzodioxathiepin,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide, (3 α ,5a α ,6 β ,9 β ,9a α)-	8080	0.05
Endosulfan sulfate	1031-07-8	6,9-Methano-2,4,3-benzodioxathiepin,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-,3,3-dioxide	8080 8270	0.5 10.
Endrin	72-20-8	2,7:3,6-Dimethanonaphth-[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1 α ,2 β ,2a β ,3 α ,6 α ,6a β ,7 β ,7a α)-	8080 8250	0.1 10.
Endrin aldehyde	7421-93-4	1,2,4-Methanocyclopenta[cd]pentalene-5-carboxaldehyde, 2,2a,3,3,4,7-hexachlorodecahydro-, (1 α ,2 β ,2a β ,4 β ,4a β ,5 β ,6a β ,6b β ,7R)-	8080 8270	0.2 10.
Ethylbenzene	100-41-4	Benzene, ethyl-	8020 8240	2. 5.
Ethyl methacrylate	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	8015 8240 8270	10. 5. 10.
Ethyl methanesulfonate	62-50-0	Methanesulfonic acid, ethyl ester	8270	10.

Famphur	52-85-7	Phosphorothioic acid, O-[4- [(dimethylamino)sulfonyl]- phenyl]-O,O-dimethyl ester	8270	10.
Fluoranthene	206-44-0	Fluoranthene	8100 8270	200. 10.
Fluorene	86-73-7	9H-Fluorene	8100 8270	200. 10.
Heptachlor	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro- 3a,4,7,7a-tetrahydro-	8080 8270	0.05 10.
Heptachlor epoxide	1024-57-3	2,5-Methano-2H-indeno- [1,2-b]oxirene, 2,3,4,5,6,7,7-heptachloro- 1a,1b,5,5a,6,6a-hexahydro-, (1 α ,1b β ,2 α ,5 α ,5a β ,6 β ,6a α)-	8080 8270	1. 10.
Hexachlorobenzene	118-74-1	Benzene, hexachloro-	8120 8270	0.5 10.
Hexachlorobutadiene	87-68-3	1,3-Butadiene, 1,1,2,3,4,4- hexachloro-	8120 8270	5. 10.
Hexachlorocyclopentadiene	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	8120 8270	5. 10.
Hexachloroethane	67-72-1	Ethane, hexachloro-	8120 8270	0.5 10.
Hexachlorophene	70-30-4	Phenol, 2,2'-methylenebis- [3,4,6-trichloro-	8270	10.
Hexachloropropene	1888-71-7	1-Propene, 1,1,2,3,3,3- hexachloro-	8270	10.
2-Hexanone	591-78-6	2-Hexanone	8240	50.
Indeno(1,2,3-cd)pyrene	193-39-5	Indeno[1,2,3-cd]pyrene	8100 8270	200. 10.

Isobutyl alcohol	78-83-1	1-Propanol, 2-methyl-	8015	50.
Isodrin	465-73-6	1,4,5,8-Dimethano-naphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-(1 α ,4 α ,4a β ,5 β ,8 β ,8a β)-	8270	10.
Isophorone	78-59-1	2-Cyclohexen-1-one, 3,5,5-trimethyl-	8090 8270	60. 10.
Isosafrole	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	8270	10.
Kepone	143-50-0	1,3,4-Metheno-2H-cyclobuta-[c,d]pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-	8270	10.
Lead	(Total)	Lead	6010 7420 7421	40. 1000. 10.
Mercury	(Total)	Mercury	7470	2.
Methacrylonitrile	126-96-7	2-Propenenitrile, 2-methyl-	8015 8240	5. 5.
Methapyrilene	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	8270	10.
Methoxychlor	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-	8080 8270	2. 10.
Methyl bromide; Bromomethane	74-83-9	Methane, bromo-	8010 8240	20. 10.
Methyl chloride; Chloromethane	74-87-3	Methane, chloro-	8010 8240	1. 10.

3-Methylcholanthrene	56-49-5	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	8270	10.
Methylene bromide; Dibromomethane	74-95-3	Methane, dibromo-	8010 8240	15. 5.
Methylene chloride; Dichloromethane	75-09-2	Methane, dichloro-	8010 8240	5. 5.
Methyl ethyl ketone; MEK	78-93-3	2-Butanone	8015 8240	10. 100.
Methyl iodide; Iodomethane	74-88-4	Methane, iodo-	8010 8240	40. 5.
Methyl methacrylate	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester	8015 8240	2. 5.
Methyl methanesulfonate	66-27-3	Methanesulfonic acid, methyl ester	8270	10.
2-Methylnaphthalene	91-57-6	Naphthylene, 2-methyl-	8270	10.
Methyl parathion; Parathion methyl	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	8140 8270	0.5 10.
4-Methyl-2-pentanone; Methyl isobutyl ketone	108-10-1	2-Pentanone, 4-methyl-	8015 8240	5. 50.
Naphthalene	91-20-3	Naphthalene	8100 8270	200. 10.
1,4-Naphthoquinone	130-15-4	1,4-Naphthalenedione	8270	10.
1-Naphthylamine	134-32-7	1-Naphthalenamine	8270	10.
2-Naphthylamine	91-59-8	2-Naphthalenamine	8270	10.
Nickel	(Total)	Nickel	6010 7520	50. 400.
o-Nitroaniline	88-74-4	Benzenamine, 2-nitro-	8270	50.

m-Nitroaniline	99-09-2	Benzenamine, 3-nitro-	8270	50.
p-Nitroaniline	100-01-6	Benzenamine, 4-nitro-	8270	50.
Nitrobenzene	98-95-3	Benzene, nitro-	8090 8270	40. 10.
o-Nitrophenol	88-75-5	Phenol, 2-nitro-	8040 8270	5. 10.
p-Nitrophenol	100-02-7	Phenol, 4-nitro-	8040 8270	10. 50.
4-Nitroquinoline 1-oxide	56-57-5	Quinoline, 4-nitro-, 1-oxide	8270	10.
N-Nitrosodi-n-butylamine	924-16-3	1-Butanamine, N-butyl-N-nitroso-	8270	10.
N-Nitrosodiethylamine	55-18-5	Ethanamine, N-ethyl-N-nitroso-	8270	10.
N-Nitrosodimethylamine	62-75-9	Methanamine, N-methyl-N-nitroso-	8270	10.
N-Nitrosodiphenylamine	86-30-6	Benzenamine, N-nitroso-N-phenyl-	8270	10.
N-Nitrosodipropylamine; Di-n-propylnitrosamine	621-64-7	1-Propanamine, N-nitroso-N-propyl-	8270	10.
N-Nitrosomethylethylamine	10595-95-6	Ethanamine, N-methyl-N-nitroso-	8270	10.
N-Nitrosomorpholine	59-89-2	Morpholine, 4-nitroso-	8270	10.
N-Nitrosopiperidene	100-75-4	Piperidene, 1-nitroso-	8270	10.
N-Nitrosopyrrolidine	930-55-2	Pyrrolidine, 1-nitroso-	8270	10.
5-Nitro-o-toluidine	99-55-8	Benzenamine, 2-methyl-5-nitro-	8270	10.

Parathion	56-38-2	Phosphorothioic acid, O,O-diethyl-O-(4-nitrophenyl) ester	8270	10.
Polychlorinated biphenyls; PCBs	See (g)	1,1'-Biphenyl, chloro derivatives	8080	50.
			8250	100.
Polychlorinated dibenzo-p-dioxins; PCDDs	See (h)	Dibenzo[b,e][1,4]dioxin, chloro derivatives	8280	0.01
Polychlorinated dibenzofurans; PCDFs	See (i)	Bibenzofuran, chloro derivatives	8280	0.01
Pentachlorobenzene	608-93-5	Benzene, pentachloro-	8270	10.
Pentachloroethane	76-01-7	Ethane, pentachloro-	8240	5.
			8270	10.
Pentachloronitrobenzene	82-68-8	Benzene, pentachloronitro-	8270	10.
Pentachlorophenol	87-86-5	Phenol, pentachloro-	8040	5.
			8270	50.
Phenacetin	62-44-2	Acetamide, N-(4-ethoxyphenyl)	8270	10.
Phenanthrene	85-01-8	Phenanthrene	8100	200.
			8270	10.
Phenol	108-95-2	Phenol	8040	1.
			8270	10.
p-Phenylenediamine	106-50-3	1,4-Benzenediamine	8270	10.
Phorate	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester	8140	2.
			8270	10.
2-Picoline	109-06-8	Pyridine, 2-methyl-	8240	5.
			8270	10.
Pronamide	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propenyl)-	8270	10.

Propionitrile; Ethyl cyanide	107-12-0	Propanenitrile	8015 8240	60. 5.
Pyrene	129-00-0	Pyrene	8100 8270	200. 10.
Pyridine	110-86-1	Pyridine	8240 8270	5. 10.
Safrole	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	8270	10.
Selenium	(Total)	Selenium	6010 7740 7741	750. 20. 20.
Silver	(Total)	Silver	6010 7760	70. 100.
Silvex; 2,4,5-TP	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	8150	2.
Styrene	100-42-5	Benzene, ethenyl-	8020 8240	1. 5.
Sulfide	18496-25-8	Sulfide	9030	10000.
2,4,5-T; 2,4,5-Trichlorophenoxyacetic acid	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-	8150	2.
2,3,7,8-TCDD; 2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746-01-8	Dibenzo[b,e][1,4]dioxin, 2,3,7,8-tetrachloro-	8280	0.005
1,2,4,5-Tetrachlorobenzene	95-94-3	Benzene, 1,2,4,5-tetrachloro-	8270	10.
1,1,1,2-Tetrachloroethane	630-20-6	Ethane, 1,1,1,2-tetrachloro-	8010 8240	5. 5.
1,1,2,2,-Tetrachloroethane	79-34-5	Ethane, 1,1,2,2-tetrachloro-	8010 8240	0.5 5.

Tetrachloroethylene; Perchloroethylene; Tetra- chloroethene	127-18-4	Ethene, tetrachloro-	8010 8240	0.5 5.
2,3,4,6-Tetrachlorophenol	58-90-2	Phenol, 2,3,4,6-tetrachloro-	8270	10.
Tetraethyl dithiopyro- phosphate; Sulfotepp	3689-24-5	Thiodiphosphoric acid ([(HO)2P(S)]2O), tetraethyl ester	8270	10.
Thallium	(Total)	Thallium	6010 7840 7841	400. 1000. 10.
Tin	(Total)	Tin	7870	8000.
Toluene	108-88-3	Benzene, methyl-	8020 8240	2. 5.
o-Toluidine	95-53-4	Benzenamine, 2-methyl-	8270	10.
Toxaphene	8001-35-2	Toxaphene	8080 8250	2. 10.
1,2,4-Trichlorobenzene	120-82-1	Benzene, 1,2,4-trichloro-	8270	10.
1,1,1-Trichloroethane; Methyl chloroform	71-55-6	Ethane, 1,1,1-trichloro-	8240	5.
1,1,2-Trichloroethane	79-00-5	Ethane, 1,1,2-trichloro-	8010 8240	0.2 5.
Trichloroethylene; Tri- chloroethene	79-01-6	Ethene, trichloro-	8010 8240	1. 5.
Trichlorofluoromethane	75-69-4	Methane, trichlorofluoro-	8010 8240	10. 5.
2,4,5-Trichlorophenol	95-96-4	Phenol, 2,4,5-trichloro-	8270	10.
2,4,6-Trichlorophenol	88-06-2	Phenol, 2,4,6-trichloro-	8040 8270	5. 10.

1,2,3-Trichloropropane	96-18-4	Propane, 1,2,3-trichloro-	8010 8240	10. 5.
O,O,O-Triethyl phosphorothioate	126-68-1	Phosphorothioic acid, O,O,O-triethyl ester	8270	10.
sym-Trinitrobenzene	99-35-4	Benzene, 1,3,5-trinitro-	8270	10.
Vanadium	(Total)	Vanadium	6010 7910 7911	80. 2000. 40.
Vinyl acetate	108-05-4	Acetic acid, ethenyl ester	8240	5.
Vinyl chloride	75-01-4	Ethene, chloro-	8010 8240	2. 10.
Xylene (total)	1330-20-7	Benzene, dimethyl-	8020 8240	5. 5.
Zinc	(Total)	Zinc	6010 7950	20. 50.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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

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

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725.101	Purpose, Scope, and Applicability
725.104	Imminent Hazard Action

SUBPART B: GENERAL FACILITY STANDARDS

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725.111	USEPA Identification Number

725.112	Required Notices
725.113	General Waste Analysis
725.114	Security
725.115	General Inspection Requirements
725.116	Personnel Training
725.117	General Requirements for Ignitable, Reactive, or Incompatible Wastes
725.118	Location Standards
725.119	Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

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725.131	Maintenance and Operation of Facility
725.132	Required Equipment
725.133	Testing and Maintenance of Equipment
725.134	Access to Communications or Alarm System
725.135	Required Aisle Space
725.137	Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

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725.150	Applicability
725.151	Purpose and Implementation of Contingency Plan
725.152	Content of Contingency Plan
725.153	Copies of Contingency Plan
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725.155	Emergency Coordinator
725.156	Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

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725.174	Availability, Retention and Disposition of Records
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SUBPART F: GROUNDWATER MONITORING

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725.191	Groundwater Monitoring System

- 725.192 Sampling and Analysis
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- 725.194 Recordkeeping and Reporting

SUBPART G: CLOSURE AND POST-CLOSURE CARE

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- 725.210 Applicability
- 725.211 Closure Performance Standard
- 725.212 Closure Plan; Amendment of Plan
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- 725.214 Disposal or Decontamination of Equipment, Structures and Soils
- 725.215 Certification of Closure
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- 725.218 Post-Closure Care Plan; Amendment of Plan
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SUBPART H: FINANCIAL REQUIREMENTS

Section

- 725.240 Applicability
- 725.241 Definitions of Terms as Used in this Subpart
- 725.242 Cost Estimate for Closure
- 725.243 Financial Assurance for Closure
- 725.244 Cost Estimate for Post-closure Care
- 725.245 Financial Assurance for Post-closure Monitoring and Maintenance
- 725.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
- 725.247 Liability Requirements
- 725.248 Incapacity of Owners or Operators, Guarantors or Financial Institutions
- 725.251 Promulgation of Forms (Repealed)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section

- 725.270 Applicability
- 725.271 Condition of Containers
- 725.272 Compatibility of Waste with Container
- 725.273 Management of Containers
- 725.274 Inspections
- 725.276 Special Requirements for Ignitable or Reactive Waste
- 725.277 Special Requirements for Incompatible Wastes
- 725.278 Air Emission Standards

SUBPART J: TANK SYSTEMS

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725.290	Applicability
725.291	Assessment of Existing Tank System's Integrity
725.292	Design and Installation of New Tank Systems or Components
725.293	Containment and Detection of Releases
725.294	General Operating Requirements
725.295	Inspections
725.296	Response to leaks or spills and disposition of Tank Systems
725.297	Closure and Post-Closure Care
725.298	Special Requirements for Ignitable or Reactive Waste
725.299	Special Requirements for Incompatible Wastes
725.300	Waste Analysis and Trial Tests
725.301	Generators of 100 to 1000 Kilograms of Hazardous Waste Per Month
725.302	Air Emission Standards

SUBPART K: SURFACE IMPOUNDMENTS

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725.320	Applicability
725.321	Design and Operating Requirements
725.322	Action Leakage Rate
725.323	Response Actions
725.324	Containment System
725.325	Waste Analysis and Trial Tests
725.326	Monitoring and Inspections
725.328	Closure and Post-closure Care
725.329	Special Requirements for Ignitable or Reactive Waste
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SUBPART L: WASTE PILES

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725.351	Protection from Wind
725.352	Waste Analysis
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725.354	Design and Operating Requirements
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725.378	Unsaturated Zone (Zone of Aeration) Monitoring
725.379	Recordkeeping
725.380	Closure and Post-closure
725.381	Special Requirements for Ignitable or Reactive Waste
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SUBPART N: LANDFILLS

Section	
725.400	Applicability
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725.409	Surveying and Recordkeeping
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725.414	Special Requirements for Liquid Wastes
725.415	Special Requirements for Containers
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SUBPART O: INCINERATORS

Section	
725.440	Applicability
725.441	Waste Analysis
725.445	General Operating Requirements
725.447	Monitoring and Inspection
725.451	Closure
725.452	Interim Status Incinerators Burning Particular Hazardous Wastes

SUBPART P: THERMAL TREATMENT

Section	
725.470	Other Thermal Treatment
725.473	General Operating Requirements
725.475	Waste Analysis
725.477	Monitoring and Inspections
725.481	Closure

- 725.482 Open Burning; Waste Explosives
 725.483 Interim Status Thermal Treatment Devices Burning Particular Hazardous Waste

SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

Section

- 725.500 Applicability
 725.501 General Operating Requirements
 725.502 Waste Analysis and Trial Tests
 725.503 Inspections
 725.504 Closure
 725.505 Special Requirements for Ignitable or Reactive Waste
 725.506 Special Requirements for Incompatible Wastes

SUBPART R: UNDERGROUND INJECTION

Section

- 725.530 Applicability

SUBPART W: DRIP PADS

Section

- 725.540 Applicability
 725.541 Assessment of existing drip pad integrity
 725.542 Design and installation of new drip pads
 725.543 Design and operating requirements
 725.544 Inspections
 725.545 Closure

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section

- 725.930 Applicability
 725.931 Definitions
 725.932 Standards: Process Vents
 725.933 Standards: Closed-vent Systems and Control Devices
 725.934 Test methods and procedures
 725.935 Recordkeeping Requirements

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section

- 725.950 Applicability
 725.951 Definitions
 725.952 Standards: Pumps in Light Liquid Service
 725.953 Standards: Compressors
 725.954 Standards: Pressure Relief Devices in Gas/Vapor Service
 725.955 Standards: Sampling Connecting Systems
 725.956 Standards: Open-ended Valves or Lines

725.957	Standards: Valves in Gas/Vapor or Light Liquid Service
725.958	Standards: Pumps, Valves, Pressure Relief Devices, Flanges and other Connectors
725.959	Standards: Delay of Repair
725.960	Standards: Closed-vent Systems and Control Devices
725.961	Percent Leakage Alternative for Valves
725.962	Skip Period Alternative for Valves
725.963	Test Methods and Procedures
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SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section	
725.980	Applicability
725.981	Definitions
725.982	Schedule for Implementation of Air Emission Standards
725.983	Standards: General
725.984	Waste Determination Procedures
725.985	Standards: Tanks
725.986	Standards: Surface Impoundments
725.987	Standards: Containers
725.988	Standards: Closed-Vent Systems and Control Devices
725.989	Inspection and Monitoring Requirements
725.990	Recordkeeping Requirements
725.991	Alternative Tank Emission Control Requirements (Repealed)

SUBPART DD: CONTAINMENT BUILDINGS

Section	
725.1100	Applicability
725.1101	Design and operating standards
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Subpart EE: Hazardous Waste Munitions and Explosives Storage

Section	
725.1200	Applicability
725.1201	Design and operating standards
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725.Appendix A	Recordkeeping Instructions
725.Appendix B	EPA Report Form and Instructions (Repealed)
725.Appendix C	EPA Interim Primary Drinking Water Standards
725.Appendix D	Tests for Significance
725.Appendix E	Examples of Potentially Incompatible Waste
725.Appendix F	Compounds With Henry's Law Constant Less Than 0.1 Y/X (at 25°C)

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9168, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1076, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9575, effective June 20, 2000; amended in R03-7 at 27 Ill. Reg. _____, effective _____.

SUBPART O: INCINERATORS

Section 725.440 Applicability

- a) The regulations in this Subpart O apply to owners or operators of hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110), except as 35 Ill. Adm. Code 724.101 provides otherwise.
- b) Integration of the MACT standards.
 - 1) Except as provided by ~~subsection~~ subsections (b)(2) and (b)(3) of this Section, the standards of this Part no longer apply when an owner or operator demonstrates compliance with the maximum achievable control

technology (MACT) requirements of 40 CFR 63, Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111, by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, under 40 CFR 63.1207(j) and ~~63.1210(d)~~ 63.1210(b), documenting compliance with the requirements of 40 CFR 63, Subpart EEE.

- 2) The MACT standards of 40 CFR 63, Subpart EEE do not replace the closure requirements of Section 724.451 or the applicable requirements of Subparts A through H, BB, and CC of this Part.
- 3) Section 725.445, generally prohibiting burning of hazardous waste during startup and shutdown, remains in effect if the owner or operator elects to comply with 35 Ill. Adm. Code 703.320(b)(1)(A) to minimize emissions of toxic compounds from startup and shutdown.

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 40 CFR 63, subpart EEE. Sections 9.1 and 39.5 of the Environmental Protection Act [415 ILCS 5/9.1 and 39.5] make the federal MACT standards directly applicable to entities in Illinois and authorize the Agency to issue permits based on the federal standards.

- c) ~~Owners and operators of incinerators~~ An owner or operator of an incinerator burning that burns hazardous waste are is exempt from all of the requirements of this Subpart Q, except Section 725.451 (Closure), provided that the owner or operator has documented, in writing, that the waste would not reasonably be expected to contain any of the hazardous constituents listed in Appendix H to 35 Ill. Adm. Code 721. ~~Appendix H~~ and such documentation is retained at the facility, if the waste to be burned is one of the following:

- 1) ~~Listed~~ It is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721. ~~Subpart D~~, solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both;
- 2) ~~Listed~~ It is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721. ~~Subpart D~~, 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) ~~A~~ It is a hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for

characteristics of hazardous wastes under Subpart C of 35 Ill. Adm. Code 721.~~Subpart C~~; or

- 4) ~~A~~It is a hazardous waste solely because it possesses the reactivity characteristics described by 35 Ill. Adm. Code 721.123 (a)(1), (a)(2), (a)(3), (a)(6), (a)(7) or (a)(8) and will not be burned when other hazardous wastes are present in the combustion zone.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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

PART 726
STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS
WASTE AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT
FACILITIES

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726.Table A	Exempt Quantities for Small Quantity Burner Exemption

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

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 18042, effective September 28, 1998; amended in R99-15 at 23 Ill. Reg. 9482, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9853, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6667, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. _____, effective _____.

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

Section 726.200 Applicability

- a) The regulations of this Subpart H apply to hazardous waste burned or processed in a boiler or industrial furnace (BIF) (as defined in 35 Ill. Adm. Code 720.110) irrespective of the purpose of burning or processing, except as provided by subsections (b), (c), (d), (g), and (~~f~~)(h) of this Section. In this Subpart H, the term “burn” means burning for energy recovery or destruction or processing for materials recovery or as an ingredient. The emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 apply to facilities operating under interim status or under a RCRA permit, as specified in Sections 726.202 and 726.203.
- b) Integration of the MACT standards.
 - 1) Except as provided by subsection (b)(2) of this Section, the standards of this Part no longer apply when an affected source demonstrates

compliance with the maximum achievable control technology (MACT) requirements of 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111, by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, under 40 CFR 63.1207(j) and ~~63.1210(d)~~ 63.1210(b), documenting compliance with the requirements of 40 CFR 63, subpart EEE. Nevertheless, even after this demonstration of compliance with the MACT standards, RCRA permit conditions that were based on the standards of this Part will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

2) The following standards continue to apply:

A) If an owner or operator elects to comply with 35 Ill. Adm. Code 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events, Section 726.202(e)(1), requiring operations in accordance with the operating requirements specified in the permit at all times that hazardous waste is in the unit, and Section 726.202(e)(2)(C), requiring compliance with the emission standards and operating requirements, during startup and shutdown if hazardous waste is in the combustion chamber, except for particular hazardous wastes. These provisions apply only during startup, shutdown, and malfunction events;

AB) The closure requirements of Sections 726.202(e)(11) and 726.203(1);

BC) The standards for direct transfer of Section 726.211;

CD) The standards for regulation of residues of Section 726.312; and

DE) The applicable requirements of Subparts A through H, BB₂ and CC of 35 Ill. Adm. Code 724 and 725.

BOARD NOTE: Sections 9.1 and 39.5 of the Environmental Protection Act [415 ILCS 5/9.1 and 39.5] make the federal MACT standards directly applicable to entities in Illinois and authorize the Agency to issue permits based on the federal standards. In adopting this subsection (b), USEPA stated as follows (at 64 Fed Reg. 52828, 52975 (September 30,1999)):

Under [the approach adopted by USEPA as a] final rule, MACT air emissions and related operating requirements are to be included in title V permits; RCRA permits will continue to be required for all other aspects of the combustion unit and the facility that are

governed by RCRA (e.g., corrective action, general facility standards, other combustor-specific concerns such as materials handling, risk-based emissions limits and operating requirements, as appropriate, and other hazardous waste management units).

64 Fed Reg. 52828, 52975 (Sept. 30, 1999).

- c) The following hazardous wastes and facilities are not subject to regulation under this Subpart H:
- 1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721. ~~Subpart C~~. Such used oil is subject to regulation under 35 Ill. Adm. Code 739, rather than this Subpart;
 - 2) Gas recovered from hazardous or solid waste landfills, when such gas is burned for energy recovery;
 - 3) Hazardous wastes that are exempt from regulation under 35 Ill. Adm. Code 721.104 and 721.106(a)(3)(C) and (a)(3)(D) and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under 35 Ill. Adm. Code 721.105; and
 - 4) Coke ovens, if the only hazardous waste burned is USEPA hazardous waste no. K087 decanter tank tar sludge from coking operations.
- d) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices, such as cupolas, sintering machines, roasters, and foundry furnaces, but not including cement kilns, aggregate kilns, or halogen acid furnaces burning hazardous waste) that process hazardous waste solely for metal recovery are conditionally exempt from regulation under this Subpart H, except for Sections 726.201 and 726.212.
- 1) To be exempt from Sections 726.202 through 726.211, an owner or operator of a metal recovery furnace or mercury recovery furnace ~~shall~~ must comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace or a metal recovery furnace that burns baghouse bags used to capture metallic dust emitted by steel manufacturing ~~shall~~ must comply with the requirements of subsection (d)(3) of this Section, and an owner or operator of a lead recovery furnace that is subject to regulation under the Secondary Lead Smelting NESHAP of 40 CFR 63, subpart X ~~shall~~ must comply with the requirements of subsection (h) of this Section:

- A) Provide a one-time written notice to the Agency indicating the following:
- i) The owner or operator claims exemption under this subsection;
 - ii) The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection ~~(e)(2)~~ (d)(2) of this Section;
 - iii) The hazardous waste contains recoverable levels of metals; and
 - iv) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection (d);
- B) Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this subsection (d) under procedures specified by “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator ~~shall~~ must use the best available method; and
- C) Maintain at the facility for at least three years records to document compliance with the provisions of this subsection (d), including limits on levels of toxic organic constituents and Btu value of the waste; and levels of recoverable metals in the hazardous waste compared to normal non-hazardous waste feedstocks.
- 2) A hazardous waste meeting either of the following criteria is not processed solely for metal recovery:
- A) The hazardous waste has a total concentration of organic compounds listed in Appendix H to 35 Ill. Adm. Code 721 ~~Appendix H~~ exceeding 500 ppm by weight, as fired, and so is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited, and documentation that the waste has not been impermissibly diluted must be retained in

the records required by subsection ~~(e)(1)(C)~~(d)(1)(C) of this Section; or

- B) The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired, and is so considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection ~~(e)(1)(C)~~(d)(1)(C) of this Section.
- 3) To be exempt from Sections 726.202 through 726.211, an owner or operator of a lead, nickel-chromium, or mercury recovery furnace, except for an owner or operator of a lead recovery furnace that is subject to regulation under the Secondary Lead Smelting NESHAP of 40 CFR 63, subpart X, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing ~~shall~~ must provide a one-time written notice to the Agency identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste under this subsection ~~(d)(3)~~ or subsection ~~(e)(1)-(d)(1)~~ of this Section. The owner or operator ~~shall~~ must comply with the requirements of subsection ~~(e)(1)-(d)(1)~~ of this Section for those wastes claimed to be exempt under that subsection and must comply with the following requirements for those wastes claimed to be exempt under this subsection ~~(d)(3)~~:
- A) The hazardous wastes listed in Appendices K, L, and M of this Part and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of subsection ~~(e)(1)~~(d)(1) of this Section, provided ~~that~~ the following are true:
- i) A waste listed in Appendix K of this Part must contain recoverable levels of lead, a waste listed in Appendix L of this Part must contain recoverable levels of nickel or chromium, a waste listed in Appendix M of this Part must contain recoverable levels of mercury and contain less than 500 ppm of Appendix H to 35 Ill. Adm. Code 261-Appendix H-721 organic constituents, and baghouse bags used to capture metallic dusts emitted by steel manufacturing must contain recoverable levels of metal;
 - ii) The waste does not exhibit the toxicity characteristic of 35 Ill. Adm. Code 721.124 for an organic constituent;

- iii) The waste is not a hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721. Subpart D because it is listed for an organic constituent, as identified in Appendix G of 35 Ill. Adm. Code 721. Appendix G; and
 - iv) The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of subsection ~~(e)(3)~~(d)(3) of this Section and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis must be conducted according to subsection ~~(e)(1)(B)~~(d)(1)(B) of this Section, and records to document compliance with subsection ~~(e)(3)~~(d)(3) of this Section must be kept for at least three years.
- B) The Agency may decide, on a case-by-case basis, that the toxic organic constituents in a material listed in Appendix K, Appendix L, or Appendix M of this Part that contains a total concentration of more than 500 ppm toxic organic compounds listed in Appendix H to 35 Ill. Adm. Code 721. Appendix H may pose a hazard to human health and the environment when burned in a metal recovery furnace exempt from the requirements of this Subpart H. Under these circumstances, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements of this Subpart H when burning that material. In making the hazard determination, the Agency ~~shall~~ must consider the following factors:
- i) The concentration and toxicity of organic constituents in the material;
 - ii) The level of destruction of toxic organic constituents provided by the furnace; and
 - iii) Whether the acceptable ambient levels established in Appendix D or E of this Part will be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.
- e) The standards for direct transfer operations under Section 726.211 apply only to facilities subject to the permit standards of Section 726.202 or the interim status standards of Section 726.203.

- f) The management standards for residues under Section 726.212 apply to any BIF burning hazardous waste.
- g) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces) that process hazardous waste for recovery of economically significant amounts of the precious metals gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these metals are conditionally exempt from regulation under this Subpart H, except for Section 726.212. To be exempt from Sections 726.202 through 726.211, an owner or operator ~~shall~~ must do the following:
- 1) Provide a one-time written notice to the Agency indicating the following:
 - A) The owner or operator claims exemption under this Section,
 - B) The hazardous waste is burned for legitimate recovery of precious metal, and
 - C) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this Section;
 - 2) Sample and analyze the hazardous waste, as necessary, to document that the waste is burned for recovery of economically significant amounts of precious metal, using procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator ~~shall~~ must use the best available method; and
 - 3) Maintain, at the facility for at least three years, records to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal.
- h) An owner or operator of a lead recovery furnace that processes hazardous waste for recovery of lead and which is subject to regulation under the Secondary Lead Smelting NESHAP of 40 CFR 63, subpart X, is conditionally exempt from regulation under this Subpart, except for Section 726.201. To become exempt, an owner or operator ~~shall~~ must provide a one-time notice to the Agency identifying each hazardous waste burned and specifying that the owner or operator claims an exemption under this subsection (h). The notice also must state that the waste burned has a total concentration of non-metal compounds listed in Appendix H to 35 Ill. Adm. Code 721-Appendix H of less than 500 ppm by weight, as fired and as

provided in subsection (d)(2)(A) of this Section, or is listed in Appendix K to this Part.

- i) Abbreviations and definitions. The following definitions and abbreviations are used in this Subpart H:

“APCS” means air pollution control system.

“BIF” means boiler or industrial furnace.

“Carcinogenic metals” means arsenic, beryllium, cadmium, and chromium.

“CO” means carbon monoxide.

“Continuous monitor” is a monitor that continuously samples the regulated parameter without interruption, that evaluates the detector response at least once each 15 seconds, and that computes and records the average value at least every 60 seconds.

“DRE” means destruction or removal efficiency.

“cu m” or “m³” means cubic meters.

“E” means “ten to the power₂”: For example, “XE-Y” means “X times ten to the -Y power₂”:

“Feed rates” are measured as specified in Section 726.202(e)(6).

“Good engineering practice stack height” is as defined by 40 CFR 51.100(ii), incorporated by reference in 35 Ill. Adm. Code 720.111.

“HC” means hydrocarbon.

“HCl” means hydrogen chloride gas.

“Hourly rolling average” means the arithmetic mean of the 60 most recent one-minute average values recorded by the continuous monitoring system.

“K” means Kelvin.

“kVA” means kilovolt amperes.

“MEI” means maximum exposed individual.

“MEI location” means the point with the maximum annual average off-site (unless on-site is required) ground level concentration.

“Noncarcinogenic metals” means antimony, barium, lead, mercury, thallium, and silver.

“One hour block average” means the arithmetic mean of the one minute averages recorded during the 60-minute period beginning at one minute after the beginning of preceding clock hour.

“PIC” means product of incomplete combustion.

“PM” means particulate matter.

“POHC” means principal organic hazardous constituent.

“ppmv” means parts per million by volume.

“QA/QC” means quality assurance and quality control.

“Rolling average for the selected averaging period” means the arithmetic mean of one hour block averages for the averaging period.

“RAC” means reference air concentration, the acceptable ambient level for the noncarcinogenic metals for purposes of this Subpart. RACs are specified in Appendix D of this Part.

“RSD” means risk-specific dose, the acceptable ambient level for the carcinogenic metals for purposes of this Subpart. RSDs are specified in Appendix E of this Part.

“SSU” means “Saybolt Seconds Universal₂”; a unit of viscosity measured by ASTM D 88-87 or D 2161-87, incorporated by reference in 35 Ill. Adm. Code 720.111.

“TCLP test” means the toxicity characteristic leaching procedure of 35 Ill. Adm. Code 721.124.

“TESH” means terrain-adjusted effective stack height (in meters).

“Tier I₂”:- See Section 726.206(b).

“Tier II₂”:- See Section 726.206(c).

“Tier III.”: See Section 726.206(d).

“Toxicity equivalence” is estimated, pursuant to Section 726.204(e), using “Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners,” incorporated by reference in Appendix I of this Part.

“mg” means microgram.

(Source: Amended at 27 Ill. Reg. _____, effective _____)