JUL 0 3 2013

STATE OF ILLINOIS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities
- 2) Code Citation: 35 Ill. Adm. Code 726

3) Section Numbers: Proposed Action:

726,200

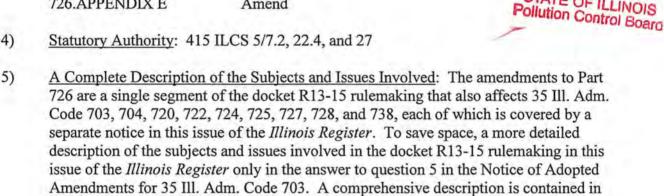
Amend

726.APPENDIX E

Amend

15, which opinion and order is available from the address below.





Specifically, the amendments to Part 726 implement corrections suggested by USEPA and make corrections that the Board has determined are needed. The Board's opinion and order of June 20, 2013 in docket R13-15 discusses the more substantial corrections made in the text. Tables that appear in that opinion and order list all of the various corrections and amendments included in this proceeding. Persons interested in the details of those corrections and amendments should refer to the June 20, 2013 opinion and order in docket R13-15.

the Board's opinion and order of June 20, 2013, proposing amendments in docket R13-

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No. The centralized location of all incorporations by reference for the purposes of all of the Illinois hazardous waste and underground injection control regulations, including Part 726, is 35 Ill. Adm. Code 720.111.
- 10) <u>Statement of Statewide Policy Objectives</u>: This rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2010)].
- 11) Are there any other rulemakings pending on this Part? No
- Time, Place and Manner in which interested persons may comment on this rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R13-15 and be addressed to:

John T. Therriault, Assistant Clerk Illinois Pollution Control Board State of Illinois Center, Suite 11-500 100 W. Randolph St. Chicago, IL 60601

Please direct inquiries to the following person and reference docket R13-15:

Michael J. McCambridge Staff Attorney Illinois Pollution Control Board 100 W. Randolph 11-500 Chicago, IL 60601

Phone: 312/814-6924

E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's website at http://www.ipcb.state.il.us.

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13) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2010)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2010)].
- C) Types of Professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2010)].
- 14) Regulatory Agenda on which this rulemaking was summarized: December 2012

The full text of the Proposed Amendments begins on the next page:

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

SP	ECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES
	SUBPART A: GENERAL
Section	
726.102	Electronic Reporting
	SUBPART C: RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL
Section	
726.120	Applicability
726.121	Standards Applicable to Generators and Transporters of Materials Used in a Manner that Constitutes Disposal
726.122	Standards Applicable to Storers, Who Are Not the Ultimate Users, of Materials that Are To Be Used in a manner that Constitutes Disposal
726.123	Standards Applicable to Users of Materials that Are Used in a Manner that Constitutes Disposal
SU	BPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY
Section	
726.130	Applicability (Repealed)
726.131	Prohibitions (Repealed)
726.132	Standards applicable to generators of hazardous waste fuel (Repealed)
726.133	Standards applicable to transporters of hazardous waste fuel (Repealed)
726.134	Standards applicable to marketers of hazardous waste fuel (Repealed)
726.135	Standards applicable to burners of hazardous waste fuel (Repealed)
726.136	Conditional exemption for spent materials and by-products exhibiting a characteristic of hazardous waste (Repealed)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY

Section	
726.140	Applicability (Repealed)
726.141	Prohibitions (Repealed)
726.142	Standards applicable to generators of used oil burned for energy recovery
	(Repealed)
726.143	Standards applicable to marketers of used oil burned for energy recovery
	(Repealed)
726.144	Standards applicable to burners of used oil burned for energy recovery (Repealed)
	SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY
Section	
726.170	Applicability and Requirements
	SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED
Section	
726.180	Applicability and Requirements
	SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES
Section	
726.200	Applicability
726.201	Management Prior to Burning
726.202	Permit Standards for Burners
726.203	Interim Status Standards for Burners
726.204	Standards to Control Organic Emissions
726.205	Standards to Control PM
726.206	Standards to Control Metals Emissions
726.207	Standards to Control HCl and Chlorine Gas Emissions
726.208	Small Quantity On-Site Burner Exemption
726.209	Low Risk Waste Exemption
726.210	Waiver of DRE Trial Burn for Boilers
726.211	Standards for Direct Transfer
726.212	Regulation of Residues
726.219	Extensions of Time

SUBPART M: MILITARY MUNITIONS

Section	
726.300	Applicability
726.301	Definitions
726.302	Definition of Solid Waste
726.303	Standards Applicable to the Transportation of Solid Waste Military Munitions
726.304	Standards Applicable to Emergency Responses
726.305	Standards Applicable to the Storage of Solid Waste Military Munitions
726.306	Standards Applicable to the Treatment and Disposal of Waste Military Munitions
SUB	PART N: CONDITIONAL EXEMPTION FOR LOW-LEVEL MIXED WASTE STORAGE, TREATMENT, TRANSPORTATION AND DISPOSAL
Section	
726.310	Definitions
726.320	Storage and Treatment Conditional Exemption
726.325	Wastes Eligible for a Storage and Treatment Conditional Exemption for Low-Level Mixed Waste
726.330	Conditions to Qualify for and Maintain a Storage and Treatment Conditional Exemption
726.335	Treatment Allowed by a Storage and Treatment Conditional Exemption
726.340	Loss of a Storage and Treatment Conditional Exemption and Required Action
726.345	Reclaiming a Lost Storage and Treatment Conditional Exemption
726.350	Recordkeeping for a Storage and Treatment Conditional Exemption
726.355	Waste No Longer Eligible for a Storage and Treatment Conditional Exemption
726.360	Applicability of Closure Requirements to Storage Units
726.405	Transportation and Disposal Conditional Exemption
726.410	Wastes Eligible for a Transportation and Disposal Conditional Exemption
726.415	Conditions to Qualify for and Maintain a Transportation and Disposal Conditional Exemption
726.420	Treatment Standards for Eligible Waste
726.425	Applicability of the Manifest and Transportation Condition
726.430	Effectiveness of a Transportation and Disposal Exemption
726.435	Disposal of Exempted Waste
726.440	Containers Used for Disposal of Exempted Waste
726.445	Notification
726.450	Recordkeeping for a Transportation and Disposal Conditional Exemption
726,455	Loss of a Transportation and Disposal Conditional Exemption and Required Action
726.460	Reclaiming a Lost Transportation and Disposal Conditional Exemption

726.APPENDIX A

Tier I and Tier II Feed Rate and Emissions Screening Limits for

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Metals

	Milotais
726.APPENDIX B	Tier I Feed Rate Screening Limits for Total Chlorine
726.APPENDIX C	Tier II Emission Rate Screening Limits for Free Chlorine and
	Hydrogen Chloride
726.APPENDIX D	Reference Air Concentrations
726.APPENDIX E	Risk-Specific Doses
726.APPENDIX F	Stack Plume Rise
726.APPENDIX G	Health-Based Limits for Exclusion of Waste-Derived Residues
726.APPENDIX H	Potential PICs for Determination of Exclusion of Waste-Derived
	Residues
726.APPENDIX I	Methods Manual for Compliance with BIF Regulations
726.APPENDIX J	Guideline on Air Quality Models (Repealed)
726.APPENDIX K	Lead-Bearing Materials that May be Processed in Exempt Lead
	Smelters
726.APPENDIX L	Nickel or Chromium-Bearing Materials that May Be Processed in
	Exempt Nickel-Chromium Recovery Furnaces
726.APPENDIX M	Mercury-Bearing Wastes that May Be Processed in Exempt
	Mercury Recovery Units
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 III. 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 III. Reg. 4200, effective February 14, 2003; amended in R03-18 at 27 III. Reg. 12916, effective July 17, 2003; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3700, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 III. Reg. 1096, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12741, effective July 14, 2008;

amended in R11-2/	R11-16 at 35 Ill. Reg. 18117, effective October 14, 2011; amended in R13-5
at 37 Ill. Reg. 3249	, effective March 4, 2013; amended in R13-15 at 37 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 (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 subsections (b)(2), (b)(3), and (b)(4) of this Section, the standards of this Part do not apply to a new hazardous waste boiler or industrial furnace unit that becomes subject to RCRA permit requirements after October 12, 2005; or no longer apply when an owner or operator of an existing hazardous waste boiler or industrial furnace unit demonstrates compliance with the maximum achievable control technology (MACT) requirements of federal subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, pursuant to 40 CFR 63.1207(j) (What are the performance testing requirements?) and 63.1210(d) (What are the notification requirements?), documenting compliance with the requirements of federal subpart EEE of 40 CFR 63. 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;
 - B) The closure requirements of Sections 726.202(e)(11) and 726.203(l);
 - C) The standards for direct transfer of Section 726.211;
 - D) The standards for regulation of residues of Section 726.212; and
 - E) The applicable requirements of Subparts A through H, BB, and CC of 35 Ill. Adm. Code 724 and 725.
- The owner or operator of a boiler or hydrochloric acid production furnace that is an area source under 40 CFR 63.2, incorporated by reference in 35 Ill. Adm. Code 720.111(b) (as 40 CFR 63), that has not elected to comply with the emission standards of 40 CFR 63.1216, 63.1217, and 63.1218, incorporated by reference in 35 Ill. Adm. Code 720.111(b) (as subpart EEE of 40 CFR 63), for particulate matter, semivolatile and low volatile metals, and total chlorine, also remains subject to the following requirements of this Part:
 - A) Section 726.205 (Standards to Control PM);
 - B) Section 726.206 (Standards to Control Metals Emissions); and
 - C) Section 726.207 (Standards to Control HCl and Chlorine Gas Emissions).

4) The particulate matter standard of Section 726.205 remains in effect for a boiler that elects to comply with the alternative to the particulate matter standard under 40 CFR 63.1216(e) and 63.1218, each incorporated by reference in 35 III. Adm. Code 720.111(b) (as subpart EEE of 40 CFR 63).

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 (November 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).

- The following hazardous wastes and facilities are not subject to regulation pursuant to this Subpart H;
 - 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. Such used oil is subject to regulation pursuant to 35 Ill. Adm. Code 739, rather than this Subpart H;
 - Gas recovered from hazardous or solid waste landfills, when such gas is burned for energy recovery;
 - 3) Hazardous wastes that are exempt from regulation pursuant to 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 pursuant to 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 pursuant to this Subpart H, except for Sections 726.201 and 726.212.

- To be exempt from Sections 726.202 through 726.211, an owner or operator of a metal recovery furnace or mercury recovery furnace 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 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 federal subpart X of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting) must comply with the requirements of subsection (h) of this Section:
 - A) Provide a one-time written notice to the Agency indicating the following:
 - The owner or operator claims exemption pursuant to this subsection (d);
 - ii) The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (d)(2) of this Section;
 - The hazardous waste contains recoverable levels of metals; and
 - 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) by using appropriate methods; 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 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 (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 (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 pursuant to the Secondary Lead Smelting NESHAP of subpart X of 40 CFR 63, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing 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 pursuant to this subsection (d)(3) or subsection (d)(1) of this Section. The owner or operator must comply with the requirements of subsection (d)(1) of this Section for those wastes claimed to be exempt pursuant to that subsection and must comply with the following

requirements for those wastes claimed to be exempt pursuant to 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 (d)(1) of this Section, provided 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 721 organic constituents, and baghouse bags used to capture metallic dusts emitted by steel manufacturing must contain recoverable levels of metal;
 - 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 because it is listed for an organic constituent, as identified in Appendix G of 35 Ill. Adm. Code 721; and
 - iv) The owner or operator certifies in the one-time notice that hazardous waste is burned pursuant to the provisions of subsection (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 (d)(1)(B) of this Section, and records to document compliance with subsection (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

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to 35 Ill. Adm. Code 721 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 must consider the following factors:

- 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 pursuant to 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 pursuant to 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 pursuant to this Subpart H, except for Section 726.212. To be exempt from Sections 726.202 through 726.211, an owner or operator must do the following:
 - 1) Provide a one-time written notice to the Agency indicating the following:
 - A) The owner or operator claims exemption pursuant to this Section,

- B) The hazardous waste is burned for legitimate recovery of precious metal, and
- The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this Section;
- Sample and analyze the hazardous waste, as necessary, to document that the waste is burned for recovery of economically significant amounts of the metals and that the treatment recovers economically significant amounts of precious metal; and
- 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 pursuant to the Secondary Lead Smelting NESHAP of subpart X of 40 CFR 63, is conditionally exempt from regulation pursuant to this Subpart H, except for Section 726.201. To become exempt, an owner or operator must provide a one-time notice to the Agency identifying each hazardous waste burned and specifying that the owner or operator claims an exemption pursuant to 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 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.
- 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.

"TESH" means terrain-adjusted effective stack height (in meters).

"Tier I." See Section 726.206(b).

"Tier II." See Section 726.206(c).

"Tier III." See Section 726.206(d).

"Toxicity equivalence" is estimated, pursuant to Section 726.204(e), using section 4.0 (Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners) in appendix IX to 40 CFR 266 (Methods Manual for Compliance with the BIF Regulations), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (see Appendix I of this Part).

"mg" means microgram.

(Source: Amended at 37 Ill. Reg. _____, effective _____

Section 726.APPENDIX E Risk-Specific Doses

BOARD NOTE: These are risk specific doses (RSDs) based on a risk of 1 in 10,000 (1×10^{-5}) .

Constituent	CAS No.	Unit risk (m³/µgµg)	RSD (µgµg/m³)
Acrylamide	79-06-1	0.0013	0.0077
Acrylonitrile	107-13-1	0.000068	0.15
Aldrin	309-00-2	0.0049	0.0020
Aniline	62-53-3	0.0000074	1.4
Arsenic	7440-38-2	0.0043	0.0023
Benz(a)anthracene	56-55-3	0.00089	0.011
Benzene	71-43-2	0.0000083	1.2
Benzidine	92-87-5	0.067	0.00015
Benzo(a)pyrene	50-32-8	0.0033	0.0030
Beryllium	7440-41-7	0.0024	0.0042
Bis(2-chloroethyl)ether	111-44-4	0.00033	0.030
Bis(chloromethyl)ether	542-88-1	0.062	0.00016
Bis(2-ethylhexyl)-phthalate	117-81-7	0.00000024	42.
,3-Butadiene	106-99-0	0.00028	0.036
Cadmium	7440-43-9	0.0018	0.0056
Carbon Tetrachloride	56-23-5	0.000015	0.67
Chlordane	57-74-9	0.00037	0.027
Chloroform	67-66-3	0.000023	0.43
Chloromethane	74-87-3	0.0000036	2.8
Chromium VI	7440-47-3	0.012	0.00083
ODT	50-29-3	0.000097	0.10
Dibenz(a,h)anthracene	53-70-3	0.014	0.00071
,2-Dibromo-3-chloropropanef	96-12-8	0.0063	0.0016
1,2chloro-Dibromo-3-chloroprop			
epropane			
,2-Dibromoethane	106-93-4	0.00022	0.045
,1-Dichloroethane	75-34-3	0.000026	0.38
,2-Dichloroethane	107-06-2	0.000026	0.38
,1-Dichloroethylene	75-35-4	0.000050	0.20
,3-Dichloropropene	542-75-6	0.35	0.000029
Dieldrin	60-57-1	0.0046	0.0022
Diethylstilbestrol	56-53-1	0.14	0.000071
Dimethylnitrosamine	62-75-9	0.014	0.00071

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NOTICE OF PROPOSED AMENDMENTS

2,4-Dinitrotoluene	121-14-2	0.000088	0.11
1,2-Diphenylhydrazine	122-66-7	0.00022	0.045
1,4-Dioxane	123-91-1	0.0000014	7.1
Epichlorohydrin	106-89-8	0.0000012	8.3
Ethylene Oxide	75-21-8	0.00010	0.10
Ethylene Dibromide	106-93-4	0.00022	0.045
Formaldehyde	50-00-0	0.000013	0.77
Heptachlor	76-44-8	0.0013	0.0077
Heptachlor Epoxide	1024-57-3	0.0026	0.0038
Hexachlorobenzene	118-74-1	0.00049	0.020
Hexachlorobutadiene	87-68-3	0.000020	0.50
Alpha-hexachlorocyclohexane	319-84-6	0.0018	0.0056
Beta-hexachlorocyclohexane	319-85-7	0.00053	0.019
Gamma-hexachlorocyclohexane	58-89-9	0.00038	0.026
Hexachlorocyclohexane,		0.00051	0.020
Technical			
Hexachlorodibenzo-p-dioxin		1.3	0.0000077
(1,2 Mixture)			
Hexachloroethane	67-72-1	0.0000040	2.5
Hydrazine	302-01-2	0.0029	0.0034
Hydrazine Sulfate	302-01-2	0.0029	0.0034
3-Methylcholanthrene	56-49-5	0.0027	0.0037
Methyl Hydrazine	60-34-4	0.00031	0.032
Methylene Chloride	75-09-2	0.0000041	2.4
4,4'-Methylene-bis-2-	101-14-4	0.000047	0.21
chloroaniline			
Nickel	7440-02-0	0.00024	0.042
Nickel Refinery Dust	7440-02-0	0.00024	0.042
Nickel Subsulfide	12035-72-2	0.00048	0.021
2-Nitropropane	79-46-9	0.027	0.00037
N-Nitroso-n-butylamine	924-16-3	0.0016	0.0063
N-Nitroso-n-methylurea	684-93-5	0.086	0.00012
N-Nitrosodiethylamine	55-18-5	0.043	0.00023
N-Nitrosopyrrolidine	930-55-2	0.00061	0.016
Pentachloronitrobenzene	82-68-8	0.000073	0.14
PCBs	1336-36-3	0.0012	0.0083
Pronamide	23950-58-5	0.0000046	2.2
Reserpine	50-55-5	0.0030	0.0033
2,3,7,8-TetrachlorodibenzoTetrac	h1746-01-6	45.	0.00000022
loro-dibenzo-p-dioxin			

ILLINOIS REGISTER POLLUTION CONTROL

BOARDJCAR350726-1309367r01

NOTICE OF PROPOSED AMENDMENTS

1,1,2,2-Tetrachloroethane	79-34-5	0.000058	0.17
Tetrachloroethylene	127-18-4	0.00000048	21.
Thiourea	62-56-6	0.00055	0.018
1,1,2-Trichloroethane	79-00-5	0.000016	0.63
Trichloroethylene	79-01-6	0.0000013	7.7
2,4,6-Trichlorophenol	88-06-2	0.0000057	1.8
Toxaphene	8001-35-2	0.00032	0.031
Vinyl Chloride	75-01-4	0.0000071	1.4

(Source: Amended at 37 Ill. Reg. _____, effective _____

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1		TITLE 35: ENVIRONMENTAL PROTECTION		
2	SUBTITLE G: WASTE DISPOSAL			
3	CHAPTER I: POLLUTION CONTROL BOARD			
4	SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENT			
5				
6		PART 726		
7	STAND	ARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND		
8	SP	ECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES		
9				
10		SUBPART A: GENERAL		
11				
12	Section			
13	726.102	Electronic Reporting		
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15		SUBPART C: RECYCLABLE MATERIALS USED IN A		
16		MANNER CONSTITUTING DISPOSAL		
17				
18	Section			
19	726.120	Applicability		
20	726.121	Standards Applicable to Generators and Transporters of Materials Used in a		
21		Manner that Constitutes Disposal		
22	726.122	Standards Applicable to Storers, Who Are Not the Ultimate Users, of Materials		
23		that Are To Be Used in a manner that Constitutes Disposal		
24	726.123	Standards Applicable to Users of Materials that Are Used in a Manner that		
25		Constitutes Disposal		
26	1000			
27	SU	BPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY		
28	2-100			
29	Section	4 11 120 75 1 1		
30	726.130	Applicability (Repealed)		
31	726.131	Prohibitions (Repealed)		
32	726.132	Standards applicable to generators of hazardous waste fuel (Repealed)		
33	726.133	Standards applicable to transporters of hazardous waste fuel (Repealed)		
34	726.134	Standards applicable to marketers of hazardous waste fuel (Repealed)		
35	726.135	Standards applicable to burners of hazardous waste fuel (Repealed)		
36	726.136	Conditional exemption for spent materials and by-products exhibiting a		
37		characteristic of hazardous waste (Repealed)		
38		OVERABLE HOLD ON DURNED FOR EVER ON DECOMEDY		
39		SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY		
40	0			
41	Section	A 1' 1''' (B 1 N		
42	726.140	Applicability (Repealed)		
43	726.141	Prohibitions (Repealed)		

G is

44	726.142	Standards applicable to generators of used oil burned for energy recovery
45	706 142	(Repealed)
46 47	726.143	Standards applicable to marketers of used oil burned for energy recovery (Repealed)
48	726.144	Standards applicable to burners of used oil burned for energy recovery (Repealed)
49	720.11	Standards approache to barriers of about on barrier for onergy receivery (respectively
50		SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR
51		PRECIOUS METAL RECOVERY
52		TIMETO OF THE THEO VERT
53	Section	
54	726.170	Applicability and Requirements
55	720.170	rippinettomery that resident ments
56		SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED
57	Section	
58	726.180	Applicability and Requirements
59	,	
60		SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
61		AND INDUSTRIAL FURNACES
62		
63	Section	
64	726.200	Applicability
65	726.201	Management Prior to Burning
66	726.202	Permit Standards for Burners
67	726.203	Interim Status Standards for Burners
68	726.204	Standards to Control Organic Emissions
69	726.205	Standards to Control PM
70	726.206	Standards to Control Metals Emissions
71	726.207	Standards to Control HCl and Chlorine Gas Emissions
72	726.208	Small Quantity On-Site Burner Exemption
73	726.209	Low Risk Waste Exemption
74	726.210	Waiver of DRE Trial Burn for Boilers
75	726.211	Standards for Direct Transfer
76	726.212	Regulation of Residues
77	726.219	Extensions of Time
78		
79		SUBPART M: MILITARY MUNITIONS
80		
81	Section	
82	726.300	Applicability
83	726.301	Definitions
84	726.302	Definition of Solid Waste
85	726.303	Standards Applicable to the Transportation of Solid Waste Military Munitions
86	726.304	Standards Applicable to Emergency Responses

87	726.305		ards Applicable to the Storage of Solid Waste Military Munitions
88	726.306	Standa	ards Applicable to the Treatment and Disposal of Waste Military Munitions
89			
90	SUBF	PART N:	CONDITIONAL EXEMPTION FOR LOW-LEVEL MIXED WASTE
91			STORAGE, TREATMENT, TRANSPORTATION AND DISPOSAL
92	Section		
93	726.310	Defini	itions
94	726.320	Storag	ge and Treatment Conditional Exemption
95	726.325	Waste	s Eligible for a Storage and Treatment Conditional Exemption for Low-
96		Level	Mixed Waste
97	726.330	Condi	tions to Qualify for and Maintain a Storage and Treatment Conditional
98		Exem	ption
99	726.335	Treatr	nent Allowed by a Storage and Treatment Conditional Exemption
100	726.340	Loss	of a Storage and Treatment Conditional Exemption and Required Action
101	726.345	Reclai	iming a Lost Storage and Treatment Conditional Exemption
102	726.350	Recor	dkeeping for a Storage and Treatment Conditional Exemption
103	726.355	Waste	No Longer Eligible for a Storage and Treatment Conditional Exemption
104	726.360	Appli	cability of Closure Requirements to Storage Units
105	726.405	Trans	portation and Disposal Conditional Exemption
106	726.410	Waste	es Eligible for a Transportation and Disposal Conditional Exemption
107	726.415	Condi	tions to Qualify for and Maintain a Transportation and Disposal Conditional
108		Exem	ption
109	726.420	Treati	ment Standards for Eligible Waste
110	726.425	Appli	cability of the Manifest and Transportation Condition
111	726.430	Effect	iveness of a Transportation and Disposal Exemption
112	726.435	Dispo	sal of Exempted Waste
113	726.440	Conta	iners Used for Disposal of Exempted Waste
114	726.445	Notifi	cation
115	726.450	Recor	dkeeping for a Transportation and Disposal Conditional Exemption
116	726.455	Loss	of a Transportation and Disposal Conditional Exemption and Required
117		Action	n
118	726.460	Recla	iming a Lost Transportation and Disposal Conditional Exemption
119			
120	726.APPEN	NDIX A	Tier I and Tier II Feed Rate and Emissions Screening Limits for
121			Metals
122	726.APPEN	NDIX B	Tier I Feed Rate Screening Limits for Total Chlorine
123	726.APPEN	NDIX C	Tier II Emission Rate Screening Limits for Free Chlorine and
124			Hydrogen Chloride
125	726.APPEN	NDIX D	Reference Air Concentrations
126	726.APPEN	NDIX E	Risk-Specific Doses
127	726.APPEN	NDIX F	Stack Plume Rise
128	726.APPE	NDIX G	Health-Based Limits for Exclusion of Waste-Derived Residues
129	726.APPE		Potential PICs for Determination of Exclusion of Waste-Derived

. . F ...

130 Residues	
131 726.APPENDIX I Methods Manual for Compliance with B	BIF Regulations
132 726.APPENDIX J Guideline on Air Quality Models (Repea	
133 726.APPENDIX K Lead-Bearing Materials that May	
134 Smelters	3.4-3-1-3-1-3-1-3-1-3-1-3-1-3-1-3-1-3-1-3-
	aterials that May Be Processed in
136 Exempt Nickel-Chromium Reco	
137 726.APPENDIX M Mercury-Bearing Wastes that M	ay Be Processed in Exempt
138 Mercury Recovery Units	
139 726.TABLE A Exempt Quantities for Small Quantity B	Burner Exemption
140	
141 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized authorized for the section of the section o	orized by Section 27 of the
Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].	
143	
144 SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective J	
145 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R	
effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 1	
147 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective Augus	
148 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13	
149 June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effectiv	
150 R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; am	그리즘 그렇다는 사람들이 그런 그렇게 하는 그런 이렇게 하는 것이 아니다는 구선을 가지 않는다.
151 12500, effective July 29, 1994; amended in R95-6 at 19 Ill. Re	
amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1	그림 부분이 그렇게 그렇게 되는 그렇게 되었다. 그렇게 되었다면 하는 사람들이 되었다. 그는 그렇게 되었다.
153 3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; ame	
154 22 Ill. Reg. 18042, effective September 28, 1998; amended in	
155 effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 985	그렇게 그렇게 되었다. 그 아니는 전 이번 이번 경기를 잃었다. 그렇게 되었다. 그런 그렇게 되었다.
156 amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6667, effecti	
157 R03-7 at 27 Ill. Reg. 4200, effective February 14, 2003; amend	
158 12916, effective July 17, 2003; amended in R06-5/R06-6/R06- 159 February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 l	TO THE TANK TO SEE THE STOP OF THE SECOND S
159 February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 I 160 20, 2006; amended in R07-5/R07-14 at 32 III. Reg. 12741, effe	TOTAL TO THE STATE OF THE STAT
161 R11-2/R11-16 at 35 Ill. Reg. 18117, effective October 14, 201	그렇게 되었다
162 Reg. 3249, effective March 4, 2013; amended in R13-15 at 37	개념 특성 이번 시간 기업을 받았다. 그리고 있다고 하셨다면 되었다. 그런 말했다. 그는 이번에 가는 그리고 없었다.
163 .	m. Reg, encenve
164	
165 SUBPART H: HAZARDOUS WASTE BURN	NED IN BOILERS
166 AND INDUSTRIAL FURNAC	
167	
168 Section 726.200 Applicability	
169	
170 a) The regulations of this Subpart H apply to haza	rdous waste burned or processed
in a boiler or industrial furnace (BIF) (as define	
irrespective of the purpose of burning or proces	

 subsections (b), (c), (d), (g), and (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 subsections(b)(2), (b)(3), and (b)(4) of this Section, the standards of this Part do not apply to a new hazardous waste boiler or industrial furnace unit that becomes subject to RCRA permit requirements after October 12, 2005; or no longer apply when an owner or operator of an existing hazardous waste boiler or industrial furnace unit demonstrates compliance with the maximum achievable control technology (MACT) requirements of federal subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, pursuant to 40 CFR 63.1207(j) (What are the performance testing requirements?) and 63.1210(d) (What are the notification requirements?), documenting compliance with the requirements of federal subpart EEE of 40 CFR 63. 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;
 - B) The closure requirements of Sections 726.202(e)(11) and

		00111050720 1505507101
216		726.203(1);
217		
218		 The standards for direct transfer of Section 726.211;
219		
220		D) The standards for regulation of residues of Section 726.212; and
221		
222		E) The applicable requirements of Subparts A through H, BB, and CC
223		of 35 Ill. Adm. Code 724 and 725.
224		
225	3)	The owner or operator of a boiler or hydrochloric acid production furnace
226	-2	that is an area source under 40 CFR 63.2, incorporated by reference in 35
227		Ill. Adm. Code 720.111(b) (as 40 CFR 63), that has not elected to comply
228		with the emission standards of 40 CFR 63.1216, 63.1217, and 63.1218,
229		incorporated by reference in 35 Ill. Adm. Code 720.111(b) (as subpart
230		EEE of 40 CFR 63), for particulate matter, semivolatile and low volatile
231		metals, and total chlorine, also remains subject to the following
232		requirements of this Part:
233		requirements of this fact.
234		A) Section 726.205 (Standards to Control PM);
235		21) Section 120.203 (Standards to Control 1111),
236		B) Section 726.206 (Standards to Control Metals Emissions); and
237		b) bedion 720.200 (blandards to control Wetals Limissions), and
238		C) Section 726.207 (Standards to Control HCl and Chlorine Gas
239		Emissions).
240		Ellissions).
241	4)	The particulate matter standard of Section 726.205 remains in effect for a
242	7)	boiler that elects to comply with the alternative to the particulate matter
243		standard under 40 CFR 63.1216(e) and 63.1218, each incorporated by
244		reference in 35 Ill. Adm. Code 720.111(b) (as subpart EEE of 40 CFR 63).
245		reference in 33 in. Adm. Code /20.111(b) (as subpart EEE of 40 CFR 03).
246	BOA	RD NOTE: Sections 9.1 and 39.5 of the Environmental Protection Act [415
247		5/9.1 and 39.5] make the federal MACT standards directly applicable to
248		es in Illinois and authorize the Agency to issue permits based on the federal
249		ards. In adopting this subsection (b), USEPA stated as follows (at 64 Fed
250		52828, 52975 (November 30, 1999)):
251	Reg.	32828, 32973 (November 30, 1999)).
		Under Ithe commerce adopted by USEDA on all final rule. MACT air
252		Under [the approach adopted by USEPA as a] final rule, MACT air
253		emissions and related operating requirements are to be included in title V
254		permits; RCRA permits will continue to be required for all other aspects of
255		the combustion unit and the facility that are governed by RCRA (e.g.,
256		corrective action, general facility standards, other combustor-specific
257		concerns such as materials handling, risk-based emissions limits and
258		operating requirements, as appropriate, and other hazardous waste

2.3

1 1

management units).

- c) The following hazardous wastes and facilities are not subject to regulation pursuant to this Subpart H:
 - 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. Such used oil is subject to regulation pursuant to 35 Ill. Adm. Code 739, rather than this Subpart H;
 - Gas recovered from hazardous or solid waste landfills, when such gas is burned for energy recovery;
 - 3) Hazardous wastes that are exempt from regulation pursuant to 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 pursuant to 35 Ill. Adm. Code 721.105; and
 - 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 pursuant to this Subpart H, except for Sections 726.201 and 726.212.
 - To be exempt from Sections 726.202 through 726.211, an owner or operator of a metal recovery furnace or mercury recovery furnace 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 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 federal subpart X of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting) must comply with the requirements of subsection (h) of this Section:
 - A) Provide a one-time written notice to the Agency indicating the following:

				3C/11C330720-1307307101
302 303 304			i)	The owner or operator claims exemption pursuant to this subsection (d);
			223	The herendous mosts is human solaly for motel recovery
305			ii)	The hazardous waste is burned solely for metal recovery
306				consistent with the provisions of subsection (d)(2) of this
307				Section;
308			****	The 1
309			iii)	The hazardous waste contains recoverable levels of metals;
310				and
311				T1
312			iv)	The owner or operator will comply with the sampling and
313				analysis and recordkeeping requirements of this subsection
314				(d);
315		200		
316		B)		ple and analyze the hazardous waste and other feedstocks as
317				ssary to comply with the requirements of this subsection (d)
318			by us	sing appropriate methods; and
319		100	4.1	
320		C)		tain at the facility for at least three years records to document
321			7.0	pliance with the provisions of this subsection (d), including
322				s on levels of toxic organic constituents and Btu value of the
323				e and levels of recoverable metals in the hazardous waste
324			comp	pared to normal non-hazardous waste feedstocks.
325				
326	2)	A haz	zardous	waste meeting either of the following criteria is not processed
327		solely	y for me	etal recovery:
328				
329		A)	The l	hazardous waste has a total concentration of organic
330			comp	pounds listed in Appendix H to 35 Ill. Adm. Code 721
331			exce	eding 500 ppm by weight, as fired, and so is considered to be
332			burne	ed for destruction. The concentration of organic compounds
333			inav	waste as-generated may be reduced to the 500 ppm limit by
334			bona	fide treatment that removes or destroys organic constituents.
335			Blen	ding for dilution to meet the 500 ppm limit is prohibited, and
336				mentation that the waste has not been impermissibly diluted
337				be retained in the records required by subsection (d)(1)(C) of
338				Section; or
339				
340		B)	The l	hazardous waste has a heating value of 5,000 Btu/lb or more,
341		-,		red, and is so considered to be burned as fuel. The heating
342				e of a waste as-generated may be reduced to below the 5,000
343				b limit by bona fide treatment that removes or destroys
344				nic constituents. Blending for dilution to meet the 5,000
~			o. Par	and the state of t

Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (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 pursuant to the Secondary Lead Smelting NESHAP of subpart X of 40 CFR 63, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing 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 pursuant to this subsection (d)(3) or subsection (d)(1) of this Section. The owner or operator must comply with the requirements of subsection (d)(1) of this Section for those wastes claimed to be exempt pursuant to that subsection and must comply with the following requirements for those wastes claimed to be exempt pursuant to 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 (d)(1) of this Section, provided 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 721 organic constituents, and baghouse bags used to capture metallic dusts emitted by steel manufacturing must contain recoverable levels of metal;
 - The waste does not exhibit the toxicity characteristic of 35
 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 because it is listed for an organic constituent, as identified in Appendix G of 35 Ill. Adm. Code 721; and
 - iv) The owner or operator certifies in the one-time notice that

hazardous waste is burned pursuant to the provisions of subsection (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 (d)(1)(B) of this Section, and records to document compliance with subsection (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

- 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 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 must consider the following factors:
 - The concentration and toxicity of organic constituents in the material;
 - 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 pursuant to 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 pursuant to 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

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431		found	lry furn	aces) that process hazardous waste for recovery of economically
432		signif	ficant a	mounts of the precious metals gold, silver, platinum, palladium,
433		iridiu	m, osm	nium, rhodium, ruthenium, or any combination of these metals are
434		condi	tionally	y exempt from regulation pursuant to this Subpart H, except for
435		Section	on 726.	212. To be exempt from Sections 726.202 through 726.211, an
436		owne	r or ope	erator must do the following:
437				
438		1)	Prov	ide a one-time written notice to the Agency indicating the following:
439				
440			A)	The owner or operator claims exemption pursuant to this Section,
441				
442			B)	The hazardous waste is burned for legitimate recovery of precious
443				metal, and
444				
445			C)	The owner or operator will comply with the sampling and analysis
446				and recordkeeping requirements of this Section;
447		0		
448		2)		ple and analyze the hazardous waste, as necessary, to document that
449				vaste is burned for recovery of economically significant amounts of
450				netals and that the treatment recovers economically significant
451			amoi	unts of precious metal; and
452		-		
453		3)		ntain, at the facility for at least three years, records to document that
454				azardous wastes burned are burned for recovery of economically
455			signi	ficant amounts of precious metal.
456	1.5			6 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
457	h)			r operator of a lead recovery furnace that processes hazardous waste
458				of lead and which is subject to regulation pursuant to the Secondary
459				ng NESHAP of subpart X of 40 CFR 63, is conditionally exempt
460 461				tion pursuant to this Subpart H, except for Section 726.201. To mpt, an owner or operator must provide a one-time notice to the
401		UCCU	IIIC CXC	mpt, an owner of operator must provide a one-time notice to the

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suant to the Secondary nditionally exempt tion 726.201. To become exempt, an owner or operator must provide a one-time notice to the Agency identifying each hazardous waste burned and specifying that the owner or operator claims an exemption pursuant to 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 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.

560	"TESH" means terrain-adjusted effective stack height (in meters).
561	
562	"Tier I." See Section 726.206(b).
563	
564	"Tier II." See Section 726.206(c).
565	
566	"Tier III." See Section 726.206(d).
567	
568	"Toxicity equivalence" is estimated, pursuant to Section 726.204(e), using
569	section 4.0 (Procedures for Estimating the Toxicity Equivalence of
570	Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners) in appendix
571	IX to 40 CFR 266 (Methods Manual for Compliance with the BIF
572	Regulations), incorporated by reference in 35 Ill. Adm. Code 720.111(b)
573	(see Appendix I of this Part).
574	
575	"mg" means microgram.
576	
577	(Source: Amended at 37 Ill. Reg, effective)
578	

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Section 726.APPENDIX E Risk-Specific Doses

 BOARD NOTE: These are risk specific doses (RSDs) based on a risk of 1 in 10,000 (1×10^{-5}) .

Constituent	CAS No.	Unit risk (m³µg)	RSD ($\mu g/m^3$)
Acrylamide	79-06-1	0.0013	0.0077
Acrylonitrile	107-13-1	0.000068	0.15
Aldrin	309-00-2	0.0049	0.0020
Aniline	62-53-3	0.0000074	1.4
Arsenic	7440-38-2	0.0043	0.0023
Benz(a)anthracene	56-55-3	0.00089	0.011
Benzene	71-43-2	0.0000083	1.2
Benzidine	92-87-5	0.067	0.00015
Benzo(a)pyrene	50-32-8	0.0033	0.0030
Beryllium	7440-41-7	0.0024	0.0042
Bis(2-chloroethyl)ether	111-44-4	0.00033	0.030
Bis(chloromethyl)ether	542-88-1	0.062	0.00016
Bis(2-ethylhexyl)-phthalate	117-81-7	0.00000024	42.
1,3-Butadiene	106-99-0	0.00028	0.036
Cadmium	7440-43-9	0.0018	0.0056
Carbon Tetrachloride	56-23-5	0.000015	0.67
Chlordane	57-74-9	0.00037	0.027
Chloroform	67-66-3	0.000023	0.43
Chloromethane	74-87-3	0.0000036	2.8
Chromium VI	7440-47-3	0.012	0.00083
DDT	50-29-3	0.000097	0.10
Dibenz(a,h)anthracene	53-70-3	0.014	0.00071
1,2-Dibromo-3-chloro-	96-12-8	0.0063	0.0016
propane1,2-Dibromo-3-chloro- propanef			
1,2-Dibromoethane	106-93-4	0.00022	0.045
1,1-Dichloroethane	75-34-3	0.000026	0.38
1,2-Dichloroethane	107-06-2	0.000026	0.38
1,1-Dichloroethylene	75-35-4	0.000050	0.20
1,3-Dichloropropene	542-75-6	0.35	0.000029
Dieldrin	60-57-1	0.0046	0.0022
Diethylstilbestrol	56-53-1	0.14	0.000071
Dimethylnitrosamine	62-75-9	0.014	0.00071
2,4-Dinitrotoluene	121-14-2	0.000088	0.11
1,2-Diphenylhydrazine	122-66-7	0.00022	0.045
1,4-Dioxane	123-91-1	0.0000014	7.1

		JCARS	50726-1309367r
Epichlorohydrin	106-89-8	0.0000012	8.3
Ethylene Oxide	75-21-8	0.00010	0.10
Ethylene Dibromide	106-93-4	0.00022	0.045
Formaldehyde	50-00-0	0.000013	0.77
Heptachlor	76-44-8	0.0013	0.0077
Heptachlor Epoxide	1024-57-3	0.0026	0.0038
Hexachlorobenzene	118-74-1	0.00049	0.020
Hexachlorobutadiene	87-68-3	0.000020	0.50
Alpha-hexachlorocyclohexane	319-84-6	0.0018	0.0056
Beta-hexachlorocyclohexane	319-85-7	0.00053	0.019
Gamma-hexachlorocyclohexane	58-89-9	0.00038	0.026
Hexachlorocyclohexane, Technical		0.00051	0.020
Hexachlorodibenzo-p-dioxin (1,2 Mixture)		1.3	0.0000077
Hexachloroethane	67-72-1	0.0000040	2.5
Hydrazine	302-01-2	0.0029	0.0034
Hydrazine Sulfate	302-01-2	0.0029	0.0034
3-Methylcholanthrene	56-49-5	0.0027	0.0037
Methyl Hydrazine	60-34-4	0.00031	0.032
Methylene Chloride	75-09-2	0.0000041	2.4
4,4'-Methylene-bis-2-	101-14-4	0.000047	0.21
chloroaniline			
Nickel	7440-02-0	0.00024	0.042
Nickel Refinery Dust	7440-02-0	0.00024	0.042
Nickel Subsulfide	12035-72-2	0.00048	0.021
2-Nitropropane	79-46-9	0.027	0.00037
N-Nitroso-n-butylamine	924-16-3	0.0016	0.0063
N-Nitroso-n-methylurea	684-93-5	0.086	0.00012
N-Nitrosodiethylamine	55-18-5	0.043	0.00023
N-Nitrosopyrrolidine	930-55-2	0.00061	0.016
Pentachloronitrobenzene	82-68-8	0.000073	0.14
PCBs	1336-36-3	0.0012	0.0083
Pronamide	23950-58-5	0.0000046	2.2
Reserpine	50-55-5	0.0030	0.0033
2,3,7,8-Tetrachloro-dibenzo-p- dioxin	1746-01-6	45.	0.00000022
1,1,2,2-Tetrachloroethane	79-34-5	0.000058	0.17
Tetrachloroethylene	127-18-4	0.00000048	21.
Thiourea	62-56-6	0.00055	0.018
1,1,2-Trichloroethane	79-00-5	0.000016	0.63
Trichloroethylene	79-01-6	0.000013	7.7
2,4,6-Trichlorophenol	88-06-2	0.0000013	1.8

 Toxaphene
 8001-35-2
 0.00032
 0.031

 Vinyl Chloride
 75-01-4
 0.0000071
 1.4

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585 (Source: Amended at 37 Ill. Reg. _____, effective _____