

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures for Permit Issuance
- 2) Code Citation: 35 Ill. Adm. Code 705
- 3)

| <u>Section Numbers</u> : | <u>Proposed Actions</u> : |
|--------------------------|---------------------------|
| 705.101 | Amendment |
| 705.122 | Amendment |
| 705.126 | Amendment |
| 705.128 | Amendment |
| 705.141 | Amendment |
| 705.143 | Amendment |
| 705.144 | Amendment |
| 705.164 | Amendment |
| 705.181 | Amendment |
| 705.182 | Amendment |
| 705.183 | Amendment |
| 705.184 | Amendment |
| 705.201 | Amendment |
| 705.211 | Amendment |
| 705.212 | Amendment |
| 705.300 | Amendment |
| 705.302 | Amendment |
| 705.303 | Amendment |
| 705.304 | Amendment |
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4 and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 705 are a single segment of the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking that also affects 35 Ill. Adm. Code 702 through 704, 720 through 728, 730, 733, 738, 739, and 810 through 812. Due to the extreme volume of the consolidated docket, each Part is covered by a notice in four separate issues of the *Illinois Register*. Included in this issue are 35 Ill. Adm. Code 702 through 705, 720, and 721. To save space, a more detailed description of the subjects and issues involved in the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 702. A comprehensive description is contained in the Board's opinion and order of March 3, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.

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CLERK'S OFFICE
JUN 19 2018
STATE OF ILLINOIS
Pollution Control Board

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Specifically, the amendments to Part 705 make several needed corrections in the text of the rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R17-14/R17-15/R18-11/R18-31. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in consolidated docket R17-14/R17-15/R18-11/R18-31.

Sections 13 and 22.4 of the Environmental Protection Act [415 ILCS 5/13 and 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 proposed rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: 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) (2016)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed 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 consolidated docket R17-14/R17-15/R18-11/R18-31 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500

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100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference consolidated docket R17-14/R17-15/R18-11/R18-31:

Michael J. McCambridge
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100 W. Randolph, 11-500
Chicago IL 60601

312/814-6924
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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>.

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 disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. 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) (2016)].
- 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) (2016)].
- 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) (2016)].

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- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017 and January 2018

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

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

5
6 PART 705
7 PROCEDURES FOR PERMIT ISSUANCE

8
9 SUBPART A: GENERAL PROVISIONS

10
11 Section
12 705.101 Scope and Applicability
13 705.102 Definitions
14 705.103 Computation of Time
15 705.104 Electronic Reporting

16
17 SUBPART B: PERMIT APPLICATIONS

18
19 Section
20 705.121 Permit Application
21 705.122 Completeness
22 705.123 Incomplete Applications
23 705.124 Site Visit
24 705.125 Effective Date
25 705.126 Decision Schedule
26 705.127 Consolidation of Permit Processing
27 705.128 Modification or Reissuance of Permits

28
29 SUBPART C: APPLICATION REVIEW

30
31 Section
32 705.141 Draft Permits
33 705.142 Statement of Basis
34 705.143 Fact Sheet
35 705.144 Administrative Record for Draft Permits or Notices of Intent to Deny

36
37 SUBPART D: PUBLIC NOTICE

38
39 Section
40 705.161 When Public Notice Must Be Given
41 705.162 Timing of Public Notice
42 705.163 Methods of Public Notice
43 705.164 Contents of Public Notice

44 705.165 Distribution of Other Materials

45

46 SUBPART E: PUBLIC COMMENT

47

48 Section

49 705.181 Public Comments and Requests for Public Hearings

50 705.182 Public Hearings

51 705.183 Obligation to Raise Issues and Provide Information

52 705.184 Reopening of Public Comment Period

53

54 SUBPART F: PERMIT ISSUANCE

55

56 Section

57 705.201 Final Permit Decision

58 705.202 Stay of Permit Conditions upon Appeal

59 705.203 Stay for New Application or upon Untimely Application for Renewal (Repealed)

60 705.204 Stay upon Reapplication or for Modification (Repealed)

61 705.205 Stay Following Interim Status (Repealed)

62 705.210 Agency Response to Comments

63 705.211 Administrative Record for Final Permits or Letters of Denial

64 705.212 Appeal of Agency Permit Determinations

65

66 SUBPART G: PROCEDURE FOR RCRA STANDARDIZED PERMIT

67

68 Section

69 705.300 General Information About RCRA Standardized Permits

70 705.301 Applying for a RCRA Standardized Permit

71 705.302 Issuance of a RCRA Standardized Permit

72 705.303 Public Participation in the RCRA Standardized Permit Process

73 705.304 Modifying a RCRA Standardized Permit

74

75 705.APPENDIX A Procedures for Permit Issuance

76 705.APPENDIX B Modification Process

77 705.APPENDIX C Application Process

78 705.APPENDIX D Application Review Process

79 705.APPENDIX E Public Comment Process

80 705.APPENDIX F Permit Issuance or Denial

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

84

85 SOURCE: Adopted in R81-32 at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19,
86 at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9, at 9 Ill. Reg. 11894, effective

87 July 24, 1985; amended in R89-2 at 14 Ill. Reg. 3082, effective February 20, 1990; amended in
88 R94-5 at 18 Ill. Reg. 18265, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg.
89 9906, effective June 27, 1995; amended in R03-7 at 27 Ill. Reg. 3675, effective February 14,
90 2003; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 706, effective December 20, 2006;
91 amended in R11-14 at 36 Ill. Reg. 1653, effective January 20, 2012; amended in R17-14/R17-
92 15/R18-12 at 42 Ill. Reg. _____, effective _____.

93
94 **SUBPART A: GENERAL PROVISIONS**

95
96 **Section 705.101 Scope and Applicability**

- 97
- 98 a) This Part sets forth procedures that the Illinois Environmental Protection Agency
99 (Agency) must follow in issuing RCRA (Resource Conservation and Recovery
100 Act) and UIC (Underground Injection Control) permits. This Part also specifies
101 rules on effective dates of permits and stays of contested permit conditions.
102
 - 103 b) This Part provides for a public comment period and a hearing in some cases. The
104 permit applicant and any other participants must raise issues during this
105 proceeding to preserve issues for effective Board review, as required by Section
106 705.183.
107
 - 108 c) Board review of permit issuance or denial is pursuant to 35 Ill. Adm. Code 105.
109 Board review is restricted to the record that was before the Agency when the
110 permit was issued, as required by Sections 40(a) and 40(b) of the Environmental
111 Protection Act [~~415 ILCS 5/40(a) and (b)~~].
112
 - 113 d) The provisions of 35 Ill. Adm. Code 702, 703, and 704 contain rules on UIC and
114 RCRA permit applications, permit conditions, and related matters.
115

116 (Source: Amended at 42 Ill. Reg. _____, effective _____)
117

118 **SUBPART B: PERMIT APPLICATIONS**

119
120 **Section 705.122 Completeness**

- 121
- 122 a) The Agency must review every application for a RCRA or UIC permit for
123 completeness.
124
 - 125 b) Time limitations on Agency review for application completeness:
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 - 127 1) Each application for a permit submitted by a new HWM (hazardous waste
128 management) facility or new UIC injection well must be reviewed for
129 completeness within 30 days of its receipt.

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2) Each application for a permit by an existing HWM facility (both Parts A and B of the application) or existing injection well must be reviewed for completeness within 60 days of receipt.

- c) Upon completing its review for completeness, the Agency must notify the applicant in writing whether the application is complete. If the application is incomplete, the Agency 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 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) ~~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 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) (20172002).

(Source: Amended at 42 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 must, no later than the effective date of the application, prepare and mail to the applicant a projected decision schedule. The schedule must specify target dates by which the Agency intends to do the following:

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

173
174 BOARD NOTE: Derived from 40 CFR 124.3(g) (~~20172002~~).
175

176 (Source: Amended at 42 Ill. Reg. _____, effective _____)
177

178 **Section 705.128 Modification or Reissuance of Permits**
179

- 180 a) The Agency may modify or reissue a permit either at the request of any interested
181 person (including the permittee) or on its own initiative. However, the Agency
182 may only modify or reissue a permit for the reasons specified in 35 Ill. Adm.
183 Code 704.261 through 704.263 (UIC) or 35 Ill. Adm. Code 703.270 through
184 703.273 (RCRA). A request for permit modification or reissuance must be made
185 in writing, must be addressed to the Agency (Division of Land Pollution Control),
186 and must contain facts or reasons supporting the request.
187
- 188 b) If the Agency determines that a request for modification or reissuance is not
189 justified, it must send the requester a brief written response giving a reason for the
190 determination. A denial of a request for modification or reissuance is not subject
191 to public notice, comment, or public hearing requirements. The requester may
192 appeal a denial of a request to modify or reissue a permit to the Board pursuant to
193 35 Ill. Adm. Code 105.
194
- 195 c) Agency Modification or Reissuance Procedures.
196
- 197 1) If the Agency tentatively decides to initiate steps to modify or reissue a
198 permit pursuant to this Section and 35 Ill. Adm. Code 704.261 through
199 704.263 or 35 Ill. Adm. Code 703.270 through 703.273 (other than 35 Ill.
200 Adm. Code 703.272(c)), after giving public notice pursuant to Section
201 705.161(a)(1), as though an application had been received, it must prepare
202 a draft permit pursuant to Section 705.141 incorporating the proposed
203 changes. The Agency may request additional information and may require
204 the submission of an updated permit application. For reissued permits,
205 other than those reissued under 35 Ill. Adm. Code 703.272(c), the Agency
206 must require the submission of a new application. For permits reissued
207 under 35 Ill. Adm. Code 703.272(c), the Agency and the permittee must
208 comply with the appropriate requirements in Subpart G of 35 Ill. Adm.
209 Code 705.
210
- 211 2) In a permit modification proceeding pursuant to this Section, only those
212 conditions to be modified must be reopened when a new draft permit is
213 prepared. When a permit is to be reissued pursuant to this Section, the
214 entire permit is reopened just as if it had expired. During any reissuance
215 proceeding, including any appeal to the Board, the permittee must comply

216 with all conditions of its existing permit until a new final permit is
 217 reissued.

218
 219 3) "Minor modifications," as defined in 35 Ill. Adm. Code 704.264, and
 220 "Class 1 and 2 modifications," as defined in 35 Ill. Adm. Code 703.281
 221 and 703.282, are not subject to this Section.

222
 223 d) To the extent that the Agency has authority to reissue a permit, it must prepare a
 224 draft permit or notice of intent to deny in accordance with Section 705.141 if it
 225 decides to do so.

226
 227 e) The Agency or any person may seek the revocation of a permit in accordance with
 228 Title VIII of the Environmental Protection Act [415 ILCS 5/Title VIII] and the
 229 procedure of 35 Ill. Adm. Code 103. Revocation may only be sought for those
 230 reasons specified in 35 Ill. Adm. Code 702.186(a) through (d).

231
 232 BOARD NOTE: Derived from 40 CFR 124.5 (2017/2005), as amended at 70 Fed. Reg.
 233 53420 (Sep. 8, 2005).

234
 235 (Source: Amended at 42 Ill. Reg. _____, effective _____)

236
 237 **SUBPART C: APPLICATION REVIEW**

238
 239 **Section 705.141 Draft Permits**

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 241 a) Once an application for permit is complete, the Agency must tentatively decide
 242 whether to prepare a draft permit or to deny the application.

243
 244 b) If the Agency tentatively decides to deny the permit application, it must issue a
 245 notice of intent to deny. A notice of intent to deny must be subject to all of the
 246 procedural requirements applicable to draft permits under subsection (d) of this
 247 Section. If the Agency's final decision made pursuant to Section 705.201 is that
 248 the tentative decision to deny the permit application was incorrect, it must
 249 withdraw the notice of intent to deny and proceed to prepare a draft permit under
 250 subsection (c) of this Section.

251
 252 c) If the Agency decides to prepare a draft permit, it must prepare a draft permit that
 253 contains the following information:

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 255 1) All conditions under 35 Ill. Adm. Code 702.140 through 702.152 and 35
 256 Ill. Adm. Code 702.160;

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 258 2) All compliance schedules under 35 Ill. Adm. Code 702.162 and 702.163;

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- 3) All monitoring requirements under 35 Ill. Adm. Code 702.164; and
 - 4) 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;
 - B) For UIC permits, permit conditions under Subpart E of 35 Ill. Adm. Code 704.
 - d) A draft permit or a notice of intent to deny prepared under this Section must be accompanied by a statement of basis, under Section 705.142, or a fact sheet, under Section 705.143, must be based on the administrative record pursuant to Section 705.144, must be publicly noticed pursuant to Subpart D of this Part, and must be made available for public comment pursuant to Section 705.181. The Agency 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.

281 BOARD NOTE: Derived from 40 CFR 124.6 (20172002).

282
283 (Source: Amended at 42 Ill. Reg. _____, effective _____)

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285 **Section 705.143 Fact Sheet**

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- a) A fact sheet 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 that the Agency finds is the subject of widespread public interest or raises major issues. The fact sheet must briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The Agency must send this fact sheet to the applicant and, on request, to any other person.
 - b) The fact sheet must include the following, when applicable:
 - 1) A brief description of the type of facility or activity that is the subject of the draft permit;
 - 2) The type and quantity of wastes, fluids or pollutants that are proposed to be or are being treated, stored, disposed of, injected, emitted, or

302 discharged;

- 303
- 304 3) A brief summary of the basis for refusing to grant a permit or for imposing
- 305 each draft permit condition including references to applicable statutory or
- 306 regulatory provisions and appropriate supporting references to the
- 307 administrative record as defined by Section 705.144;
- 308
- 309 4) Reasons why any requested schedules of compliance or other alternatives
- 310 to required standards do or do not appear justified;
- 311
- 312 5) A description of the procedures for reaching a final decision on the draft
- 313 permit including the following:
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- 315 A) The beginning and ending dates of the comment period pursuant to
- 316 Subpart D of this Part, and the address where comments will be
- 317 received;
- 318
- 319 B) Procedures for requesting a hearing, and the nature of that hearing;
- 320 and
- 321
- 322 C) Any other procedures by which the public may participate in the
- 323 final decision.
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- 325 6) The name and telephone number of a person to contact for additional
- 326 information.
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328 BOARD NOTE: Derived from 40 CFR 124.8 (20172002).

329 (Source: Amended at 42 Ill. Reg. _____, effective _____)

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

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- 334 a) The provisions of a draft permit or notice of intent to deny the application must be
- 335 based on the administrative record, as defined in this Section.
- 336
- 337 b) The administrative record must consist of the following:
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- 339 1) The application and any supporting data furnished by the applicant;
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- 341 2) The draft permit or notice of intent to deny the application;
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- 343 3) The statement of basis, as provided in Section 705.142, or fact sheet, as
- 344 provided in Section 705.143;

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- 4) All documents cited in the statement of basis or fact sheet;
 - 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) ~~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 applies to all draft permits or notices of intent to deny ~~for which public notice was first given under Subpart D of this Part after March 3, 1984, for UIC permits, or January 31, 1986, for RCRA permits.~~

363 BOARD NOTE: Derived from 40 CFR 124.9 (20172002).

364 (Source: Amended at 42 Ill. Reg. _____, effective _____)

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367 SUBPART D: PUBLIC NOTICE

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369 **Section 705.164 Contents of Public Notice**

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- a) All public notices issued under this Part 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;

- 388 5) A brief description of the comment procedures required by Sections
389 705.181 and 705.182; the time and place of any hearing that will be held,
390 including a statement of the procedures to request a hearing (unless a
391 hearing has already been scheduled); and the other procedures by which
392 the public may participate in the final permit decision;
393
- 394 6) The location of the administrative record required by Section 705.144, the
395 time at which the record will be open for public inspection, and a
396 statement that all data submitted by the applicant is available as part of the
397 administrative record; and
398
- 399 7) Any additional information that the Agency considers necessary or
400 appropriate.
401
- 402 b) Public notices for hearings. In addition to the general public notice described in
403 subsection (a) of this Section, the public notice of a hearing under Section
404 705.182 must contain the following information:
405
- 406 1) Reference to the date of previous public notices relating to the permit;
407
- 408 2) The date, time, and place of the hearing; and
409
- 410 3) A brief description of the nature and purpose of the hearing, including the
411 applicable rules and procedures.
412

413 BOARD NOTE: Derived from 40 CFR 124.10(d) (20172002).

414 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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417 SUBPART E: PUBLIC COMMENT 418

419 **Section 705.181 Public Comments and Requests for Public Hearings** 420

421 During the public comment period provided under Subpart D of this Part, any interested person
422 may submit written comments on the draft permit to the Agency, and any interested person may
423 request a public hearing. A request for a public hearing must be in writing and must state the
424 nature of the issues proposed to be raised in the hearing. The Agency must consider all
425 comments in making the final decision and must answer, as provided in Section 705.210.
426

427 BOARD NOTE: Derived from 40 CFR 124.11 (20172002).
428

429 (Source: Amended at 42 Ill. Reg. _____, effective _____)
430

431 **Section 705.182 Public Hearings**

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- 433 a) When the Agency holds public hearings.
- 434
- 435 1) The Agency must hold a public hearing whenever it finds a significant
- 436 degree of public interest in a draft permit on the basis of requests.
- 437
- 438 2) The Agency may also hold a public hearing at its discretion, whenever
- 439 such a hearing might clarify one or more issues involved in the permit
- 440 decision.
- 441
- 442 3) For RCRA permits only the following additional requirements apply:
- 443
- 444 A) The Agency must hold a public hearing whenever it receives
- 445 written notice of opposition to a draft permit and a request for a
- 446 hearing within 45 days of public notice under Section 705.162(a);
- 447
- 448 B) Whenever possible, the Agency must schedule the hearing at a
- 449 location convenient to the population center nearest to the
- 450 proposed facility.
- 451
- 452 4) Public notice of the hearing must be given as specified in Section 705.162.
- 453
- 454 b) Whenever a public hearing will be held, the Agency must designate a hearing
- 455 officer who must be responsible for its scheduling and orderly conduct. Conduct
- 456 of the hearing must be in accordance with Agency rules and procedures, and the
- 457 hearing must be held in the county in which the HWM or UIC facility or proposed
- 458 HWM or UIC facility is located.
- 459
- 460 c) Any person may submit oral or written statements and data concerning the draft
- 461 permit. Reasonable limits may be set by the hearing officer on the time allowed
- 462 at hearing for oral statements, and the submission of statements in writing may be
- 463 required. Written statements must be accepted until the close of the public
- 464 comment period. The public comment period under Subpart D ~~of this Part~~ must
- 465 automatically be extended to a date not later than 30 days after the close of any
- 466 public hearing under this Section. The hearing officer may also extend the
- 467 comment period by entering an appropriate order into the record.
- 468
- 469 d) A tape recording or written transcript of the hearing must be made available to the
- 470 public for inspection during regular business hours at the Agency's office in
- 471 Springfield. Copies of such recording or transcription must be made available on
- 472 request, upon payment of reasonable costs of duplication pursuant to applicable
- 473 Agency rules and procedures.

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BOARD NOTE: Derived from 40 CFR 124.12 (~~20172002~~).

(Source: Amended at 42 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 Subpart D of this Part. All supporting materials 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 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 (~~20172002~~).

(Source: Amended at 42 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

- 517 apply.
518
519 3) On its own motion or on the request of any person, the Agency may direct
520 that the requirements of subsection (a)(1) ~~of this Section~~ will apply during
521 the initial public comment period where the Agency determines that
522 issuance of the permit will be contested and that applying the requirements
523 of subsection (a)(1) ~~of this Section~~ will substantially expedite the
524 decisionmaking process. The notice of the draft permit must state
525 whenever this has been done.
526
527 4) A comment period of longer than 60 days may be necessary in
528 complicated proceedings to give commenters a reasonable opportunity to
529 comply with the requirements of this Section. A commenter may request
530 a longer comment period, and one must be granted under Subpart D ~~of this~~
531 ~~Part~~ to the extent that the Agency determines that a longer comment
532 period is necessary.
533
534 b) If any data, information, or arguments submitted during the public comment
535 period appear to raise substantial new questions concerning a permit, the Agency
536 may undertake one or more of the following actions:
537
538 1) It may prepare a new draft permit, appropriately modified, under Section
539 705.141;
540
541 2) It may prepare a revised statement of basis, a fact sheet, or a revised fact
542 sheet and reopen the comment period under subsection (b)(3) ~~of this~~
543 ~~Section~~;
544
545 3) It may reopen or extend the comment period to give interested persons an
546 opportunity to comment on the information or arguments submitted.
547
548 c) Comments filed during the reopened comment period must be limited to the
549 substantial new questions that caused its reopening. The public notice under
550 Subpart D ~~of this Part~~ must define the scope of the reopening.
551
552 d) After an extended comment period, the Agency may undertake final action under
553 Section 705.201 that it deems appropriate based on the record.
554
555 e) Public notice of any of the above actions must be issued under Subpart D ~~of this~~
556 ~~Part~~.

557
558 BOARD NOTE: Derived from 40 CFR 124.14 (20172002).
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(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART F: PERMIT ISSUANCE

Section 705.201 Final Permit Decision

- a) After the close of the public comment period under Subpart D ~~of this Part~~ or Section 705.182, the Agency must issue a final permit decision.
- b) A final permit decision must consist of either of the following:
 - 1) A letter of denial that includes each of the following:
 - A) The 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) Issuance of a permit.
- c) On the date of the final permit decision, the Agency must notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice must include reference to the procedures for appealing an Agency RCRA or UIC permit decision under Section 705.212.
- d) A final permit must become effective 35 days after the final permit decision made under subsection (a) ~~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 (2017~~2002~~).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 705.211 Administrative Record for Final Permits or Letters of Denial

- a) The Agency 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 must consist of the administrative record for the draft permit together with the following:
 - 1) All comments received during the public comment period provided under 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;
 - 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) of this Section should be added to the record as soon as possible after their receipt or publication by the Agency. The record must be completed on the date that the final permit or letter of denial is issued.
- d) This 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 (20172002).

(Source: Amended at 42 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 following persons may petition the Board to

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) 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.
- 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.
- d) Except as otherwise provided in this Part, the provisions of 35 Ill. Adm. Code 105 generally will govern appeals of RCRA and UIC permits under this Section. References in the procedural rules to the Agency permit application record will mean, for purposes of this Section, the administrative record for the final permit or letter of denial, as defined in Section 705.211.
- e) An appeal under subsection (a) or (b) of this Section is a prerequisite to the seeking of judicial review of the final agency action under the administrative review provisions of Article III of the Code of Civil Procedure [35 ILCS 5/Art. III].

BOARD NOTE: This Section corresponds with 40 CFR 124.19(a) (20172002).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART G: PROCEDURE FOR RCRA STANDARDIZED PERMIT

Section 705.300 General Information About RCRA Standardized Permits

- a) RCRA standardized permit. A RCRA standardized permit is a special form of RCRA permit that may consist of two parts: a uniform portion that the Agency issues in all cases, and a supplemental portion that the Agency issues on a case-by-case basis at its discretion. The term "RCRA standardized permit" is defined in 35 Ill. Adm. Code 702.110.
- 1) The uniform portion. The uniform portion of a RCRA standardized permit

689 consists of terms and conditions, relevant to the units operated at a facility,
690 that appear in 35 Ill. Adm. Code 727 (Standards for Owners and Operators
691 of Hazardous Waste Facilities Operating under a RCRA Standardized
692 Permit). If an owner or operator intends to operate under the RCRA
693 standardized permit, it must comply with the nationally applicable terms
694 and conditions of 35 Ill. Adm. Code 727.

695
696 2) The supplemental portion. The supplemental portion of a RCRA
697 standardized permit consists of site-specific terms and conditions, beyond
698 those of the uniform portion, that the Agency may impose on a particular
699 facility, as necessary to adequately protect human health and the
700 environment. If the Agency issues a supplemental portion, the owner or
701 operator must comply with the Agency-imposed site-specific terms and
702 conditions.

703
704 A) When required pursuant to 35 Ill. Adm. Code 727.190(1),
705 provisions to implement corrective action must be included in the
706 supplemental portion.

707
708 B) Unless otherwise specified, the supplemental permit terms and
709 conditions apply to a facility in addition to the terms and
710 conditions of the uniform portion of the RCRA standardized
711 permit and not in place of any of those terms and conditions.

712
713 BOARD NOTE: Subsection (a) is derived from 40 CFR 124.200 (2017), as
714 added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

715
716 b) Eligibility for a RCRA standardized permit.

717
718 1) A facility owner or operator may be eligible for a RCRA standardized
719 permit if it engages in either of the following:

720
721 A) It generates hazardous waste and then stores or non-thermally
722 treats the hazardous waste on-site in containers, tanks, or
723 containment buildings; or

724
725 B) It receives hazardous waste generated off-site by a generator under
726 the same ownership as the receiving facility, and then it stores or
727 non-thermally treats the hazardous waste in containers, tanks, or
728 containment buildings.

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730 C) In either case, the Agency must inform the owner or operator of its
731 eligibility when a decision is made on its permit.

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- 2) This subsection (b)(2) corresponds with 40 CFR 124.201(b), which USEPA has marked "reserved:". This statement maintains structural consistency with the corresponding federal rule.

BOARD NOTE: Subsection (b) is derived from 40 CFR 124.201 (2017), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 705.302 Issuance of a RCRA Standardized Permit

- a) Agency preparation of a draft RCRA standardized permit.
 - 1) The Agency must review the Notice of Intent and supporting information submitted by the facility owner or operator.
 - 2) The Agency must determine whether the facility is or is not eligible to operate under the RCRA standardized permit.
 - A) If the facility is eligible for the RCRA standardized permit, the Agency must propose terms and conditions, if any, to include in a supplemental portion. If the Agency determines that these terms and conditions are necessary to adequately protect human health and the environment, and the terms and conditions cannot be imposed, the Agency must tentatively deny coverage under the RCRA standardized permit.
 - B) If the facility is not eligible for the RCRA standardized permit, the Agency must tentatively deny coverage under the RCRA standardized permit. Cause for ineligibility may include, but is not limited to, the following:
 - i) A failure of owner or operator to submit all the information required pursuant to 35 Ill. Adm. Code 703.351(b).
 - ii) Information submitted that is required pursuant to 35 Ill. Adm. Code 703.351(b) that is determined to be inadequate.
 - iii) The facility does not meet the eligibility requirements (its activities are outside the scope of the RCRA standardized permit).

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- iv) A demonstrated history of significant non-compliance with applicable requirements.
 - v) Permit conditions cannot ensure adequate protection of human health and the environment.
- 3) The Agency must prepare its draft permit decision within 120 days after receiving the Notice of Intent and supporting documents from a facility owner or operator. The Agency's tentative determination pursuant to this Section to deny or grant coverage under the RCRA standardized permit, including any proposed site-specific conditions in a supplemental portion, constitutes a draft permit decision. The Agency is allowed a one time extension of 30 days to prepare the draft permit decision. When the use of the 30-day extension is anticipated, the Agency must inform the permit applicant during the initial 120-day review period. Reasons for an extension may include, but are not limited to, needing to complete review of submissions with the Notice of Intent (e.g., closure plans, waste analysis plans, etc. for facilities seeking to manage hazardous waste generated off-site).
- 4) Many requirements in this Part and 35 Ill. Adm. Code 702 apply to processing the RCRA standardized permit application and preparing the Agency's draft permit decision. For example, the Agency's draft permit decision must be accompanied by a statement of basis or fact sheet and must be based on the administrative record. In preparing the Agency's draft permit decision, the following provisions of this Part and 35 Ill. Adm. Code 702 apply (subject to the following modifications):
- A) Section 705.101 (Scope and Applicability): all subsections apply.
 - B) 35 Ill. Adm. Code 702.110 (Definitions): all definitions apply.
 - C) Sections 705.121 (Permit Application) and 705.124 (Site Visit): all subsections apply.
 - D) Section 705.127 (Consolidation of Permit Processing): applies.
 - E) Section 705.128 (Modification or Reissuance of Permits): does not apply.
 - F) Section 705.141 (Draft Permits): does not apply to the RCRA RCRA-standardized permit; procedures in this Subpart G apply instead.

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- G) Section 705.142 (Statement of Basis): applies.
- H) Section 705.143 (Fact Sheet): all subsections apply; however, in the context of the RCRA standardized permit, the reference to the public comment period is Section 705.303(b) instead of Subpart D of this Part.
- I) Section 705.144 (Administrative Record for Draft Permits or Notices of Intent to Deny): all subsections apply.
- J) Subpart D of this Part (Public Notice): only Section 705.163(a)(4) and (a)(5)(A) applies to the RCRA standardized permit. Most of Subpart D of this Part does not apply to the RCRA standardized permit; Section 705.303(a) through (c) applies instead.

BOARD NOTE: Subsection (a) is derived from 40 CFR 124.204 (2017), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

- b) Preparation of a final RCRA standardized permit. The Agency must consider all comments received during the public comment period (see Section 705.303(b)) in making its final permit decision. In addition, many requirements in this Part and 35 Ill. Adm. Code 702 apply to the public comment period, public hearings, and preparation of the Agency's final permit decision. In preparing a final permit decision, the following provisions of this Part and 35 Ill. Adm. Code 702 apply (subject to the following modifications):
 - 1) Section 705.101 (Scope and Applicability): all subsections apply.
 - 2) 35 Ill. Adm. Code 702.110 (Definitions): all definitions apply.
 - 3) Section 705.181 (Public Comments and Requests for Public Hearings): Section 705.181 does not apply to the RCRA standardized permit; the procedures in Section 705.303(b) apply instead.
 - 4) Section 705.182 (Public Hearings): Section 705.182(b), (c), and (d) applies.
 - 5) Section 705.183 (Obligation to Raise Issues and Provide Information): all subsections apply; however, in the context of the RCRA standardized permit, the reference to the public comment period is Section 705.303(b) instead of Subpart D of this Part.

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- 6) Section 705.184 (Reopening of the Public Comment Period): all of subsections apply; however, in the context of the RCRA standardized permit, the reference in Section 705.184(b)(1) to preparation of a draft permit is Section 705.302(a) instead of Section 705.141; the reference in Section 705.184(b)(3) to reopening or extending the comment period relates to Section 705.303(b); the reference in Section 705.184(c) to the public notice is Section 705.303(a) instead of Subpart D of this Part.
 - 7) Section 705.201 (Final Permit Decision): all subsections apply, however, in the context of the RCRA standardized permit, the reference to the public comment period is Section 705.303(b) instead of Subpart D of this Part.
 - 8) Section 705.202 (Stay of Permit Conditions upon Appeal): all subsections apply.
 - 9) Section 705.210 (Agency Response to Comments): Section 705.210 does not apply to the RCRA standardized permit; procedures in Section 705.303(c) apply instead.
 - 10) Section 705.211 (Administrative Record for Final Permit or Letters of Denial): all subsections apply, however, the reference to response to comments is Section 705.303(c) instead of Section 705.210.
 - 11) Section 705.212 (Appeal of ~~Appeal of~~ Agency Permit Determinations): all subsections apply.
 - 12) Section 705.103 (Computation of Time): all subsections apply.

890 BOARD NOTE: Subsection (b) is derived from 40 CFR 124.205 (2017), as added
891 at 70 Fed. Reg. 53420 (Sep. 8, 2005).
892

- 893 c) When a facility owner or operator must apply for an individual permit.
894
895 1) Instances in which the Agency may determine that a facility is not eligible
896 for the RCRA standardized permit include, but are not limited to, the
897 following:
898
899 A) The facility does not meet the criteria in Section 705.300(b).
900
901 B) The facility has a demonstrated history of significant non-
902 compliance with regulations or permit conditions.
903

- 904 C) The facility has a demonstrated history of submitting incomplete or
905 deficient permit application information.
906
- 907 D) The facility has submitted incomplete or inadequate materials with
908 the Notice of Intent (submitted pursuant to Section 705.301(a)(2)).
909
- 910 2) If the Agency determines that a facility is not eligible for the RCRA
911 standardized permit, the Agency must inform the facility owner or
912 operator that it must apply for an individual permit.
913
- 914 3) The Agency may require any facility that has a RCRA standardized permit
915 to apply for and obtain an individual RCRA permit. Any interested person
916 may petition the Agency to take action pursuant to this subsection (c)(3).
917 Instances in which the Agency may require an individual RCRA permit
918 include, but are not limited to, the following:
919
- 920 A) The facility is not in compliance with the terms and conditions of
921 the standardized RCRA permit.
922
- 923 B) Circumstances have changed since the time the facility owner or
924 operator applied for the RCRA standardized permit, so that the
925 facility's hazardous waste management practices are no longer
926 appropriately controlled under the RCRA standardized permit.
927
- 928 4) The Agency may require any facility authorized by a RCRA standardized
929 permit to apply for an individual RCRA permit only if the Agency has
930 notified the facility owner or operator in writing that an individual permit
931 application is required. The Agency must include in this notice a brief
932 statement of the reasons for its decision, a statement setting a deadline for
933 the owner or operator to file the application, and a statement that, on the
934 effective date of the individual RCRA permit, the facility's RCRA
935 standardized permit automatically terminates. The Agency may grant
936 additional time upon request from the facility owner or operator.
937
- 938 5) When the Agency issues an individual RCRA permit to an owner or
939 operator otherwise subject to a standardized RCRA permit, the RCRA
940 standardized permit for that facility will automatically cease to apply on
941 the effective date of the individual permit.
942

943 BOARD NOTE: Subsection (c) is derived from 40 CFR 124.206 (2017), as
944 added at 70 Fed. Reg. 53420 (Sep. 8, 2005). An owner or operator authorized to
945 operate under a RCRA standardized permit that is required by the Agency to
946 submit an application for an individual permit pursuant to this subsection (c) may

947 appeal that Agency determination before the Board pursuant to Section 40 of the
948 Act ~~[415 ILCS 5/40]~~ and 35 Ill. Adm. Code 101 and 105.

949
950 (Source: Amended at 42 Ill. Reg. _____, effective _____)
951

952 **Section 705.303 Public Participation in the RCRA Standardized Permit Process**
953

954 a) Requirements for public notices.
955

956 1) The Agency must provide public notice of its draft permit decision and
957 must provide an opportunity for the public to submit comments and
958 request a hearing on that decision. The Agency must provide the public
959 notice to the following persons:

960 A) The applicant;

961 B) Any other agency that the Agency knows has issued or is required
962 to issue a RCRA permit for the same facility or activity (including
963 USEPA when the draft permit is prepared by the State);
964

965 C) Federal and State agencies with jurisdiction over fish, shellfish,
966 and wildlife resources and over coastal zone management plans,
967 the Advisory Council on Historic Preservation, Illinois Historic
968 Preservation Agency, including any affected states;

969 D) Everyone on the facility mailing list developed according to the
970 requirements in Section 705.163(a)(4); and
971

972 E) Any units of local government having jurisdiction over the area
973 where the facility is proposed to be located and to each State
974 agency having any authority under State law with respect to the
975 construction or operation of the facility.
976

977 2) The Agency must issue the public notice according to the following
978 methods:
979

980 A) Publication in a daily or weekly major local newspaper of general
981 circulation and broadcast over local radio stations;
982

983 B) In a manner constituting legal notice to the public under State law;
984 and
985

986 C) Any other method reasonably calculated to give actual notice of
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990 the draft permit decision to the persons potentially affected by it,
991 including press releases or any other forum or medium to elicit
992 public participation.
993

- 994 3) The Agency must include the following information in the public notice:
995
996 A) The name and telephone number of the contact person at the
997 facility.
998
999 B) The name and telephone number of the Agency's contact office,
1000 and a mailing address to which people may direct comments,
1001 information, opinions, or inquiries.
1002
1003 C) An address to which people may write to be put on the facility
1004 mailing list.
1005
1006 D) The location where people may view and make copies of the draft
1007 RCRA standardized permit and the Notice of Intent and supporting
1008 documents.
1009
1010 E) A brief description of the facility and proposed operations,
1011 including the address or a map (for example, a sketched or copied
1012 street map) of the facility location on the front page of the notice.
1013
1014 F) The date that the facility owner or operator submitted the Notice of
1015 Intent and supporting documents.
1016
1017 4) At the same time that the Agency issues the public notice pursuant to this
1018 Section, it must place the draft RCRA standardized permit (including both
1019 the uniform portion and the supplemental portion, if any), the Notice of
1020 Intent and supporting documents, and the statement of basis or fact sheet
1021 in a location accessible to the public in the vicinity of the facility or at the
1022 local Agency office.
1023

1024 BOARD NOTE: Subsection (a) is derived from 40 CFR 124.207 (2017), as
1025 added at 70 Fed. Reg. 53420 (Sep. 8, 2005).
1026

1027 b) Opportunities for public comment and hearing on a draft permit decision.
1028

- 1029 1) The public notice that the Agency issues pursuant to Section 705.303(a)
1030 must allow at least 45 days for interested persons to submit written
1031 comments on its draft permit decision. This time is referred to as the
1032 public comment period. The Agency must automatically extend the public

1033 comment period to the close of any public hearing pursuant to this
1034 subsection (b). The hearing officer may also extend the comment period
1035 by so stating at the hearing.
1036

1037 2) During the public comment period, any interested person may submit
1038 written comments on the draft permit and may request a public hearing.
1039 Any request for a public hearing must be submitted to the Agency in
1040 writing. The request for a public hearing must state the nature of the
1041 issues that the requestor proposes to raise during the hearing.
1042

1043 3) The Agency must hold a public hearing whenever it receives a written
1044 notice of opposition to a RCRA standardized permit and a request for a
1045 public hearing within the public comment period pursuant to subsection
1046 (b)(1) of this Section. The Agency may also hold a public hearing at its
1047 discretion, whenever, for instance, such a hearing might clarify one or
1048 more issues involved in the permit decision.
1049

1050 4) Whenever possible, the Agency must schedule a hearing pursuant to this
1051 subsection (b) at a location convenient to the nearest population center to
1052 the facility. The Agency must give public notice of the hearing at least 30
1053 days before the date set for the hearing. (The Agency may give the public
1054 notice of the hearing at the same time it provides public notice of the draft
1055 permit, and the Agency may combine the two notices.)
1056

1057 5) The Agency must give public notice of the hearing according to the
1058 methods in Section 705.303(a)(1) and (a)(2). The hearing must be
1059 conducted according to the procedures in Section 705.182(b), (c), and (d).
1060

1061 6) In their written comments and during the public hearing, if held, interested
1062 persons may provide comments on the draft permit decision. These
1063 comments may include, but are not limited to, the facility's eligibility for
1064 the RCRA standardized permit, the tentative supplemental conditions
1065 proposed by the Agency, and the need for additional supplemental
1066 conditions.
1067

1068 BOARD NOTE: Subsection (b) is derived from 40 CFR 124.208 (2017), as
1069 added at 70 Fed. Reg. 53420 (Sep. 8, 2005).
1070

1071 c) Requirements for responding to comments.
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1073 1) At the time the Agency issues a final RCRA standardized permit, it must
1074 also respond to comments received during the public comment period on
1075 the draft permit. The Agency's response must do each of the following:

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- A) It must specify which additional conditions (i.e., those in the supplemental portion), if any, the Agency changed in the final permit, and the reasons for each change.
 - B) It must briefly describe and respond to all significant comments on the facility's ability to meet the general requirements (i.e., those terms and conditions in the uniform portion) and all significant comments on any additional conditions necessary to adequately protect human health and the environment that are raised during the public comment period or during the hearing.
 - C) It must make the comments and responses accessible to the public.
- 2) The Agency may request additional information from the facility owner or operator or inspect the facility if it needs additional information to adequately respond to significant comments or to make decisions about conditions that it may need to add to the supplemental portion of the RCRA standardized permit.
 - 3) The Agency must include in the administrative record for its final permit decision any documents cited in the response to comments. 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.

BOARD NOTE: Subsection (c) is derived from 40 CFR 124.209 (2017), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

- d) Appeal of a final RCRA standardized permit by an interested party in the permit process. An interested party may petition the Board for administrative review of the Agency's final permit decision, including the Agency's decision that the facility is eligible for the RCRA standardized permit, according to the procedures of Section 705.212. However, the terms and conditions of the uniform portion of the RCRA standardized permit are not subject to administrative review pursuant to this subsection (d).

BOARD NOTE: Subsection (d) is derived from 40 CFR 124.210 (2017), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 705.304 Modifying a RCRA Standardized Permit

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- a) Permissible types of changes an owner or operator may make to its RCRA standardized permit. A facility owner or operator may make a routine change, a routine change with prior Agency approval, or a significant change. For the purposes of this subsection (a), the following definitions apply:
- "Routine change" is any change to the RCRA standardized permit that qualifies as a Class 1 permit modification (without prior Agency approval) pursuant to Appendix A to 35 Ill. Adm. Code 703.
- "Routine change with prior Agency approval" is a change to the RCRA standardized permit that would qualify as a class 1 modification with prior agency approval, or a Class 2 permit modification pursuant to Appendix A to 35 Ill. Adm. Code 703.
- "Significant change" is any change to the RCRA standardized permit that falls into one of the following categories:
- It qualifies as a Class 3 permit modification pursuant to Appendix A to 35 Ill. Adm. Code 703;
 - It is not explicitly identified in Appendix A to 35 Ill. Adm. Code 703; or
 - It amends any terms or conditions in the supplemental portion of the RCRA standardized permit.
- BOARD NOTE: Subsection (a) is derived from 40 CFR 124.211 (2017), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).
- b) Procedures to make routine changes.
- 1) An owner or operator can make routine changes to the RCRA standardized permit without obtaining approval from the Agency. However, the owner or operator must first determine whether the routine change it will make amends the information it submitted to the Agency pursuant to 35 Ill. Adm. Code 703.351(b) with its Notice of Intent to operate under the RCRA standardized permit.
 - 2) If the routine changes that the owner or operator makes amend the information it submitted pursuant to 35 Ill. Adm. Code 703.351(b) with its Notice of Intent to operate under the RCRA standardized permit, then before the owner or operator makes the routine changes it must do both of the following:

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- A) It must submit to the Agency the revised information pursuant to 35 Ill. Adm. Code 703.351(b)(1); and
- B) It must provide notice of the changes to the facility mailing list and to State and local governments in accordance with the procedures in Section 705.163(a)(4) and (a)(5).

BOARD NOTE: Subsection (b) is derived from 40 CFR 124.212 (2017), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

- c) Procedures for routine changes with prior Agency approval.
 - 1) Routine changes to the RCRA standardized permit may only be made with the prior written approval of the Agency.
 - 2) The owner or operator must also follow the procedures in subsections (b)(2)(A) and (b)(2)(B) ~~of this Section.~~

BOARD NOTE: Subsection (c) is derived from 40 CFR 124.213 (2017), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

- d) Procedures the owner or operator must follow to make significant changes.
 - 1) The owner or operator must first provide notice of and conduct a public meeting.
 - A) Public meeting. The owner or operator must hold a meeting with the public to solicit questions from the community and inform the community of its proposed modifications to its hazardous waste management activities. The owner or operator must post a sign-in sheet or otherwise provide a voluntary opportunity for people attending the meeting to provide their names and addresses.
 - B) Public notice. At least 30 days before the owner or operator plans to hold the meeting, it must issue a public notice in accordance with 35 Ill. Adm. Code 703.191(d).
 - 2) After holding the public meeting, the owner or operator must submit a modification request to the Agency that provides the following information:
 - A) It must describe the exact changes that the owner or operator wants

1205 and whether the changes are to information that the owner or
1206 operator provided pursuant to 35 Ill. Adm. Code 703.351(b) or to
1207 terms and conditions in the supplemental portion of its RCRA
1208 standardized permit;

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- 1210 B) It must explain why the modification is needed; and
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- 1212 C) It must include a summary of the public meeting held pursuant to
1213 subsection (d)(1) ~~of this Section~~, along with the list of attendees
1214 and their addresses and copies of any written comments or
1215 materials they submitted at the meeting.

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1217 3) Once the Agency receives an owner's or operator's modification request, it
1218 must make a tentative determination within 120 days to approve or
1219 disapprove the request. The Agency is allowed a one time extension of 30
1220 days to prepare the draft permit decision. When the use of the 30-day
1221 extension is anticipated, the Agency should inform the permit applicant
1222 during the initial 120-day review period.

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1224 4) After the Agency makes its tentative determination, the procedures in
1225 Sections 705.302(b) and 705.303 for processing an initial request for
1226 coverage under the RCRA standardized permit apply to making the final
1227 determination on the modification request.

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1229 BOARD NOTE: Subsection (d) is derived from 40 CFR 124.214 (2017), as
1230 ~~added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

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1232 (Source: Amended at 42 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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705.APPENDIX A Procedures for Permit Issuance
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705.APPENDIX C Application Process
705.APPENDIX D Application Review Process
705.APPENDIX E Public Comment Process
705.APPENDIX F Permit Issuance or Denial

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 R81-32 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. 3675, effective February 14, 2003; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 706, effective December 20, 2006; amended in R11-14 at 36 Ill. Reg. 1653, effective January 20, 2012; amended in R17-14/R17-15/R18-12 at 42 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 that was before the Agency when the permit was issued, as required by Sections 40(a) and 40(b) of the Environmental Protection Act ~~[415 ILCS 5/40(a) and (b)]~~.

d) The provisions of 35 Ill. Adm. Code 702, 703, and 704 contain rules on UIC and RCRA permit applications, permit conditions, and related matters.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART B: PERMIT APPLICATIONS

Section 705.122 Completeness

a) The Agency 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 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 must be reviewed for completeness within 60 days of receipt.

c) Upon completing its review for completeness, the Agency must notify the applicant in writing whether the application is complete. If the application is incomplete, the Agency 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 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) ~~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 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) (2017) ~~-(2002)~~.

(Source: Amended at 42 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 must, no later than the effective date of the application, prepare and mail to the applicant a projected decision schedule. The schedule must specify target dates by which the Agency intends to do the following:

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

BOARD NOTE: Derived from 40 CFR 124.3(g) (2017) ~~-(2002)~~.

(Source: Amended at 42 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 (UIC) or 35 Ill. Adm. Code 703.270 through 703.273 (RCRA). 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 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 pursuant to this Section and 35 Ill. Adm. Code 704.261 through 704.263 or 35 Ill. Adm. Code 703.270 through 703.273 (other than 35 Ill. Adm. Code 703.272(c)), after giving public notice pursuant to Section 705.161(a)(1), as though an application had been received, it must prepare a draft permit pursuant to 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, other than those reissued under 35 Ill. Adm. Code 703.272(c), the Agency must require the submission of a new application. For permits reissued under 35 Ill. Adm. Code 703.272(c), the Agency and the permittee must comply with the appropriate requirements in Subpart G of 35 Ill. Adm. Code 705.

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

3) "Minor modifications₇", as defined in 35 Ill. Adm. Code 704.264, and "Class 1 and 2 modifications₇", as defined in 35 Ill. Adm. Code 703.281 and 703.282, are not subject to this Section.

d) To the extent that the Agency has authority to reissue 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 ~~{415-ILCS-5/Title VIII}~~ 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 (2017) ~~(2005), as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~

(Source: Amended at 42 Ill. Reg. , effective)

SUBPART C: APPLICATION REVIEW

Section 705.141 Draft Permits

a) Once an application for permit is complete, the Agency 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 must issue a notice of intent to deny. A notice of intent to deny must be subject to all of the procedural requirements applicable to draft permits under subsection (d) ~~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 must withdraw the notice of intent to deny and proceed to prepare a draft permit under subsection (c) ~~of this Section~~.

c) If the Agency decides to prepare a draft permit, it 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) 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;

B) For UIC permits, permit conditions under Subpart E of 35 Ill. Adm. Code 704.

d) A draft permit or a notice of intent to deny prepared under this Section must be accompanied by a statement of basis, under Section 705.142, or a fact sheet, under Section 705.143, must be based on the administrative record pursuant to Section 705.144, must be publicly noticed pursuant to Subpart D ~~of this Part~~, and must be made available for public comment pursuant to Section 705.181. The Agency 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 (2017) ~~(2002)~~.

(Source: Amended at 42 Ill. Reg. , effective)

Section 705.143 Fact Sheet

a) A fact sheet 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 that the Agency finds is the subject of widespread public interest or raises major issues. The fact sheet must briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The Agency must send this fact sheet to the applicant and, on request, to any other person.

b) The fact sheet must include the following, when applicable:

1) A brief description of the type of facility or activity that is the subject of the draft permit;

2) The type and quantity of wastes, fluids or pollutants 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 pursuant to Subpart D ~~of this Part~~, 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) The name and telephone number of a person to contact for additional information.

BOARD NOTE: Derived from 40 CFR 124.8 (2017) ~~-(2002)~~.

(Source: Amended at 42 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 must be based on the administrative record, as defined in this Section.

b) The administrative record 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;
 - 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) ~~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 applies to all draft permits or notices of intent to deny ~~for which public notice was first given under 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 (2017) ~~(2002)~~.

(Source: Amended at 42 Ill. Reg. , effective)

SUBPART D: PUBLIC NOTICE

Section 705.164 Contents of Public Notice

- a) All public notices issued under this Part 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 appropriate.

b) Public notices for hearings. In addition to the general public notice described in subsection (a) ~~of this Section~~, the public notice of a hearing under Section 705.182 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) (2017) ~~(2002)~~.

(Source: Amended at 42 Ill. Reg. , effective)

SUBPART E: PUBLIC COMMENT

Section 705.181 Public Comments and Requests for Public Hearings

During the public comment period provided under 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 must be in writing and must state the nature of the issues proposed to be raised in the hearing. The Agency must consider all comments in making the final decision and must answer, as provided in Section 705.210.

BOARD NOTE: Derived from 40 CFR 124.11 (2017) ~~(2002)~~.

(Source: Amended at 42 Ill. Reg. , effective)

Section 705.182 Public Hearings

a) When the Agency holds public hearings.

1) The Agency 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 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 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 must schedule the hearing at a location convenient to the population center nearest to the proposed facility.

4) Public notice of the hearing must be given as specified in Section 705.162.

b) Whenever a public hearing will be held, the Agency must designate a hearing officer who must be responsible for its scheduling and orderly conduct. Conduct of the hearing must be in accordance with Agency rules and procedures, and the hearing 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 must be accepted until the close of the public comment period. The public comment period under Subpart D ~~of this Part~~ must automatically be extended to a date not later than 30 days after the close of any public hearing under this Section. The hearing officer may also extend the comment period by entering an appropriate order into the record.

d) A tape recording or written transcript of the hearing 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 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 (2017) ~~(2002)~~.

(Source: Amended at 42 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 Subpart D ~~of this Part~~. All supporting materials 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 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 (2017) ~~(2002)~~.

(Source: Amended at 42 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.

b) 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) It may prepare a new draft permit, appropriately modified, under Section 705.141;

2) It may prepare a revised statement of basis, a fact sheet, or a revised fact sheet and reopen the comment period under subsection (b) (3) ~~of this Section~~;

3) It may reopen or extend the comment period to give interested persons an opportunity to comment on the information or arguments submitted.

c) Comments filed during the reopened comment period must be limited to the substantial new questions that caused its reopening. The public notice under Subpart D ~~of this Part~~ 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 must be issued under Subpart D ~~of this Part~~.

BOARD NOTE: Derived from 40 CFR 124.14 (2017) ~~-(2002)~~.

(Source: Amended at 42 Ill. Reg. , effective)

SUBPART F: PERMIT ISSUANCE

Section 705.201 Final Permit Decision

a) After the close of the public comment period under Subpart D ~~of this Part~~ or Section 705.182, the Agency must issue a final permit decision.

b) A final permit decision must consist of either of the following:

- 1) A letter of denial that includes each of the following:
 - A) The 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) Issuance of a permit.

- c) On the date of the final permit decision, the Agency must notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice must include reference to the procedures for appealing an Agency RCRA or UIC permit decision under Section 705.212.

- d) A final permit must become effective 35 days after the final permit decision made under subsection (a) ~~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 (2017) ~~(2002)~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 705.211 Administrative Record for Final Permits or Letters of Denial

- a) The Agency 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 must consist of the administrative record for the draft permit together with the following:

- 1) All comments received during the public comment period provided under 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;
- 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) ~~of this Section~~ should be added to the record as soon as possible after their receipt or publication by the Agency. The record must be completed on the date that the final permit or letter of denial is issued.

d) This 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 (2017) ~~(2002)~~.

(Source: Amended at 42 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 following persons may petition the Board to 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) 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.
- 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.
- d) Except as otherwise provided in this Part, the provisions of 35 Ill. Adm. Code 105 generally will govern appeals of RCRA and UIC permits under this Section. References in the procedural rules to the Agency

permit application record will mean, for purposes of this Section, the administrative record for the final permit or letter of denial, as defined in Section 705.211.

e) An appeal under subsection (a) or (b) ~~of this Section~~ is a prerequisite to the seeking of judicial review of the final agency action under the 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) (2017) ~~-(2002)~~.

(Source: Amended at 42 Ill. Reg. , effective)

SUBPART G: PROCEDURE FOR RCRA STANDARDIZED PERMIT

Section 705.300 General Information About RCRA Standardized Permits

a) RCRA standardized permit. A RCRA standardized permit is a special form of RCRA permit that may consist of two parts: a uniform portion that the Agency issues in all cases, and a supplemental portion that the Agency issues on a case-by-case basis at its discretion. The term "RCRA standardized permit" is defined in 35 Ill. Adm. Code 702.110.

1) The uniform portion. The uniform portion of a RCRA standardized permit consists of terms and conditions, relevant to the units operated at a facility, that appear in 35 Ill. Adm. Code 727 (Standards for Owners and Operators of Hazardous Waste Facilities Operating under a RCRA Standardized Permit). If an owner or operator intends to operate under the RCRA standardized permit, it must comply with the nationally applicable terms and conditions of 35 Ill. Adm. Code 727.

2) The supplemental portion. The supplemental portion of a RCRA standardized permit consists of site-specific terms and conditions, beyond those of the uniform portion, that the Agency may impose on a particular facility, as necessary to adequately protect human health and the environment. If the Agency issues a supplemental portion, the owner or operator must comply with the Agency-imposed site-specific terms and conditions.

A) When required pursuant to 35 Ill. Adm. Code 727.190(1), provisions to implement corrective action must be included in the supplemental portion.

B) Unless otherwise specified, the supplemental permit terms and conditions apply to a facility in addition to the terms and conditions of the uniform portion of the RCRA standardized permit and not in place of any of those terms and conditions.

BOARD NOTE: Subsection (a) is derived from 40 CFR 124.200 (2017) ~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

b) Eligibility for a RCRA standardized permit.

1) A facility owner or operator may be eligible for a RCRA standardized permit if it engages in either of the following:

A) It generates hazardous waste and then stores or non-thermally treats the hazardous waste on-site in containers, tanks, or containment buildings; or

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

C) In either case, the Agency must inform the owner or operator of its eligibility when a decision is made on its permit.

2) This subsection (b) (2) corresponds with 40 CFR 124.201(b), which USEPA has marked "reserved-". This statement maintains structural consistency with the corresponding federal rule.

BOARD NOTE: Subsection (b) is derived from 40 CFR 124.201 (2017), ~~as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 705.302 Issuance of a RCRA Standardized Permit

a) Agency preparation of a draft RCRA standardized permit.

1) The Agency must review the Notice of Intent and supporting information submitted by the facility owner or operator.

2) The Agency must determine whether the facility is or is not eligible to operate under the RCRA standardized permit.

A) If the facility is eligible for the RCRA standardized permit, the Agency must propose terms and conditions, if any, to include in a supplemental portion. If the Agency determines that these terms and conditions are necessary to adequately protect human health and the environment, and the terms and conditions cannot be imposed, the Agency must tentatively deny coverage under the RCRA standardized permit.

B) If the facility is not eligible for the RCRA standardized permit, the Agency must tentatively deny coverage under the RCRA standardized permit. Cause for ineligibility may include, but is not limited to, the following:

i) A failure of owner or operator to submit all the information required pursuant to 35 Ill. Adm. Code 703.351(b).

ii) Information submitted that is required pursuant to 35 Ill. Adm. Code 703.351(b) that is determined to be inadequate.

iii) The facility does not meet the eligibility requirements (its activities are outside the scope of the RCRA standardized permit).

iv) A demonstrated history of significant non-compliance with applicable requirements.

v) Permit conditions cannot ensure adequate protection of human health and the environment.

3) The Agency must prepare its draft permit decision within 120 days after receiving the Notice of Intent and supporting documents from a facility owner or operator. The Agency's tentative determination pursuant to this Section to deny or grant coverage under the RCRA standardized permit, including any proposed site-specific conditions in a supplemental portion, constitutes a draft permit decision. The Agency is allowed a one time extension of 30 days to prepare the draft permit decision. When the use of the 30-day extension is anticipated, the Agency must inform the permit applicant during the initial 120-day review period. Reasons for an extension may include, but are not limited to, needing to complete review of submissions with the Notice of Intent (e.g., closure plans, waste analysis plans, etc. for facilities seeking to manage hazardous waste generated off-site).

4) Many requirements in this Part and 35 Ill. Adm. Code 702 apply to processing the RCRA standardized permit application and preparing the Agency's draft permit decision. For example, the Agency's draft permit decision must be accompanied by a statement of basis or fact sheet and must be based on the administrative record. In preparing the Agency's draft permit decision, the following provisions of this Part and 35 Ill. Adm. Code 702 apply (subject to the following modifications):

A) Section 705.101 (Scope and Applicability): all subsections apply.

B) 35 Ill. Adm. Code 702.110 (Definitions): all definitions apply.

C) Sections 705.121 (Permit Application) and 705.124 (Site Visit): all subsections apply.

D) Section 705.127 (Consolidation of Permit Processing): applies.

E) Section 705.128 (Modification or Reissuance of Permits): does not apply.

F) Section 705.141 (Draft Permits): does not apply to the RCRA ~~RCRA-~~ standardized permit; procedures in this Subpart G apply instead.

G) Section 705.142 (Statement of Basis): applies.

H) Section 705.143 (Fact Sheet): all subsections apply; however, in the context of the RCRA standardized permit, the reference to the public comment period is Section 705.303(b) instead of Subpart D ~~of this Part~~.

I) Section 705.144 (Administrative Record for Draft Permits or Notices of Intent to Deny): all subsections apply.

J) Subpart D ~~of this Part~~ (Public Notice): only Section 705.163(a)(4) and (a)(5)(A) applies to the RCRA standardized permit. Most of Subpart D ~~of this Part~~ does not apply to the RCRA standardized permit; Section 705.303(a) through (c) applies instead.

BOARD NOTE: Subsection (a) is derived from 40 CFR 124.204 (2017), ~~as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

b) Preparation of a final RCRA standardized permit. The Agency must consider all comments received during the public comment period (see Section 705.303(b)) in making its final permit decision. In addition, many requirements in this Part and 35 Ill. Adm. Code 702 apply to the public comment period, public hearings, and preparation of the Agency's final permit decision. In preparing a final permit decision, the following provisions of this Part and 35 Ill. Adm. Code 702 apply (subject to the following modifications):

1) Section 705.101 (Scope and Applicability): all subsections apply.

2) 35 Ill. Adm. Code 702.110 (Definitions): all definitions apply.

3) Section 705.181 (Public Comments and Requests for Public Hearings): Section 705.181 does not apply to the RCRA standardized permit; the procedures in Section 705.303(b) apply instead.

4) Section 705.182 (Public Hearings): Section 705.182(b), (c), and (d) applies.

5) Section 705.183 (Obligation to Raise Issues and Provide Information): all subsections apply; however, in the context of the RCRA standardized permit, the reference to the public comment period is Section 705.303(b) instead of Subpart D ~~of this Part~~.

6) Section 705.184 (Reopening of the Public Comment Period): all of subsections apply; however, in the context of the RCRA standardized permit, the reference in Section 705.184(b)(1) to preparation of a draft permit is Section 705.302(a) instead of Section 705.141; the reference in Section 705.184(b)(3) to reopening or extending the comment period relates to Section 705.303(b); the reference in Section 705.184(c) to the public notice is Section 705.303(a) instead of Subpart D ~~of this Part~~.

7) Section 705.201 (Final Permit Decision): all subsections apply, however, in the context of the RCRA standardized permit, the reference

to the public comment period is Section 705.303(b) instead of Subpart D-
~~of this Part.~~

8) Section 705.202 (Stay of Permit Conditions upon Appeal): all subsections apply.

9) Section 705.210 (Agency Response to Comments): Section 705.210 does not apply to the RCRA standardized permit; procedures in Section 705.303(c) apply instead.

10) Section 705.211 (Administrative Record for Final Permit or Letters of Denial): all subsections apply, however, the reference to response to comments is Section 705.303(c) instead of Section 705.210.

11) Section 705.212 (Appeal of ~~Appeal of~~ Agency Permit Determinations): ~~+~~ all subsections apply.

12) Section 705.103 (Computation of Time): all subsections apply.

BOARD NOTE: Subsection (b) is derived from 40 CFR 124.205 (2017), ~~as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~

c) When a facility owner or operator must apply for an individual permit.

1) Instances in which the Agency may determine that a facility is not eligible for the RCRA standardized permit include, but are not limited to, the following:

A) The facility does not meet the criteria in Section 705.300(b).

B) The facility has a demonstrated history of significant non-compliance with regulations or permit conditions.

C) The facility has a demonstrated history of submitting incomplete or deficient permit application information.

D) The facility has submitted incomplete or inadequate materials with the Notice of Intent (submitted pursuant to Section 705.301(a)(2)).

2) If the Agency determines that a facility is not eligible for the RCRA standardized permit, the Agency must inform the facility owner or operator that it must apply for an individual permit.

3) The Agency may require any facility that has a RCRA standardized permit to apply for and obtain an individual RCRA permit. Any interested person may petition the Agency to take action pursuant to this subsection (c)(3). Instances in which the Agency may require an individual RCRA permit include, but are not limited to, the following:

A) The facility is not in compliance with the terms and conditions of the standardized RCRA permit.

B) Circumstances have changed since the time the facility owner or operator applied for the RCRA standardized permit, so that the facility's hazardous waste management practices are no longer appropriately controlled under the RCRA standardized permit.

4) The Agency may require any facility authorized by a RCRA standardized permit to apply for an individual RCRA permit only if the Agency has notified the facility owner or operator in writing that an individual permit application is required. The Agency must include in this notice a brief statement of the reasons for its decision, a statement setting a deadline for the owner or operator to file the application, and a statement that, on the effective date of the individual RCRA permit, the facility's RCRA standardized permit automatically terminates. The Agency may grant additional time upon request from the facility owner or operator.

5) When the Agency issues an individual RCRA permit to an owner or operator otherwise subject to a standardized RCRA permit, the RCRA standardized permit for that facility will automatically cease to apply on the effective date of the individual permit.

BOARD NOTE: Subsection (c) is derived from 40 CFR 124.206 (2017), ~~as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~. An owner or operator authorized to operate under a RCRA standardized permit that is required by the Agency to submit an application for an individual permit pursuant to this subsection (c) may appeal that Agency determination before the Board pursuant to Section 40 of the Act ~~[415 ILCS 5/40]~~ and 35 Ill. Adm. Code 101 and 105.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 705.303 Public Participation in the RCRA Standardized Permit Process

a) Requirements for public notices.

1) The Agency must provide public notice of its draft permit decision and must provide an opportunity for the public to submit comments and request a hearing on that decision. The Agency must provide the public notice to the following persons:

A) The applicant;

B) Any other agency that the Agency knows has issued or is required to issue a RCRA permit for the same facility or activity (including USEPA when the draft permit is prepared by the State);

C) Federal and State agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the

Advisory Council on Historic Preservation, Illinois Historic Preservation Agency, including any affected states;

D) Everyone on the facility mailing list developed according to the requirements in Section 705.163(a)(4); and

E) Any units of local government having jurisdiction over the area where the facility is proposed to be located and to each State agency having any authority under State law with respect to the construction or operation of the facility.

2) The Agency must issue the public notice according to the following methods:

A) Publication in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations;

B) In a manner constituting legal notice to the public under State law; and

C) Any other method reasonably calculated to give actual notice of the draft permit decision to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

3) The Agency must include the following information in the public notice:

A) The name and telephone number of the contact person at the facility.

B) The name and telephone number of the Agency's contact office, and a mailing address to which people may direct comments, information, opinions, or inquiries.

C) An address to which people may write to be put on the facility mailing list.

D) The location where people may view and make copies of the draft RCRA standardized permit and the Notice of Intent and supporting documents.

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

F) The date that the facility owner or operator submitted the Notice of Intent and supporting documents.

4) At the same time that the Agency issues the public notice pursuant to this Section, it must place the draft RCRA standardized permit (including both the uniform portion and the supplemental portion, if

any), the Notice of Intent and supporting documents, and the statement of basis or fact sheet in a location accessible to the public in the vicinity of the facility or at the local Agency office.

BOARD NOTE: Subsection (a) is derived from 40 CFR 124.207 (2017), ~~as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~

b) Opportunities for public comment and hearing on a draft permit decision.

1) The public notice that the Agency issues pursuant to Section 705.303(a) must allow at least 45 days for interested persons to submit written comments on its draft permit decision. This time is referred to as the public comment period. The Agency must automatically extend the public comment period to the close of any public hearing pursuant to this subsection (b). The hearing officer may also extend the comment period by so stating at the hearing.

2) During the public comment period, any interested person may submit written comments on the draft permit and may request a public hearing. Any request for a public hearing must be submitted to the Agency in writing. The request for a public hearing must state the nature of the issues that the requestor proposes to raise during the hearing.

3) The Agency must hold a public hearing whenever it receives a written notice of opposition to a RCRA standardized permit and a request for a public hearing within the public comment period pursuant to subsection (b)(1) ~~of this Section~~. The Agency may also hold a public hearing at its discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision.

4) Whenever possible, the Agency must schedule a hearing pursuant to this subsection (b) at a location convenient to the nearest population center to the facility. The Agency must give public notice of the hearing at least 30 days before the date set for the hearing. (The Agency may give the public notice of the hearing at the same time it provides public notice of the draft permit, and the Agency may combine the two notices.)

5) The Agency must give public notice of the hearing according to the methods in Section 705.303(a)(1) and (a)(2). The hearing must be conducted according to the procedures in Section 705.182(b), (c), and (d).

6) In their written comments and during the public hearing, if held, interested persons may provide comments on the draft permit decision. These comments may include, but are not limited to, the facility's eligibility for the RCRA standardized permit, the tentative supplemental conditions proposed by the Agency, and the need for additional supplemental conditions.

BOARD NOTE: Subsection (b) is derived from 40 CFR 124.208 (2017), ~~as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~

c) Requirements for responding to comments.

1) At the time the Agency issues a final RCRA standardized permit, it must also respond to comments received during the public comment period on the draft permit. The Agency's response must do each of the following:

A) It must specify which additional conditions (i.e., those in the supplemental portion), if any, the Agency changed in the final permit, and the reasons for each change.

B) It must briefly describe and respond to all significant comments on the facility's ability to meet the general requirements (i.e., those terms and conditions in the uniform portion) and all significant comments on any additional conditions necessary to adequately protect human health and the environment that are raised during the public comment period or during the hearing.

C) It must make the comments and responses accessible to the public.

2) The Agency may request additional information from the facility owner or operator or inspect the facility if it needs additional information to adequately respond to significant comments or to make decisions about conditions that it may need to add to the supplemental portion of the RCRA standardized permit.

3) The Agency must include in the administrative record for its final permit decision any documents cited in the response to comments. 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.

BOARD NOTE: Subsection (c) is derived from 40 CFR 124.209 (2017), ~~as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~

d) Appeal of a final RCRA standardized permit by an interested party in the permit process. An interested party may petition the Board for administrative review of the Agency's final permit decision, including the Agency's decision that the facility is eligible for the RCRA standardized permit, according to the procedures of Section 705.212. However, the terms and conditions of the uniform portion of the RCRA standardized permit are not subject to administrative review pursuant to this subsection (d).

BOARD NOTE: Subsection (d) is derived from 40 CFR 124.210 (2017), ~~as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~

(Source: Amended at 42 Ill. Reg. _____, effective

_____)

Section 705.304 Modifying a RCRA Standardized Permit

a) Permissible types of changes an owner or operator may make to its RCRA standardized permit. A facility owner or operator may make a routine change, a routine change with prior Agency approval, or a significant change. For the purposes of this subsection (a), the following definitions apply:

"Routine change" is any change to the RCRA standardized permit that qualifies as a Class 1 permit modification (without prior Agency approval) pursuant to Appendix A to 35 Ill. Adm. Code 703.

"Routine change with prior Agency approval" is a change to the RCRA standardized permit that would qualify as a class 1 modification with prior agency approval, or a Class 2 permit modification pursuant to Appendix A to 35 Ill. Adm. Code 703.

"Significant change" is any change to the RCRA standardized permit that falls into one of the following categories:

It qualifies as a Class 3 permit modification pursuant to Appendix A to 35 Ill. Adm. Code 703;

It is not explicitly identified in Appendix A to 35 Ill. Adm. Code 703; or

It amends any terms or conditions in the supplemental portion of the RCRA standardized permit.

BOARD NOTE: Subsection (a) is derived from 40 CFR 124.211 (2017), ~~as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~

b) Procedures to make routine changes.

1) An owner or operator can make routine changes to the RCRA standardized permit without obtaining approval from the Agency. However, the owner or operator must first determine whether the routine change it will make amends the information it submitted to the Agency pursuant to 35 Ill. Adm. Code 703.351(b) with its Notice of Intent to operate under the RCRA standardized permit.

2) If the routine changes that the owner or operator makes amend the information it submitted pursuant to 35 Ill. Adm. Code 703.351(b) with its Notice of Intent to operate under the RCRA standardized permit, then before the owner or operator makes the routine changes it must do both of the following:

A) It must submit to the Agency the revised information pursuant to 35 Ill. Adm. Code 703.351(b)(1); and

B) It must provide notice of the changes to the facility mailing list and to State and local governments in accordance with the procedures in Section 705.163(a)(4) and (a)(5).

BOARD NOTE: Subsection (b) is derived from 40 CFR 124.212 (2017), ~~as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~

c) Procedures for routine changes with prior Agency approval.

1) Routine changes to the RCRA standardized permit may only be made with the prior written approval of the Agency.

2) The owner or operator must also follow the procedures in subsections (b)(2)(A) and (b)(2)(B) ~~of this Section.~~

BOARD NOTE: Subsection (c) is derived from 40 CFR 124.213 (2017), ~~as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~

d) Procedures the owner or operator must follow to make significant changes.

1) The owner or operator must first provide notice of and conduct a public meeting.

A) Public meeting. The owner or operator must hold a meeting with the public to solicit questions from the community and inform the community of its proposed modifications to its hazardous waste management activities. The owner or operator must post a sign-in sheet or otherwise provide a voluntary opportunity for people attending the meeting to provide their names and addresses.

B) Public notice. At least 30 days before the owner or operator plans to hold the meeting, it must issue a public notice in accordance with 35 Ill. Adm. Code 703.191(d).

2) After holding the public meeting, the owner or operator must submit a modification request to the Agency that provides the following information:

A) It must describe the exact changes that the owner or operator wants and whether the changes are to information that the owner or operator provided pursuant to 35 Ill. Adm. Code 703.351(b) or to terms and conditions in the supplemental portion of its RCRA standardized permit;

B) It must explain why the modification is needed; and

C) It must include a summary of the public meeting held pursuant to subsection (d)(1) ~~of this Section~~, along with the list of attendees and their addresses and copies of any written comments or materials they submitted at the meeting.

3) Once the Agency receives an owner's or operator's modification request, it must make a tentative determination within 120 days to approve or disapprove the request. The Agency is allowed a one time extension of 30 days to prepare the draft permit decision. When the use of the 30-day extension is anticipated, the Agency should inform the permit applicant during the initial 120-day review period.

4) After the Agency makes its tentative determination, the procedures in Sections 705.302(b) and 705.303 for processing an initial request for coverage under the RCRA standardized permit apply to making the final determination on the modification request.

BOARD NOTE: Subsection (d) is derived from 40 CFR 124.214 (2017), ~~as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

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| | Count |
| Insertions | 4 |
| Deletions | 116 |
| Moved from | 0 |
| Moved to | 0 |
| Style change | 0 |
| Format changed | 0 |
| Total changes | 120 |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hazardous Waste Management System: General
- 2) Code Citation: 35 Ill. Adm. Code 720
- 3)

| <u>Section Numbers</u> : | <u>Proposed Actions</u> : |
|--------------------------|---------------------------|
| 720.101 | Amendment |
| 720.102 | Amendment |
| 720.103 | Amendment |
| 720.104 | Amendment |
| 720.110 | Amendment |
| 720.111 | Amendment |
| 720.120 | Amendment |
| 720.121 | Amendment |
| 720.122 | Amendment |
| 720.134 | Amendment |
| 720.142 | Amendment |
| 720.143 | Amendment |
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 720 are a single segment of the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking that also affects 35 Ill. Adm. Code 702 through 705, 721 through 728, 730, 733, 738, 739, and 810 through 812. Due to the extreme volume of the consolidated docket, each Part is covered by a notice in four separate issues of the *Illinois Register*. Included in this issue are 35 Ill. Adm. Code 702 through 705, 720, and 721. To save space, a more detailed description of the subjects and issues involved in the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 702. A comprehensive description is contained in the Board's opinion and order of March 3, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.

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JUN 19 2018
STATE OF ILLINOIS
Pollution Control Board

Specifically, the amendments to Part 720 incorporate elements of the Generator Improvements Rule, the Hazardous Waste Import-Export Revisions, and the bar on claims of confidentiality for documents relating to hazardous waste exports. The Board makes several needed corrections in the text of the rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R17-14/R17-15/R18-11/R18-31.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in consolidated docket R17-14/R17-15/R18-11/R18-31.

Sections 13 and 22.4 of the Environmental Protection Act [415 ILCS 5/13 and 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) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: 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) (2016)].
- 12) Time, place and manner in which interested persons may comment on this proposed 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 consolidated docket R17-14/R17-15/R18-11/R18-31 and be addressed to:

Don A. Brown, 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 consolidated docket R17-14/R17-15/R18-11/R18-31:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

312/814-6924
email: michael.mccambridge@illinois.gov

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>.

- 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 disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. 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) (2016)].
 - 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) (2016)].
 - 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) (2016)].
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017 and January 2018

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

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS
5

6 PART 720
7 HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL
8

9 SUBPART A: GENERAL PROVISIONS
10

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| 13 | 720.102 | Availability of Information; Confidentiality of Information |
| 14 | 720.103 | Use of Number and Gender |
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18

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24

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| 30 | 720.130 | Procedures for Solid Waste Determinations and Non-Waste Determinations |
| 31 | 720.131 | Solid Waste and Verified Facility facility Determinations |
| 32 | 720.132 | Boiler Determinations |
| 33 | 720.133 | Procedures for Determinations |
| 34 | 720.134 | Non-Waste Determinations |
| 35 | 720.140 | Additional Regulation of Certain Hazardous Waste Recycling Activities on a 36 Case-by-Case Basis |
| 37 | 720.141 | Procedures for Case-by-Case Regulation of Hazardous Waste Recycling 38 Activities |
| 39 | 720.142 | Notification Requirement for Hazardous Secondary Materials |
| 40 | 720.143 | Legitimate Recycling of Hazardous Secondary Materials |

| | | |
|----|----------------|--|
| 41 | | |
| 42 | 720.APPENDIX A | Overview of Federal RCRA Subtitle C (Hazardous Waste) Regulations 43 (Repealed) |

44
 45 AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the
 46 Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].
 47
 48 SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and
 49 codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg.
 50 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24,
 51 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10
 52 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective
 53 December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended
 54 in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg.
 55 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January
 56 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16
 57 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278,
 58 effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20,
 59 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14
 60 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective
 61 May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-
 62 1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489,
 63 effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992;
 64 amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill.
 65 Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective
 66 April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in
 67 R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg.
 68 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1,
 69 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997;
 70 amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-
 71 3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at
 72 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective
 73 July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in
 74 R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266,
 75 effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9,
 76 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended
 77 in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg.
 78 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005;
 79 amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7
 80 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill.
 81 Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726,
 82 effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008;
 83 amended in R09-16/R10-4 at 34 Ill. Reg. 18535, effective November 12, 2010; amended in R11-
 84 2/R11-16 at 35 Ill. Reg. 17672, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg.
 85 8740, effective June 4, 2012; amended in R13-5 at 37 Ill. Reg. 3180, effective March 4, 2013;
 86 amended in R13-15 at 37 Ill. Reg. 17726, effective October 24, 2013; amended in R14-1/R14-

87 2/R14-3 at 38 Ill. Reg. 7189, effective March 13, 2014; amended in R14-13 at 38 Ill. Reg. 12378,
88 effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1542, effective January 12, 2015;
89 amended in R16-7 at 40 Ill. Reg. 11286, effective August 9, 2016; amended in R17-14/R17-
90 15/R18-12 at 42 Ill. Reg. _____, effective _____.

91
92 **SUBPART A: GENERAL PROVISIONS**

93
94 **Section 720.101 Purpose, Scope, and Applicability**

- 95
96 a) This Part provides definitions of terms, general standards, and overview
97 information applicable to 35 Ill. Adm. Code 720 through 728, 733, 738, and 739.
98
99 b) In this Part:
- 100
101 1) Section 720.102 sets forth the rules that the Board and the Agency will use
102 in making information it receives available to the public and sets forth the
103 requirements that a generator, transporter, or owner or operator of a
104 treatment, storage, or disposal facility must follow to assert claims of
105 business confidentiality with respect to information that is submitted to the
106 Board or the Agency for the purposes of compliance with 35 Ill. Adm.
107 Code 720 through 728, 733, 738, and 739.
108
109 2) Section 720.103 establishes rules of grammatical construction for for the
110 purposes of compliance with 35 Ill. Adm. Code 720 through 728, 733,
111 738, and 739.
112
113 3) Section 720.110 defines terms that are used in 35 Ill. Adm. Code 720
114 through 728, 733, 738, and 739.

115
116 (Source: Amended at 42 Ill. Reg. _____, effective _____)

117
118 **Section 720.102 Availability of Information; Confidentiality of Information**

- 119
120 a) Availability and confidentiality of information is governed by Illinois law,
121 including Sections 7 and 7.1 of the Environmental Protection Act [415 ILCS 5/7
122 and 7.1] and 35 Ill. Adm. Code 130.
123
124 b) Except as provided under ~~subsections~~ subsection (c) and (d) of this Section, any
125 person who submits information to the Board or the Agency in accordance with
126 this Part or 35 Ill. Adm. Code 721 through 728 may assert a claim of business
127 confidentiality covering part or all of that information by following the
128 procedures set forth in 35 Ill. Adm. Code 130. Information covered by such a
129 claim will be disclosed by the Board or the Agency only to the extent, and by

130 means of the procedures, set forth in 35 Ill. Adm. Code 130. Information required
 131 under 35 Ill. Adm. Code 722.153(a) and 722.183 that is submitted in a
 132 notification of intent to export a hazardous waste will be provided to the U.S.
 133 Department of State and the appropriate authorities in the transit and receiving or
 134 importing countries regardless of any claims of confidentiality or trade secret.
 135

136 c) Public disclosure of hazardous waste manifest documents.

- 137
- 138 1) No claim of business confidentiality may be asserted by any person with
 139 respect to information entered on a hazardous waste manifest (USEPA
 140 Form 8700-22), a Hazardous Waste Manifest Continuation Sheet (USEPA
 141 Form 8700-22A), or an e-Manifest format that may be prepared and used
 142 in accordance with 35 Ill. Adm. Code 722.120(a)(3).
 143
- 144 2) USEPA has stated that it will make any e-Manifest that is prepared and
 145 used in accordance with 35 Ill. Adm. Code 722.120(a)(3), or any paper
 146 manifest that is submitted to the e-Manifest System under 35 Ill. Adm.
 147 Code 724.171(a)(6) or 725.171(a)(6) available to the public under this
 148 Section when the electronic or paper manifest is a complete and final
 149 document. E-Manifests and paper manifests submitted to the e-Manifest
 150 System are complete and final documents, and they become publicly
 151 available information, after 90 days have passed since the delivery to the
 152 designated facility of the hazardous waste shipment identified in the
 153 manifest.
 154

155 d) Claims of Confidentiality.

- 156
- 157 1) No person may assert any claim of business confidentiality with respect to
 158 information contained in cathode ray tube export documents prepared,
 159 used, and submitted under 35 Ill. Adm. Code 721.139(a)(5) and
 160 721.141(a), and with respect to information contained in hazardous waste
 161 export, import, and transit documents prepared, used, and submitted under
 162 35 Ill. Adm. Code 722.182, 722.183, 722.184, 723.120, 724.112, 724.171,
 163 725.112, 725.171, and 727.171, whether submitted electronically into
 164 USEPA's Waste Import Export Tracking System or in paper format.
 165
- 166 2) USEPA will make any cathode ray tube export documents prepared, used,
 167 and submitted under 35 Ill. Adm. Code 721.139(a)(5) and 721.141(a) and
 168 any hazardous waste export, import, and transit documents prepared, used,
 169 and submitted under 35 Ill. Adm. Code 722.182, 722.183, 722.184,
 170 723.120, 724.112, 724.171, 725.112, 725.171, and 727.171 available to
 171 the public under this Section when USEPA considers these electronic or
 172 paper documents to be final documents. USEPA considers these

173 submitted electronic and paper documents related to hazardous waste
174 exports, imports, and transits and cathode ray tube exports to be final
175 documents on March 1 of the calendar year after the related cathode ray
176 tube exports or hazardous waste exports, imports, or transits occur.
177

178 (Source: Amended at 42 Ill. Reg. _____, effective _____)
179

180 **Section 720.103 Use of Number and Gender**
181

182 As used in 35 Ill. Adm. Code 702, 703, 720 through 728, and 733, 738, and 739:
183

- 184 a) Words in the masculine gender also include the feminine and neuter genders;
- 185
- 186 b) Words in the singular include the plural; and
- 187
- 188 c) Words in the plural include the singular.
- 189

190 (Source: Amended at 42 Ill. Reg. _____, effective _____)
191

192 **Section 720.104 Electronic Reporting**
193

- 194 a) Scope and Applicability.
 - 195
 - 196 1) The USEPA, the Board, or the Agency may allow for the submission of
 - 197 any document as an electronic document in lieu of a paper document.
 - 198 This Section does not require submission of electronic documents in lieu
 - 199 of paper documents. This Section sets forth the requirements for the
 - 200 optional electronic submission of any document that must be submitted to
 - 201 the appropriate of the following:
 - 202
 - 203 A) To USEPA directly under Title 40 of the Code of Federal
 - 204 Regulations; or
 - 205
 - 206 B) To the Board or the Agency pursuant to any provision of 35 Ill.
 - 207 Adm. Code 702 through 705, 720 through 728, 730, 733, 738, or
 - 208 739.
 - 209
- 210 2) Electronic document submission under this Section can occur only as
- 211 follows:
 - 212
 - 213 A) For submissions of documents to USEPA, submissions may occur
 - 214 only after USEPA has published a notice in the Federal Register
 - 215 announcing that USEPA is prepared to receive, in an electronic

- 216 format, documents required or permitted by the identified part or
 217 subpart of Title 40 of the Code of Federal Regulations; or
 218
 219 B) For submissions of documents to the State, submissions may occur
 220 only under the following circumstances:
 221
 222 i) To the Board, into the Board's Clerk's Office On-Line
 223 (COOL) system at www.ipcb.state.il.us. As to any existing
 224 electronic document receiving system (i.e., one in use or
 225 substantially developed on or before October 13, 2005) for
 226 which an electronic reporting application has not been
 227 submitted on behalf of the Board or the Agency to USEPA
 228 pursuant to 40 CFR 3.1000, the Board or the Agency may
 229 use that system until October 13, 2007, or until such later
 230 date as USEPA has approved in writing as the extended
 231 deadline for submitting the application;
 232
 233 ii) To the Agency, into any electronic document receiving
 234 system for which USEPA has granted approval pursuant to
 235 40 CFR 3.1000, so long as the system complies with 40
 236 CFR 3.2000, incorporated by reference in Section
 237 611.102(c), and USEPA has not withdrawn its approval of
 238 the system in writing. As to any existing electronic
 239 document receiving system (i.e., one in use or substantially
 240 developed on or before October 13, 2005) for which an
 241 electronic reporting application has been submitted on
 242 behalf of the Board or the Agency to USEPA pursuant to
 243 40 CFR 3.1000 on or before October 13, 2007, or on or
 244 before such later date as USEPA has approved in writing as
 245 the extended deadline for submitting the application, the
 246 Board or the Agency may use that system until USEPA
 247 disapproves its use in writing; or
 248
 249 iii) The Board or the Agency may use any electronic document
 250 receiving system for which USEPA has granted approval
 251 pursuant to 40 CFR 3.1000, so long as the system complies
 252 with 40 CFR 3.2000, incorporated by reference in Section
 253 611.102(e), and USEPA has not withdrawn its approval of
 254 the system in writing.
 255
 256 3) This Section does not apply to any of the following documents, whether or
 257 not the document is a document submitted to satisfy the requirements cited
 258 in subsection (a)(1) of this Section:

- 259
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- A) Any document submitted via facsimile;
 - B) Any document submitted via magnetic or optical media, such as diskette, compact disc, digital video disc, or tape; or
 - C) Any data transfer between USEPA, any state, or any local government and either the Board or the Agency as part of administrative arrangements between the parties to the transfer to share data.
- 4) Upon USEPA conferring written approval for the submission of any types of documents as electronic documents in lieu of paper documents, as described in subsection (a)(2)(B)(iii) ~~of this Section~~, the Agency or the Board, as appropriate, must publish a Notice of Public Information in the Illinois Register that describes the documents approved for submission as electronic documents, the electronic document receiving system approved to receive them, the acceptable formats and procedures for their submission, and, as applicable, the date on which the Board or the Agency will begin to receive those submissions. In the event of written cessation of USEPA approval for receiving any type of document as an electronic document in lieu of a paper document, the Board or the Agency must similarly cause publication of a Notice of Public Information in the Illinois Register.

284 BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 3.1, 3.2,
285 3.10, 3.20, and 3.1000 (2017)~~(2012)~~.

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- b) Definitions. For the purposes of this Section, terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in 35 Ill. Adm. Code 720.111(b).
 - c) Procedures for submission of electronic documents in lieu of paper documents to USEPA. Except as provided in subsection (a)(3) of this Section, any person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, provided the following conditions are met:
 - 1) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in Section 720.111(b); and

- 301 2) USEPA has first published a notice in the Federal Register as described in
302 subsection (a)(2)(A) ~~of this Section~~.
303

304 BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 3.2(a)
305 and subpart B of 40 CFR 3 (2017)~~(2012)~~.
306

- 307 d) Procedures for submission of electronic documents in lieu of paper documents to
308 the Board or the Agency.
309

310 1) The Board or the Agency may, but is not required to, establish procedural
311 rules for the electronic submission of documents. The Board or the
312 Agency must establish any such procedural rules under the Administrative
313 Procedure Act [5 ILCS 100/Art. 5].
314

315 2) The Board or the Agency may accept electronic documents under this
316 Section only as provided in subsection (a)(2)(B) ~~of this Section~~.
317

318 BOARD NOTE: Subsection (d) ~~of this Section~~ is derived from 40 CFR 3.2(b)
319 and subpart D of 40 CFR 3 (2017)~~(2012)~~.
320

- 321 e) Effects of submission of an electronic document in lieu of paper documents.
322

323 1) If a person who submits a document as an electronic document fails to
324 comply with the requirements of this Section, that person is subject to the
325 penalties prescribed for failure to comply with the requirement that the
326 electronic document was intended to satisfy.
327

328 2) Where a document submitted as an electronic document to satisfy a
329 reporting requirement bears an electronic signature, the electronic
330 signature legally binds, obligates, and makes the signer responsible to the
331 same extent as the signer's handwritten signature would on a paper
332 document submitted to satisfy the same reporting requirement.
333

334 3) Proof that a particular signature device was used to create an electronic
335 signature will suffice to establish that the individual uniquely entitled to
336 use the device did so with the intent to sign the electronic document and
337 give it effect.
338

339 4) Nothing in this Section limits the use of electronic documents or
340 information derived from electronic documents as evidence in
341 enforcement or other proceedings.
342

343 BOARD NOTE: Subsection (e) ~~of this Section~~ is derived from 40 CFR 3.4 and
344 3.2000(c) (2017)~~(2012)~~.

345
346 f) Public document subject to State laws. Any electronic document filed with the
347 Board is a public document. The document, its submission, its retention by the
348 Board, and its availability for public inspection and copying are subject to various
349 State laws, including, but not limited to, the following:

- 350
351 1) The Administrative Procedure Act ~~[5 ILCS 100]~~;
352
353 2) The Freedom of Information Act [5 ILCS 140];
354
355 3) The State Records Act [5 ILCS 160];
356
357 4) The Electronic Commerce Security Act [5 ILCS 175];
358
359 5) The Environmental Protection Act ~~[415 ILCS 5]~~;
360
361 6) Regulations relating to public access to Board records (2 Ill. Adm. Code
362 2175); and
363
364 7) Board procedural rules relating to protection of trade secrets and
365 confidential information (35 Ill. Adm. Code 130).

366
367 g) Nothing in this Section or in any provisions adopted pursuant to subsection (d)(1)
368 ~~of this Section~~ will create any right or privilege to submit any document as an
369 electronic document.

370
371 BOARD NOTE: Subsection (g) ~~of this Section~~ is derived from 40 CFR 3.2(c)
372 (2017)~~(2012)~~.

373
374 BOARD NOTE: Derived from 40 CFR 3, 145.11(a)(33), 271.10(b), 271.11(b), and
375 271.12(h) (2017)~~(2012)~~.

376
377 (Source: Amended at 42 Ill. Reg. _____, effective _____)

378
379 SUBPART B: DEFINITIONS AND REFERENCES

380
381 **Section 720.110 Definitions**

382
383 When used in 35 Ill. Adm. Code 720 through 728, 733, 738, and 739 only, the following terms
384 have the meanings given below:
385

386 "Aboveground tank" means a device meeting the definition of tank that is situated
387 in such a way that the entire surface area of the tank is completely above the plane
388 of the adjacent surrounding surface and the entire surface area of the tank
389 (including the tank bottom) is able to be visually inspected.

390
391 "Active life" of a facility means the period from the initial receipt of hazardous
392 waste at the facility until the Agency receives certification of final closure.

393
394 "Active portion" means that portion of a facility where treatment, storage, or
395 disposal operations are being or have been conducted after May 19, 1980, and
396 which is not a closed portion. (See also "closed portion" and "inactive portion.")

397
398 "Acute hazardous waste" means hazardous waste that meets the listing criteria in
399 35 Ill. Adm. Code 721.111(a)(2) and therefore is either listed in 35 Ill. Adm. Code
400 721.131 with the assigned hazard code of (H) or is listed in 35 Ill. Adm. Code
401 721.133(e).

402 BOARD NOTE: These are USEPA hazardous waste numbers F020, F021, F022,
403 F023, F026, and F026, and all USEPA hazardous waste numbers having the
404 prefix "P".

405
406 "Administrator" means the Administrator of the United States Environmental
407 Protection Agency or the Administrator's designee.

408
409 "Agency" means the Illinois Environmental Protection Agency.

410
411 "Ancillary equipment" means any device, including, but not limited to, such
412 devices as piping, fittings, flanges, valves, and pumps, that is used to distribute,
413 meter, or control the flow of hazardous waste from its point of generation to
414 storage or treatment tanks, between hazardous waste storage and treatment tanks
415 to a point of disposal onsite, or to a point of shipment for disposal off-site.

416
417 "Aquifer" means a geologic formation, group of formations, or part of a formation
418 capable of yielding a significant amount of groundwater to wells or springs.

419
420 "Authorized representative" means the person responsible for the overall
421 operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant
422 manager, superintendent, or person of equivalent responsibility.

423
424 "Battery" means a device that consists of one or more electrically connected
425 electrochemical cells that is designed to receive, store, and deliver electric energy.
426 An electrochemical cell is a system consisting of an anode, cathode, and an
427 electrolyte, plus such connections (electrical and mechanical) as may be needed to
428 allow the cell to deliver or receive electrical energy. The term battery also

429 includes an intact, unbroken battery from which the electrolyte has been removed.

430
431 "Board" means the Illinois Pollution Control Board.

432
433 "Boiler" means an enclosed device using controlled flame combustion and having
434 the following characteristics:

435
436 Boiler by physical characteristics:

437
438 The unit must have physical provisions for recovering and
439 exporting thermal energy in the form of steam, heated fluids, or
440 heated gases; and the unit's combustion chamber and primary
441 energy recovery sections must be of integral design. To be of
442 integral design, the combustion chamber and the primary energy
443 recovery sections (such as waterwalls and superheaters) must be
444 physically formed into one manufactured or assembled unit. A
445 unit in which the combustion chamber and the primary energy
446 recovery sections are joined only by ducts or connections carrying
447 flue gas is not integrally designed; however, secondary energy
448 recovery equipment (such as economizers or air preheaters) need
449 not be physically formed into the same unit as the combustion
450 chamber and the primary energy recovery section. The following
451 units are not precluded from being boilers solely because they are
452 not of integral design: process heaters (units that transfer energy
453 directly to a process stream) and fluidized bed combustion units;
454 and

455
456 While in operation, the unit must maintain a thermal energy
457 recovery efficiency of at least 60 percent, calculated in terms of the
458 recovered energy compared with the thermal value of the fuel; and

459
460 The unit must export and utilize at least 75 percent of the
461 recovered energy, calculated on an annual basis. In this
462 calculation, no credit may be given for recovered heat used
463 internally in the same unit. (Examples of internal use are the
464 preheating of fuel or combustion air, and the driving of induced or
465 forced draft fans or feedwater pumps.); or

466
467 Boiler by designation. The unit is one that the Board has determined, on
468 a case-by-case basis, to be a boiler, after considering the standards in
469 Section 720.132.

470
471 "Carbon dioxide stream" means carbon dioxide that has been captured from an

472 emission source (e.g., a power plant), plus incidental associated substances
473 derived from the source materials and the capture process, and any substances
474 added to the stream to enable or improve the injection process.
475

476 "Carbon regeneration unit" means any enclosed thermal treatment device used to
477 regenerate spent activated carbon.
478

479 "Cathode ray tube" or "CRT" means a vacuum tube, composed primarily of glass,
480 which is the visual or video display component of an electronic device. A "used,
481 intact CRT" means a CRT whose vacuum has not been released. A "used, broken
482 CRT" means glass removed from its housing or casing whose vacuum has been
483 released.
484

485 "Central accumulation area" means any on-site area where is accumulating in
486 units subject to either 35 Ill. Adm. Code 722.116 (for an SQG) or 35 Ill. Adm.
487 Code 722.117 (for an LQG). A central accumulation area at an eligible academic
488 entity that chooses to operate under Subpart K of 35 Ill. Adm. Code 722 is also
489 subject to 35 Ill. Adm. Code 722.311 when accumulating unwanted material or
490 hazardous waste.
491

492 "Certification" means a statement of professional opinion based upon knowledge
493 and belief.
494

495 "Closed portion" means that portion of a facility that an owner or operator has
496 closed in accordance with the approved facility closure plan and all applicable
497 closure requirements. (See also "active portion" and "inactive portion".)
498

499 "Component" means either the tank or ancillary equipment of a tank system.
500

501 "Contained" means held in a unit (including a land-based unit, as defined in this
502 Section) that meets either of the following containment situations:
503

504 Containment situation 1 (non-hazardous waste containment):
505

506 The unit is in good condition, with no leaks or other continuing or
507 intermittent unpermitted releases of the hazardous secondary
508 materials to the environment, and is designed, as appropriate for
509 the hazardous secondary materials, to prevent unpermitted releases
510 of hazardous secondary materials to the environment.

511 "Unpermitted releases" are releases that are not covered by a
512 permit (such as a permit to discharge to water or air) and may
513 include, but are not limited to, releases through surface transport
514 by precipitation runoff, releases to soil and groundwater,

515 windblown dust, fugitive air emissions, and catastrophic unit
516 failures;

517
518 The unit is properly labeled or otherwise has a system (such as a
519 log) to immediately identify the hazardous secondary materials in
520 the unit; and

521
522 The unit holds hazardous secondary materials that are compatible
523 with other hazardous secondary materials placed in the unit, is
524 compatible with the materials used to construct the unit, and
525 addresses any potential risks of fires or explosions.

526

527 Containment situation 2 (hazardous waste containment):

528
529 Hazardous secondary materials in units that meet the applicable
530 requirements of 35 Ill. Adm. Code 724 or 725 are presumptively
531 contained.

532
533 "Confined aquifer" means an aquifer bounded above and below by impermeable
534 beds or by beds of distinctly lower permeability than that of the aquifer itself; an
535 aquifer containing confined groundwater.

536
537 "Container" means any portable device in which a material is stored, transported,
538 treated, disposed of, or otherwise handled.

539
540 "Containment building" means a hazardous waste management unit that is used to
541 store or treat hazardous waste pursuant to the provisions of Subpart DD of 35 Ill.
542 Adm. Code 724 and Subpart DD of 35 Ill. Adm. Code 725.

543
544 "Contingency plan" means a document setting out an organized, planned and
545 coordinated course of action to be followed in case of a fire, explosion, or release
546 of hazardous waste or hazardous waste constituents that could threaten human
547 health or the environment.

548
549 "Corrosion expert" means a person who, by reason of knowledge of the physical
550 sciences and the principles of engineering and mathematics, acquired by a
551 professional education and related practical experience, is qualified to engage in
552 the practice of corrosion control on buried or submerged metal piping systems and
553 metal tanks. Such a person must be certified as being qualified by the National
554 Association of Corrosion Engineers (NACE) or be a registered professional
555 engineer who has certification or licensing that includes education and experience
556 in corrosion control on buried or submerged metal piping systems and metal
557 tanks.

558
559 "CRT collector" means a person who receives used, intact CRTs for recycling,
560 repair, resale, or donation.
561
562 "CRT exporter" means any person in the United States that initiates a transaction
563 to send used CRTs outside the United States or its territories for recycling or
564 reuse, or any intermediary in the United States arranging for such export.
565
566 "CRT glass manufacturer" means an operation or part of an operation that uses a
567 furnace to manufacture CRT glass.
568
569 "CRT processing" means conducting all of the following activities:
570
571 Receiving broken or intact CRTs;
572
573 Intentionally breaking intact CRTs or further breaking or separating
574 broken CRTs; and
575
576 Sorting or otherwise managing glass removed from CRT monitors.
577
578 "Designated facility" means either of the following entities:
579
580 A hazardous waste treatment, storage, or disposal facility that has been
581 designated on the manifest by the generator, pursuant to 35 Ill. Adm. Code
582 722.120, of which any of the following is true:
583
584 The facility has received a RCRA permit (or interim status)
585 pursuant to 35 Ill. Adm. Code 702, 703, and 705;
586
587 The facility has received a RCRA permit from USEPA pursuant to
588 40 CFR 124 and 270;
589
590 The facility has received a RCRA permit from a state authorized
591 by USEPA pursuant to 40 CFR 271; or
592
593 The facility is regulated pursuant to 35 Ill. Adm. Code
594 721.106(c)(2) or Subpart F of 35 Ill. Adm. Code 266; or
595
596 A generator site designated by the hazardous waste generator on the
597 manifest to receive back its own waste as a return shipment from a
598 designated hazardous waste treatment, storage, or disposal facility that has
599 rejected the waste in accordance with 35 Ill. Adm. Code 724.172(f) or
600 725.172(f).

601
602 If a waste is destined to a facility in a state other than Illinois that has been
603 authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained
604 authorization to regulate that waste as hazardous, then the designated facility
605 must be a facility allowed by the receiving state to accept such waste.
606

607 "Destination facility" means a facility that treats, disposes of, or recycles a
608 particular category of universal waste, except those management activities
609 described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A
610 facility at which a particular category of universal waste is only accumulated is
611 not a destination facility for the purposes of managing that category of universal
612 waste.
613

614 "Dike" means an embankment or ridge of either natural or manmade materials
615 used to prevent the movement of liquids, sludges, solids, or other materials.
616

617 "Dioxins and furans" means tetra-, penta-, hexa-, hepta-, and octa-chlorinated
618 dibenzo dioxins and furans.
619

620 "Director" means the Director of the Illinois Environmental Protection Agency.
621

622 "Discharge" or "hazardous waste discharge" means the accidental or intentional
623 spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous
624 waste into or on any land or water.
625

626 "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or
627 placing of any solid waste or hazardous waste into or on any land or water so that
628 such solid waste or hazardous waste or any constituent thereof may enter the
629 environment or be emitted into the air or discharged into any waters, including
630 groundwaters.
631

632 "Disposal facility" means a facility or part of a facility at which hazardous waste
633 is intentionally placed into or on any land or water and at which waste will remain
634 after closure. The term disposal facility does not include a corrective action
635 management unit (CAMU) into which remediation wastes are placed.
636

637 "Drip pad" means an engineered structure consisting of a curbed, free-draining
638 base, constructed of non-earthen materials and designed to convey preservative
639 kick-back or drippage from treated wood, precipitation and surface water runoff to
640 an associated collection system at wood preserving plants.
641

642 "Electronic import-export reporting compliance date" means the date that USEPA
643 will announce in the Federal Register, on or after which exporters, importers, and

644 receiving facilities will be required to submit certain export and import related
645 documents to USEPA using USEPA's Waste Import Export Tracking System, or
646 its successor system.

647 BOARD NOTE: A compliance date in Illinois regulations is limited to a date
648 certain on or after the Board has adopted the date by rulemaking. Adoption by
649 rulemaking of the electronic import-export reporting compliance date can occur
650 only after USEPA has made its announcement in the Federal Register. Until the
651 Board has incorporated a date certain by rulemaking, the Board intends that no
652 "electronic import-export reporting compliance date" will apply in the context of
653 the Illinois rules. The federal electronic import-export reporting compliance date
654 named by USEPA, however, may apply as provided by federal law.

655
656 "Electronic manifest" or "e-Manifest" means the electronic format of the
657 hazardous waste manifest that is obtained from USEPA's national e-Manifest
658 System and transmitted electronically to the e-Manifest System, and which is the
659 legal equivalent of USEPA Forms 8700-22 (Manifest) and 8700-22A
660 (Continuation Sheet).

661
662 "Electronic Manifest System" or "e-Manifest System" means USEPA's national
663 information technology system through which the e-Manifest may be obtained,
664 completed, transmitted, and distributed to users of the e-Manifest System and to
665 regulatory agencies.

666
667 "Elementary neutralization unit" means a device of which the following is true:

668
669 It is used for neutralizing wastes that are hazardous only because they
670 exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122
671 or which are listed in Subpart D of 35 Ill. Adm. Code 721 only for this
672 reason; and

673
674 It meets the definition of tank, tank system, container, transport vehicle,
675 or vessel in this Section.

676
677 "~~EPA hazardous waste number" or "USEPA hazardous waste number" means the~~
678 ~~number assigned by USEPA to each hazardous waste listed in Subpart D of 35 Ill.~~
679 ~~Adm. Code 721 and to each characteristic identified in Subpart C of 35 Ill. Adm.~~
680 ~~Code 721.~~

681
682 "~~EPA identification number" or "USEPA identification number" means the~~
683 ~~number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to~~
684 ~~each generator; transporter; and treatment, storage, or disposal facility.~~

685
686 "EPA region" or "USEPA region" means the states and territories found in any

687 one of the following 10 regions:
688

689 Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut,
690 and Rhode Island.
691

692 Region II: New York, New Jersey, Commonwealth of Puerto Rico, and
693 the U.S. Virgin Islands.
694

695 Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia,
696 and the District of Columbia.
697

698 Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama,
699 Georgia, South Carolina, and Florida.
700

701 Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio.
702

703 Region VI: New Mexico, Oklahoma, Arkansas, Louisiana, and Texas.
704

705 Region VII: Nebraska, Kansas, Missouri, and Iowa.
706

707 Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah,
708 and Colorado.
709

710 Region IX: California, Nevada, Arizona, Hawaii, Guam, American
711 Samoa, and Commonwealth of the Northern Mariana Islands.
712

713 Region X: Washington, Oregon, Idaho, and Alaska.
714

715 "Equivalent method" means any testing or analytical method approved by the
716 Board pursuant to Section 720.120.
717

718 "Existing hazardous waste management (HWM) facility" or "existing facility"
719 means a facility that was in operation or for which construction commenced on or
720 before November 19, 1980. A facility had commenced construction if the owner
721 or operator had obtained the federal, State, and local approvals or permits
722 necessary to begin physical construction and either of the following had occurred:
723

724 A continuous on-site, physical construction program had begun; or
725

726 The owner or operator had entered into contractual obligations that could
727 not be canceled or modified without substantial loss for physical
728 construction of the facility to be completed within a reasonable time.
729

730 "Existing portion" means that land surface area of an existing waste management
731 unit, included in the original Part A permit application, on which wastes have
732 been placed prior to the issuance of a permit.
733

734 "Existing tank system" or "existing component" means a tank system or
735 component that is used for the storage or treatment of hazardous waste and which
736 was in operation, or for which installation was commenced, on or prior to July 14,
737 1986. Installation will be considered to have commenced if the owner or operator
738 has obtained all federal, State, and local approvals or permits necessary to begin
739 physical construction of the site or installation of the tank system and if either of
740 the following is true:

741
742 A continuous on-site physical construction or installation program has
743 begun; or
744

745 The owner or operator has entered into contractual obligations that cannot
746 be canceled or modified without substantial loss for physical construction
747 of the site or installation of the tank system to be completed within a
748 reasonable time.
749

750 "Explosives or munitions emergency" means a situation involving the suspected
751 or detected presence of unexploded ordnance (UXO), damaged or deteriorated
752 explosives or munitions, an improvised explosive device (IED), other potentially
753 explosive material or device, or other potentially harmful military chemical
754 munitions or device, that creates an actual or potential imminent threat to human
755 health, including safety, or the environment, including property, as determined by
756 an explosives or munitions emergency response specialist. Such situations may
757 require immediate and expeditious action by an explosives or munitions
758 emergency response specialist to control, mitigate, or eliminate the threat.
759

760 "Explosives or munitions emergency response" means all immediate response
761 activities by an explosives and munitions emergency response specialist to
762 control, mitigate, or eliminate the actual or potential threat encountered during an
763 explosives or munitions emergency. An explosives or munitions emergency
764 response may include in-place render-safe procedures, treatment, or destruction of
765 the explosives or munitions or transporting those items to another location to be
766 rendered safe, treated, or destroyed. Any reasonable delay in the completion of an
767 explosives or munitions emergency response caused by a necessary, unforeseen,
768 or uncontrollable circumstance will not terminate the explosives or munitions
769 emergency. Explosives and munitions emergency responses can occur on either
770 public or private lands and are not limited to responses at RCRA facilities.
771

772 "Explosives or munitions emergency response specialist" means an individual

773 trained in chemical or conventional munitions or explosives handling,
774 transportation, render-safe procedures, or destruction techniques. Explosives or
775 munitions emergency response specialists include United States Department of
776 Defense (USDOD) emergency explosive ordnance disposal (EOD), technical
777 escort unit (TEU), and USDOD-certified civilian or contractor personnel and
778 other federal, State, or local government or civilian personnel who are similarly
779 trained in explosives or munitions emergency responses.
780

781 "Facility" means the following:
782

783 All contiguous land and structures, other appurtenances, and
784 improvements on the land used for treating, storing, or disposing of
785 hazardous waste or for managing hazardous secondary materials prior to
786 reclamation. A facility may consist of several treatment, storage, or
787 disposal operational units (e.g., one or more landfills, surface
788 impoundments, or combinations of them).
789

790 For the purpose of implementing corrective action pursuant to 35 Ill. Adm.
791 Code 724.201 or 35 Ill. Adm. Code 727.201, all contiguous property under
792 the control of the owner or operator seeking a permit under Subtitle C of
793 RCRA. This definition also applies to facilities implementing corrective
794 action pursuant to RCRA section 3008(h).
795

796 Notwithstanding the immediately-preceding paragraph of this definition, a
797 remediation waste management site is not a facility that is subject to 35 Ill.
798 Adm. Code 724.201, but a facility that is subject to corrective action
799 requirements if the site is located within such a facility.
800

801 "Federal agency" means any department, agency, or other instrumentality of the
802 federal government, any independent agency or establishment of the federal
803 government, including any government corporation and the Government Printing
804 Office.
805

806 "Federal, State, and local approvals or permits necessary to begin physical
807 construction" means permits and approvals required under federal, State, or local
808 hazardous waste control statutes, regulations, or ordinances.
809

810 "Final closure" means the closure of all hazardous waste management units at the
811 facility in accordance with all applicable closure requirements so that hazardous
812 waste management activities pursuant to 35 Ill. Adm. Code 724 and 725 are no
813 longer conducted at the facility unless subject to the provisions of 35 Ill. Adm.
814 Code 722.116722.134.
815

816 "Food-chain crops" means tobacco, crops grown for human consumption, and
817 crops grown for feed for animals whose products are consumed by humans.
818

819 "Freeboard" means the vertical distance between the top of a tank or surface
820 impoundment dike and the surface of the waste contained therein.
821

822 "Free liquids" means liquids that readily separate from the solid portion of a
823 waste under ambient temperature and pressure.
824

825 "Generator" means any person, by site, whose act or process produces hazardous
826 waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a
827 hazardous waste to become subject to regulation.
828

829 "Groundwater" means water below the land surface in a zone of saturation.
830

831 "Hazardous secondary material" means a secondary material (e.g., spent material,
832 by-product, or sludge) that, when discarded, would be identified as hazardous
833 waste pursuant to 35 Ill. Adm. Code 721.
834

835 "Hazardous secondary material generator" means any person whose act or process
836 produces hazardous secondary materials at the generating facility. For purposes
837 of this definition, "generating facility" means all contiguous property owned,
838 leased, or otherwise controlled by the hazardous secondary material generator.
839 For the purposes of Sections 721.102(a)(2)(B) and 721.104(a)(23), a facility that
840 collects hazardous secondary materials from other persons is not the hazardous
841 secondary material generator.
842

843 "Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code
844 721.103.
845

846 "Hazardous waste constituent" means a constituent that caused the hazardous
847 waste to be listed in Subpart D of 35 Ill. Adm. Code 721, or a constituent listed in
848 35 Ill. Adm. Code 721.124.
849

850 "Hazardous waste management unit" is a contiguous area of land on or in which
851 hazardous waste is placed, or the largest area in which there is significant
852 likelihood of mixing hazardous waste constituents in the same area. Examples of
853 hazardous waste management units include a surface impoundment, a waste pile,
854 a land treatment area, a landfill cell, an incinerator, a tank and its associated
855 piping and underlying containment system, and a container storage area. A
856 container alone does not constitute a unit; the unit includes containers, and the
857 land or pad upon which they are placed.
858

859 "Inactive portion" means that portion of a facility that was not operated after
860 November 19, 1980. (See also "active portion" and "closed portion.")
861

862 "Incinerator" means any enclosed device of which the following is true:
863

864 The facility uses controlled flame combustion, and both of the following
865 are true of the facility:
866

867 The facility does not meet the criteria for classification as a boiler,
868 sludge dryer, or carbon regeneration unit, nor
869

870 The facility is not -listed as an industrial furnace; or
871

872 The facility meets the definition of infrared incinerator or plasma arc
873 incinerator.
874

875 "Incompatible waste" means a hazardous waste that is unsuitable for the
876 following:
877

878 Placement in a particular device or facility because it may cause corrosion
879 or decay of containment materials (e.g., container inner liners or tank
880 walls); or
881

882 Commingling with another waste or material under uncontrolled
883 conditions because the commingling might produce heat or pressure, fire,
884 or explosion, violent reaction, toxic dusts, mists, fumes or gases, or
885 flammable fumes or gases.
886

887 (See Appendix E to 35 Ill. Adm. Code 724 and Appendix E to 35 Ill.
888 Adm. Code 725 for references that list examples.)
889

890 "Industrial furnace" means any of the following enclosed devices that are integral
891 components of manufacturing processes and that use thermal treatment to
892 accomplish recovery of materials or energy:
893

894 Cement kilns;
895

896 Lime kilns;
897

898 Aggregate kilns;
899

900 Phosphate kilns;
901

- 902 Coke ovens;
- 903
- 904 Blast furnaces;
- 905
- 906 Smelting, melting, and refining furnaces (including pyrometallurgical
- 907 devices such as cupolas, reverberator furnaces, sintering machines,
- 908 roasters, and foundry furnaces);
- 909
- 910 Titanium dioxide chloride process oxidation reactors;
- 911
- 912 Methane reforming furnaces;
- 913
- 914 Pulping liquor recovery furnaces;
- 915
- 916 Combustion devices used in the recovery of sulfur values from spent
- 917 sulfuric acid;
- 918
- 919 Halogen acid furnaces (HAFs) for the production of acid from halogenated
- 920 hazardous waste generated by chemical production facilities where the
- 921 furnace is located on the site of a chemical production facility, the acid
- 922 product has a halogen acid content of at least three percent, the acid
- 923 product is used in a manufacturing process, and, except for hazardous
- 924 waste burned as fuel, hazardous waste fed to the furnace has a minimum
- 925 halogen content of 20 percent, as generated; and
- 926
- 927 Any other such device as the Agency determines to be an industrial
- 928 furnace on the basis of one or more of the following factors:
- 929
- 930 The design and use of the device primarily to accomplish recovery
- 931 of material products;
- 932
- 933 The use of the device to burn or reduce raw materials to make a
- 934 material product;
- 935
- 936 The use of the device to burn or reduce secondary materials as
- 937 effective substitutes for raw materials, in processes using raw
- 938 materials as principal feedstocks;
- 939
- 940 The use of the device to burn or reduce secondary materials as
- 941 ingredients in an industrial process to make a material product;
- 942
- 943 The use of the device in common industrial practice to produce a
- 944 material product; and

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987

Other relevant factors.

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

"Infrared incinerator" means any enclosed device that uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

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

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

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

"Inner liner" means a continuous layer of material placed inside a tank or container that protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"Intermediate facility" means any facility that stores hazardous secondary materials for more than 10 days and which is neither a hazardous secondary material generator nor a reclaimer of hazardous secondary material.

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

"Lamp" or "universal waste lamp" means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infrared regions of the electromagnetic spectrum. Examples of common universal waste lamps include, but are not

988 limited to, fluorescent, high intensity discharge, neon, mercury vapor, high-
989 pressure sodium, and metal halide lamps.
990
991 "Land-based unit" means an area where hazardous secondary materials are placed
992 in or on the land before recycling. This definition does not include land-based
993 production units.
994
995 "Land treatment facility" means a facility or part of a facility at which hazardous
996 waste is applied onto or incorporated into the soil surface; such facilities are
997 disposal facilities if the waste will remain after closure.
998
999 "Landfill" means a disposal facility or part of a facility where hazardous waste is
1000 placed in or on land and which is not a pile, a land treatment facility, a surface
1001 impoundment, an underground injection well, a salt dome formation, a salt bed
1002 formation, an underground mine, a cave, or a corrective action management unit
1003 (CAMU).
1004
1005 "Landfill cell" means a discrete volume of a hazardous waste landfill that uses a
1006 liner to provide isolation of wastes from adjacent cells or wastes. Examples of
1007 landfill cells are trenches and pits.
1008
1009 "Large quantity generator" or "LQG" means a generator that generates any of the
1010 following amounts of material in a calendar month:
1011
1012 Greater than or equal to 1,000 kg (2,200 lbs) of non-acute hazardous
1013 waste;
1014
1015 Greater than 1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm.
1016 Code 721.131 or 721.133(e); or
1017
1018 Greater than 100 kg (220 lbs) of any residue or contaminated soil, water,
1019 or other debris resulting from the cleanup of a spill, into or on any land or
1020 water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or
1021 721.133(e).
1022
1023 "LDS" means leak detection system.
1024
1025 "Leachate" means any liquid, including any suspended components in the liquid,
1026 that has percolated through or drained from hazardous waste.
1027
1028 "Liner" means a continuous layer of natural or manmade materials beneath or on
1029 the sides of a surface impoundment, landfill, or landfill cell that restricts the
1030 downward or lateral escape of hazardous waste, hazardous waste constituents, or

1031 leachate.
 1032
 1033 "Leak-detection system" means a system capable of detecting the failure of either
 1034 the primary or secondary containment structure or the presence of a release of
 1035 hazardous waste or accumulated liquid in the secondary containment structure.
 1036 Such a system must employ operational controls (e.g., daily visual inspections for
 1037 releases into the secondary containment system of aboveground tanks) or consist
 1038 of an interstitial monitoring device designed to detect continuously and
 1039 automatically the failure of the primary or secondary containment structure or the
 1040 presence of a release of hazardous waste into the secondary containment structure.
 1041
 1042 "Management" or "hazardous waste management" means the systematic control
 1043 of the collection, source separation, storage, transportation, processing, treatment,
 1044 recovery, and disposal of hazardous waste.
 1045
 1046 "Manifest" means the shipping document USEPA Form 8700-22 (including, if
 1047 necessary, USEPA Form 8700-22A), or the e-Manifest, originated and signed in
 1048 accordance with the applicable requirements of 35 Ill. Adm. Code 722 through
 1049 727.
 1050
 1051 "Manifest tracking number" means the alphanumeric identification number (i.e., a
 1052 unique three letter suffix preceded by nine numerical digits) that is pre-printed in
 1053 Item 4 of the manifest by a registered source.
 1054
 1055 "Mercury-containing equipment" means a device or part of a device (including
 1056 thermostats, but excluding batteries and lamps) that contains elemental mercury
 1057 integral to its function.
 1058
 1059 "Military munitions" means all ammunition products and components produced or
 1060 used by or for the United States Department of Defense or the United States
 1061 Armed Services for national defense and security, including military munitions
 1062 under the control of the United States Department of Defense (USDOD), the
 1063 United States Coast Guard, the United States Department of Energy (USDOE),
 1064 and National Guard personnel. The term military munitions includes: confined
 1065 gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot
 1066 control agents, smokes, and incendiaries used by USDOD components, including
 1067 bulk explosives and chemical warfare agents, chemical munitions, rockets, guided
 1068 and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition,
 1069 small arms ammunition, grenades, mines, torpedoes, depth charges, cluster
 1070 munitions and dispensers, demolition charges, and devices and components of
 1071 these items and devices. Military munitions do not include wholly inert items,
 1072 improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear
 1073 components of these items and devices. However, the term does include non-

1074 nuclear components of nuclear devices, managed under USDOE's nuclear
1075 weapons program after all sanitization operations required under the Atomic
1076 Energy Act of 1954 (42 USC 2014 et seq.), as amended, have been completed.
1077

1078 "Mining overburden returned to the mine site" means any material overlying an
1079 economic mineral deposit that is removed to gain access to that deposit and is
1080 then used for reclamation of a surface mine.
1081

1082 "Miscellaneous unit" means a hazardous waste management unit where hazardous
1083 waste is treated, stored, or disposed of and that is not a container; tank; surface
1084 impoundment; pile; land treatment unit; landfill; incinerator; boiler; industrial
1085 furnace; underground injection well with appropriate technical standards pursuant
1086 to 35 Ill. Adm. Code 730; containment building; corrective action management
1087 unit (CAMU); unit eligible for a research, development, and demonstration permit
1088 pursuant to 35 Ill. Adm. Code 703.231; or staging pile.
1089

1090 "Movement" means hazardous waste that is transported to a facility in an
1091 individual vehicle.
1092

1093 "NAICS Code" means the code number assigned a facility using the "North
1094 American Industry Classification System," incorporated by reference in Section
1095 720.111.
1096

1097 "New hazardous waste management facility", "HWM" or "new facility" means a
1098 facility that began operation, or for which construction commenced after
1099 November 19, 1980. (See also "Existing hazardous waste management facility:".)
1100

1101 "New tank system" or "new tank component" means a tank system or component
1102 that will be used for the storage or treatment of hazardous waste and for which
1103 installation commenced after July 14, 1986; except, however, for purposes of 35
1104 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for
1105 which construction commenced after July 14, 1986. (See also "existing tank
1106 system:".)
1107

1108 "No free liquids," as used in 35 Ill. Adm. Code 721.104(a)(26) and (b)(18),
1109 means that solvent-contaminated wipes may not contain free liquids, as
1110 determined by Method 9095B (Paint Filter Liquids Test), included in "Test
1111 Methods for Evaluating Solid Waste, Physical/Chemical Methods," incorporated
1112 by reference in Section 720.111, and that there is no free liquid in the container
1113 holding the wipes. No free liquids may also be determined using another standard
1114 or test method that the Agency has determined by permit condition is equivalent
1115 to Method 9095B.
1116

1117 "Non-acute hazardous waste" means hazardous waste that is not acute hazardous
1118 waste, as defined in this Section.

1119
1120 "Onground tank" means a device meeting the definition of tank that is situated in
1121 such a way that the bottom of the tank is on the same level as the adjacent
1122 surrounding surfaces so that the external tank bottom cannot be visually
1123 inspected.

1124
1125 "On-site" means the same or geographically contiguous property that may be
1126 divided by public or private right-of-way, provided the entrance and exit between
1127 the properties is at a crossroads intersection and access is by crossing as opposed
1128 to going along the right-of-way. Non-contiguous properties owned by the same
1129 person but connected by a right-of-way that the owner controls and to which the
1130 public does not have access is also considered on-site property.

1131
1132 "Open burning" means the combustion of any material without the following
1133 characteristics:

1134
1135 Control of combustion air to maintain adequate temperature for efficient
1136 combustion;

1137
1138 Containment of the combustion reaction in an enclosed device to provide
1139 sufficient residence time and mixing for complete combustion; and

1140
1141 Control of emission of the gaseous combustion products.

1142
1143 (See also "incineration" and "thermal treatment".)

1144
1145 "Operator" means the person responsible for the overall operation of a facility.

1146
1147 "Owner" means the person that owns a facility or part of a facility.

1148
1149 "Partial closure" means the closure of a hazardous waste management unit in
1150 accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or
1151 725 at a facility that contains other active hazardous waste management units.
1152 For example, partial closure may include the closure of a tank (including its
1153 associated piping and underlying containment systems), landfill cell, surface
1154 impoundment, waste pile, or other hazardous waste management unit, while other
1155 units of the same facility continue to operate.

1156
1157 "Person" means an individual, trust, firm, joint stock company, federal agency,
1158 corporation (including a government corporation), partnership, association, state,
1159 municipality, commission, political subdivision of a state, or any interstate body.

1160
1161 "Personnel" or "facility personnel" means all persons who work at or oversee the
1162 operations of a hazardous waste facility and whose actions or failure to act may
1163 result in noncompliance with 35 Ill. Adm. Code 724 or 725.
1164

1165 "Pesticide" means any substance or mixture of substances intended for
1166 preventing, destroying, repelling, or mitigating any pest or intended for use as a
1167 plant regulator, defoliant, or desiccant, other than any article that fulfills one of
1168 the following descriptions:
1169

1170 It is a new animal drug under section 201(v) of the Federal Food, Drug
1171 and Cosmetic Act (FFDCA; 21 USC 321(v)), incorporated by reference in
1172 Section 720.111(c);
1173

1174 It is an animal drug that has been determined by regulation of the federal
1175 Secretary of Health and Human Services pursuant to FFDCA section 512
1176 (21 USC 360b), incorporated by reference in Section 720.111(c), to be an
1177 exempted new animal drug; or
1178

1179 It is an animal feed under FFDCA section 201(w) (21 USC 321(w)),
1180 incorporated by reference in Section 720.111(c), that bears or contains any
1181 substances described in either of the two preceding paragraphs of this
1182 definition.

1183 BOARD NOTE: The second exception of corresponding 40 CFR 260.10
1184 reads as follows: "Is an animal drug that has been determined by
1185 regulation of the Secretary of Health and Human Services not to be a new
1186 animal drug-". This is very similar to the language of section 2(u) of the
1187 Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC
1188 136(u)). The three exceptions, taken together, appear intended not to
1189 include as pesticide any material within the scope of federal Food and
1190 Drug Administration regulation. The Board codified this provision with
1191 the intent of retaining the same meaning as its federal counterpart while
1192 adding the definiteness required under Illinois law.
1193

1194 "Pile" means any non-containerized accumulation of solid, non-flowing
1195 hazardous waste that is used for treatment or storage, and that is not a
1196 containment building.
1197

1198 "Plasma arc incinerator" means any enclosed device that uses a high intensity
1199 electrical discharge or arc as a source of heat followed by an afterburner using
1200 controlled flame combustion and which is not listed as an industrial furnace.
1201

1202 "Point source" means any discernible, confined, and discrete conveyance,

1203 including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well,
1204 discrete fissure, container, rolling stock, concentrated animal feeding operation, or
1205 vessel or other floating craft from which pollutants are or may be discharged.
1206 This term does not include return flows from irrigated agriculture.

1207
1208 "Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code
1209 310.110.

1210
1211 "Qualified groundwater scientist" means a scientist or engineer who has received
1212 a baccalaureate or postgraduate degree in the natural sciences or engineering, and
1213 has sufficient training and experience in groundwater hydrology and related
1214 fields, as demonstrated by state registration, professional certifications, or
1215 completion of accredited university courses that enable the individual to make
1216 sound professional judgments regarding groundwater monitoring and contaminant
1217 rate and transport.

1218 BOARD NOTE: State registration includes, but is not limited to, registration as a
1219 professional engineer with the Department of Professional Regulation, pursuant to
1220 225 ILCS 325 and 68 Ill. Adm. Code 1380. Professional certification includes,
1221 but is not limited to, certification under the certified groundwater professional
1222 program of the National Ground Water Association.

1223
1224 "RCRA" means the Solid Waste Disposal Act, as amended by the Resource
1225 Conservation and Recovery Act of 1976, as amended (42 USC 6901 et seq.).

1226
1227 "RCRA standardized permit" means a RCRA permit issued pursuant to Subpart J
1228 of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 702 that authorizes
1229 management of hazardous waste. The RCRA standardized permit may have two
1230 parts: a uniform portion issued in all cases and a supplemental portion issued at
1231 the discretion of the Agency.

1232
1233 "Recognized trader" means a person domiciled in the United States, by site of
1234 business, who acts to arrange and facilitate transboundary movements of wastes
1235 destined for recovery or disposal operations, either by purchasing from and
1236 subsequently selling to United States and foreign facilities, or by acting under
1237 arrangements with a United States waste facility to arrange for the export or
1238 import of the wastes.

1239
1240 "Regional Administrator" means the Regional Administrator for the USEPA
1241 region in which the facility is located or the Regional Administrator's designee.

1242
1243 "Remanufacturing" means processing a higher-value hazardous secondary
1244 material in order to manufacture a product that serves a similar functional purpose
1245 as the original commercial-grade material. For the purpose of this definition, a

1246 hazardous secondary material is considered higher-value if it was generated from
1247 the use of a commercial-grade material in a manufacturing process and can be
1248 remanufactured into a similar commercial-grade material.
1249

1250 "Remediation waste" means all solid and hazardous wastes, and all media
1251 (including groundwater, surface water, soils, and sediments) and debris that are
1252 managed for implementing cleanup.
1253

1254 "Remediation waste management site" means a facility where an owner or
1255 operator is or will be treating, storing, or disposing of hazardous remediation
1256 wastes. A remediation waste management site is not a facility that is subject to
1257 corrective action pursuant to 35 Ill. Adm. Code 724.201, but a remediation waste
1258 management site is subject to corrective action requirements if the site is located
1259 in such a facility.
1260

1261 "Replacement unit" means a landfill, surface impoundment, or waste pile unit
1262 from which all or substantially all of the waste is removed, and which is
1263 subsequently reused to treat, store, or dispose of hazardous waste. Replacement
1264 unit does not include a unit from which waste is removed during closure, if the
1265 subsequent reuse solely involves the disposal of waste from that unit and other
1266 closing units or corrective action areas at the facility, in accordance with a closure
1267 or corrective action plan approved by USEPA or the Agency.
1268

1269 "Representative sample" means a sample of a universe or whole (e.g., waste pile,
1270 lagoon, groundwater) that can be expected to exhibit the average properties of the
1271 universe or whole.
1272

1273 "Runoff" means any rainwater, leachate, or other liquid that drains over land from
1274 any part of a facility.
1275

1276 "Runon" means any rainwater, leachate, or other liquid that drains over land onto
1277 any part of a facility.
1278

1279 "Saturated zone" or "zone of saturation" means that part of the earth's crust in
1280 which all voids are filled with water.
1281

1282 "SIC code" means "Standard Industrial Classification code," as assigned to a site
1283 by the United States Department of Transportation, Federal Highway
1284 Administration, based on the particular activities that occur on the site, as set forth
1285 in its publication "Standard Industrial Classification Manual," incorporated by
1286 reference in Section 720.111(a).
1287

1288 "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal,

1289 commercial, or industrial wastewater treatment plant, water supply treatment
1290 plant, or air pollution control facility, exclusive of the treated effluent from a
1291 wastewater treatment plant.

1292
1293 "Sludge dryer" means any enclosed thermal treatment device that is used to
1294 dehydrate sludge and which has a total thermal input, excluding the heating value
1295 of the sludge itself, of 2,500 Btu/lb or less of sludge treated on a wet-weight basis.

1296
1297 "Small quantity generator" or "SQG" means a generator that generates the
1298 following amounts less than 1,000 kg of material hazardous waste in a calendar
1299 month:-

1300
1301 Greater than 100 kg (220 lbs) but less than 1,000 kilograms (2,200 lbs) of
1302 non-acute hazardous waste;

1303
1304 Less than or equal to 1 kg (2.2 lbs) of acute hazardous waste listed in 35
1305 Ill Adm. Code 721.131 or 721.133(e); and

1306
1307 Less than or equal to 100 kg (220 lbs) of any residue or contaminated soil,
1308 water, or other debris resulting from the cleanup of a spill, into or on any
1309 land or water, of any acute hazardous waste listed in 35 Ill Adm. Code
1310 721.131 or 721.133(e).

1311
1312 "Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

1313
1314 "Solvent-contaminated wipe" means the following: A wipe that, after use or after
1315 cleaning up a spill, fulfills one or more of the following conditions:

1316
1317 The wipe contains one or more of the F001 through F005 solvents
1318 listed in 35 Ill. Adm. Code 721.131 or the corresponding P- or U-
1319 listed solvents found in 35 Ill. Adm. Code 721.133;

1320
1321 The wipe exhibits a hazardous characteristic found in Subpart C of
1322 35 Ill. Adm. Code 721 when that characteristic results from a
1323 solvent listed in 35 Ill. Adm. Code 721; or

1324
1325 The wipe exhibits only the hazardous waste characteristic of
1326 ignitability found in 35 Ill. Adm. Code 721.121 due to the presence
1327 of one or more solvents that are not listed in 35 Ill. Adm. Code
1328 721.

1329
1330 Solvent-contaminated wipes that contain listed hazardous waste other than
1331 solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity

1332 due to contaminants other than solvents, are not eligible for the exclusions
1333 at 35 Ill. Adm. Code 721.104(a)(26) and (b)(18).

1334
1335 "Sorbent" means a material that is used to soak up free liquids by either
1336 adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or
1337 both.

1338
1339 "Staging pile" means an accumulation of solid, non-flowing "remediation waste"
1340 (as defined in this Section) that is not a containment building and that is used only
1341 during remedial operations for temporary storage at a facility. Staging piles must
1342 be designated by the Agency according to 35 Ill. Adm. Code 724.654.

1343
1344 "State" means any of the several states, the District of Columbia, the
1345 Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and
1346 the Commonwealth of the Northern Mariana Islands.

1347
1348 "Storage" means the holding of hazardous waste for a temporary period, at the end
1349 of which the hazardous waste is treated, disposed of, or stored elsewhere.

1350
1351 "Sump" means any pit or reservoir that meets the definition of tank and those
1352 troughs or trenches connected to it that serve to collect hazardous waste for
1353 transport to hazardous waste storage, treatment, or disposal facilities; except that,
1354 as used in the landfill, surface impoundment, and waste pile rules, sump means
1355 any lined pit or reservoir that serves to collect liquids drained from a leachate
1356 collection and removal system or leak detection system for subsequent removal
1357 from the system.

1358
1359 "Surface impoundment" or "impoundment" means a facility or part of a facility
1360 that is a natural topographic depression, manmade excavation, or diked area
1361 formed primarily of earthen materials (although it may be lined with manmade
1362 materials) that is designed to hold an accumulation of liquid wastes or wastes
1363 containing free liquids and which is not an injection well. Examples of surface
1364 impoundments are holding, storage, settling and aeration pits, ponds, and lagoons.

1365
1366 "Tank" means a stationary device, designed to contain an accumulation of
1367 hazardous waste that is constructed primarily of non-earthen materials (e.g.,
1368 wood, concrete, steel, plastic) that provide structural support.

1369
1370 "Tank system" means a hazardous waste storage or treatment tank and its
1371 associated ancillary equipment and containment system.

1372
1373 "TEQ" means toxicity equivalence, the international method of relating the
1374 toxicity of various dioxin and furan congeners to the toxicity of 2,3,7,8-

1375 tetrachlorodibenzo-p-dioxin.

1376
1377 "Thermal treatment" means the treatment of hazardous waste in a device that uses
1378 elevated temperatures as the primary means to change the chemical, physical, or
1379 biological character or composition of the hazardous waste. Examples of thermal
1380 treatment processes are incineration, molten salt, pyrolysis, calcination, wet air
1381 oxidation, and microwave discharge. (See also "incinerator" and "open
1382 burning.")

1383
1384 "Thermostat" means a temperature control device that contains metallic mercury
1385 in an ampule attached to a bimetal sensing element and mercury-containing
1386 ampules that have been removed from such a temperature control device in
1387 compliance with 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

1388
1389 "Totally enclosed treatment facility" means a facility for the treatment of
1390 hazardous waste that is directly connected to an industrial production process and
1391 which is constructed and operated in a manner that prevents the release of any
1392 hazardous waste or any constituent thereof into the environment during treatment.
1393 An example is a pipe in which waste acid is neutralized.

1394
1395 "Transfer facility" means any transportation-related facility, including loading
1396 docks, parking areas, storage areas, and other similar areas where shipments of
1397 hazardous waste or hazardous secondary materials are held during the normal
1398 course of transportation.

1399
1400 "Transport vehicle" means a motor vehicle or rail car used for the transportation
1401 of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car,
1402 etc.) is a separate transport vehicle.

1403
1404 "Transportation" means the movement of hazardous waste by air, rail, highway, or
1405 water.

1406
1407 "Transporter" means a person engaged in the off-site transportation of hazardous
1408 waste by air, rail, highway, or water.

1409
1410 "Treatability study" means the following:

1411
1412 A study in which a hazardous waste is subjected to a treatment process to
1413 determine the following:

1414
1415 Whether the waste is amenable to the treatment process;

1416
1417 What pretreatment (if any) is required;

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The optimal process conditions needed to achieve the desired treatment;

The efficiency of a treatment process for a specific waste or wastes; and

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

Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion and other material compatibility studies, and toxicological and health effects studies. A treatability study is not a means to commercially treat or dispose of hazardous waste.

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

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well:".)

"Underground tank" means a device meeting the definition of tank whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been determined, through an integrity assessment or other inspection, to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

1461 "Universal waste" means any of the following hazardous wastes that are managed
1462 pursuant to the universal waste requirements of 35 Ill. Adm. Code 733:

1463
1464 Batteries, as described in 35 Ill. Adm. Code 733.102;

1465
1466 Pesticides, as described in 35 Ill. Adm. Code 733.103;

1467
1468 Mercury-containing equipment, as described in 35 Ill. Adm. Code
1469 733.104; and

1470
1471 Lamps, as described in 35 Ill. Adm. Code 733.105.

1472
1473 "Universal waste handler" means either of the following:

1474
1475 A generator (as defined in this Section) of universal waste; or

1476
1477 The owner or operator of a facility, including all contiguous property, that
1478 receives universal waste from other universal waste handlers, accumulates
1479 the universal waste, and sends that universal waste to another universal
1480 waste handler, to a destination facility, or to a foreign destination.

1481
1482 "Universal waste handler" does not mean either of the following:

1483
1484 A person that treats (except under the provisions of Section
1485 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles
1486 universal waste; or

1487
1488 A person engaged in the off-site transportation of universal waste
1489 by air, rail, highway, or water, including a universal waste transfer
1490 facility.

1491
1492 "Universal waste transporter" means a person engaged in the off-site
1493 transportation of universal waste by air, rail, highway, or water.

1494
1495 "Unsaturated zone" or "zone of aeration" means the zone between the land surface
1496 and the water table.

1497
1498 "Uppermost aquifer" means the geologic formation nearest the natural ground
1499 surface that is an aquifer, as well as lower aquifers that are hydraulically
1500 interconnected with this aquifer within the facility's property boundary.

1501
1502 "USDOT" or "Department of Transportation" means the United States
1503 Department of Transportation.

1504
1505 "Used oil" means any oil that has been refined from crude oil, or any synthetic oil,
1506 that has been used and as a result of such use is contaminated by physical or
1507 chemical impurities.
1508
1509 "USEPA" or "EPA" means the United States Environmental Protection Agency.
1510
1511 "USEPA hazardous waste number" or "EPA hazardous waste number" means the
1512 number assigned by USEPA to each hazardous waste listed in Subpart D of 35 Ill.
1513 Adm. Code 721 and to each characteristic identified in Subpart C of 35 Ill. Adm.
1514 Code 721.
1515
1516 "USEPA identification number" or "USEPA ID number" is the unique
1517 alphanumeric identifier that USEPA assigns a hazardous waste generator;
1518 transporter; treatment, storage, or disposal facility; or reclamation facility upon
1519 notification in compliance with the requirements of section 3010 of RCRA (42
1520 USC 6930).
1521
1522 "User of the Electronic Manifest System" or "user of the e-Manifest System"
1523 means a hazardous waste generator, a hazardous waste transporter, an owner or
1524 operator of a hazardous waste treatment, storage, recycling, or disposal facility, or
1525 any other person or entity;=
1526
1527 that is required to use a manifest to comply with any federal or state
1528 requirement to track the shipment, transportation, and receipt of either;=
1529
1530 hazardous waste or other waste material that is shipped from the
1531 site of generation to an off-site designated facility for treatment,
1532 storage, recycling, or disposal; or
1533
1534 rejected wastes or regulated container residues that are shipped
1535 from a designated facility to an alternative facility, or returned to
1536 the generator; and
1537
1538 which elects to use either;=
1539
1540 the e-Manifest System to obtain, complete and transmit an e-
1541 Manifest format supplied by the USEPA e-Manifest System; or
1542
1543 the paper manifest form and submits to the e-Manifest System for
1544 data processing purposes a paper copy of the manifest (or data
1545 from such a paper copy), in accordance with 35 Ill. Adm. Code
1546 724.171(a)(2)(E) or 725.171(a)(2)(E).

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A paper copy submitted for data processing purposes is submitted for data exchange purposes only and is not the official copy of record for legal purposes.

"USPS" means the United States Postal Service.

"Very small quantity generator" or "VSQG" means a generator that generates less than or equal to the following amounts of material in a calendar month:

100 kg (220 lbs) of nonacute hazardous waste;
1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e); and

100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e).

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

"Wastewater treatment unit" means a device of which the following is true:

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

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

It meets the definition of tank or tank system in this Section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste that is loaded or carried on board a vessel without containers or labels.

"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

1590 "Well injection" (See "underground injection-".)

1591
1592 "Wipe" means a woven or non-woven shop towel, rag, pad, or swab made of
1593 wood pulp, fabric, cotton, polyester blends, or other material.

1594
1595 "Zone of engineering control" means an area under the control of the owner or
1596 operator that, upon detection of a hazardous waste release, can be readily cleaned
1597 up prior to the release of hazardous waste or hazardous constituents to
1598 groundwater or surface water.

1599
1600 (Source: Amended at 42 Ill. Reg. _____, effective _____)

1601
1602 **Section 720.111 References**

1603
1604 The following documents are incorporated by reference for the purposes of this Part and 35 Ill.
1605 Adm. Code 702 through 705, 721 through 728, 730, 733, 738, and 739:

1606
1607 a) Non-Regulatory Government Publications and Publications of Recognized
1608 Organizations and Associations:

1609
1610 ACGME. Available from the Accreditation Council for Graduate Medical
1611 Education, 515 North State Street, Suite 2000, Chicago, IL 60654, 312-
1612 755-5000:

1613
1614 "Accreditation Council for Graduate Medical Education: Glossary
1615 of Terms," March 19, 2009, referenced in 35 Ill. Adm. Code
1616 722.300.

1617
1618 BOARD NOTE: Also available on the Internet for download and
1619 viewing as a PDF file at the following Internet address:
1620 http://www.acgme.org/acWebsite/about/ab_ACGMEglossary.pdf.

1621
1622 ACI. Available from the American Concrete Institute, Box 19150,
1623 Redford Station, Detroit, Michigan 48219:

1624
1625 ACI 318-83: "Building Code Requirements for Reinforced
1626 Concrete," adopted November 1983, referenced in 35 Ill. Adm.
1627 Code 724.673 and 725.543.

1628
1629 ANSI. Available from the American National Standards Institute, 1430
1630 Broadway, New York, New York 10018, 212-354-3300:

1631
1632 See ASME/ANSI B31.3 and B31.4 and supplements below in this

- 1633 subsection (a) under ASME.
1634
1635 API. Available from the American Petroleum Institute, 1220 L Street,
1636 N.W., Washington, D.C. 20005, 202-682-8000:
1637
1638 "Cathodic Protection of Underground Petroleum Storage Tanks
1639 and Piping Systems," API Recommended Practice 1632, Second
1640 Edition, December 1987, referenced in 35 Ill. Adm. Code 724.292,
1641 724.295, 725.292, and 725.295.
1642
1643 "Evaporative Loss from External Floating-Roof Tanks," API
1644 publication 2517, Third Edition, February 1989, USEPA-approved
1645 for 35 Ill. Adm. Code 721.983 and 725.984.
1646
1647 "Guide for Inspection of Refinery Equipment," Chapter XIII,
1648 "Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981,
1649 reaffirmed December 1987, referenced in 35 Ill. Adm. Code
1650 721.291, 724.291, 724.293, 725.291, and 725.292.
1651
1652 "Installation of Underground Petroleum Storage Systems," API
1653 Recommended Practice 1615, Fourth Edition, November 1987,
1654 referenced in 35 Ill. Adm. Code 724.292.
1655
1656 ASME. Available from the American Society of Mechanical Engineers, 345 East
1657 47th Street, New York, NY 10017, 212-705-7722:
1658
1659 "Chemical Plant and Petroleum Refinery Piping," ASME/ANSI B31.3-
1660 1987, as supplemented by B31.3a-1988 and B31.3b-1988, referenced in
1661 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.
1662
1663 "Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas,
1664 Anhydrous Ammonia, and Alcohols," ASME/ANSI B31.4-1986, as
1665 supplemented by B31.4a-1987, referenced in 35 Ill. Adm. Code 724.292
1666 and 725.292. Also available from ANSI.
1667
1668 ASTM. Available from American Society for Testing and Materials, 100 Barr
1669 Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585:
1670
1671 ASTM C 94-90, "Standard Specification for Ready-Mixed Concrete,"
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1705 1987, referenced in 35 Ill. Adm. Code 726.200.
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1713 November 17, 1988, USEPA-approved for 35 Ill. Adm. Code 721.963 and
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1728 Setaflash Closed Tester," approved December 14, 1988, USEPA-
1729 approved for 35 Ill. Adm. Code 721.121(a).
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1732 Quantitative Analysis," approved May 27, 1988, USEPA-approved for 35
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1739 ASTM E 260-85, "Standard Practice for Packed Column Gas
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1744 Synthetic Polymer Materials to Fungi," referenced in 35 Ill. Adm. Code
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1747 ASTM G 22-76 (1984b), "Standard Practice for Determining Resistance
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1749 725.414.
1750
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1752 Printing Office, Washington, D.C. 20402, 202-512-1800:
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1755 republished in 1983, referenced in 35 Ill. Adm. Code 702.110 and Section
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1759 USEPA publication number EPA-530/SW-846 (Third Edition, November
1760 1986), as amended by Updates I (July 1992), II (November 1994), IIA
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1762 1998), and IIIB (November 2004) (document number 955-001-00000-1).
1763 See below in this subsection (a) under NTIS.

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1766 BIBC II, Chemin de Blandonne 8, CP 401, 1214 Vernier, Geneva,
1767 Switzerland (phone: +41 22 749 01 11; www.iso.org/stare):

1768
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1771 1: Country code", Third edition (2013), referenced in 35 Ill. Adm.
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1773 BOARD NOTE: ISO maintains a web page with a free on-line list
1774 of country codes: <https://www.iso.org/obp/ui/#search>.

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1777 South Creek Dr., Houston, TX 77084, 713-492-0535:

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1780 Submerged Liquid Storage Systems," NACE Recommended Practice
1781 RP0285-85, approved March 1985, referenced in 35 Ill. Adm. Code
1782 724.292, 724.295, 725.292, and 725.295.

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1785 Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

1786
1787 "Flammable and Combustible Liquids Code", NFPA 30 (1977), referenced
1788 in 35 Ill. Adm. Code 722.116.

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1791 in 35 Ill. Adm. Code 722.116.

1792
1793 "Flammable and Combustible Liquids Code," NFPA 30, issued July 14,
1794 (1984), referenced in 35 Ill. Adm. Code 721.298, 722.116, 724.298,
1795 725.298, ~~725.301~~, 726.211, and 727.290.

1796
1797 "Flammable and Combustible Liquids Code," NFPA 30, issued August 7,
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1800
1801 "Flammable and Combustible Liquids Code," NFPA 30, issued July 18,
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1803 corrected by Errata 30-03-01, issued August 13, (2004), referenced in 35
1804 Ill. Adm. Code 721.298, 722.116, 724.298, 725.298, ~~725.301~~, 726.211,

1805 and 727.290.

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1809 Adm. Code 722.114.

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1813 6000 or 800-553-6847 (Internet address: www.ntis.gov):

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1816 USEPA publication number EPA-450/2-81-005, NTIS document number
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1818 703.352, 724.935, and 725.935.

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1824 Program," USEPA publication number EPA-530/SW-87-011, March 15,
1825 1987, NTIS document number PB88-170766, referenced in 35 Ill. Adm.
1826 Code 728.106.

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1829 Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar
1830 Material) by Extraction and Gravimetry," Revision A, February 1999,
1831 USEPA publication number EPA-821/R-98-002, NTIS document number
1832 PB99-121949, or Revision B, February 2010, USEPA publication number
1833 EPA-821/R-10-001, NTIS document number PB2011-100735, USEPA-
1834 approved for Appendix I to 35 Ill. Adm. Code 721.

1835
1836 BOARD NOTE: Also available on the Internet for free download as a
1837 PDF document from the USEPA website at: [water.epa.gov/scitech/](http://water.epa.gov/scitech/methods/cwa/methods_index.cfm)
1838 [methods/cwa/methods_index.cfm](http://water.epa.gov/scitech/methods/cwa/methods_index.cfm). Revision A is also from the USEPA,
1839 National Service Center for Environmental Publications (NSCEP) website
1840 at www.epa.gov/nscep/index.html.

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1842 "Methods for Chemical Analysis of Water and Wastes," Third Edition,
1843 March 1983, USEPA document number EPA-600/4-79-020, NTIS
1844 document number PB84-128677, referenced in 35 Ill. Adm. Code
1845 725.192.

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1847 BOARD NOTE: Also available on the Internet as a viewable/printable

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1852 Department of Commerce, Bureau of the Census, document number
1853 PB2007-100002 (hardcover printed volume) or PB2007-500023,
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1861 Disposal Facilities," August 1977, EPA-530/SW-611, NTIS document
1862 number PB84-174820, referenced in 35 Ill. Adm. Code 725.192.

1863
1864 "Screening Procedures for Estimating the Air Quality Impact of Stationary
1865 Sources," October 1992, USEPA publication number EPA-454/R-92-019,
1866 NTIS document number 93-219095, referenced in 35 Ill. Adm. Code
1867 726.204 and 726.206.

1868
1869 BOARD NOTE: Also available on the Internet for free download as a
1870 WordPerfect document from the USEPA website at the following Internet
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1872
1873 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,"
1874 USEPA publication number EPA-530/SW-846 (Third Edition, November
1875 1986; Revision 6, January 2005), as amended by Updates I (July 1992), II
1876 (November 1994), IIA (August 1993), IIB (January 1995), III (December
1877 1996), IIIA (April 1998), and IIIB (November 2004) (document number
1878 955-001-00000-1), generally referenced in Appendices A and I to 35 Ill.
1879 Adm. Code 721 and 35 Ill. Adm. Code 726.200, 726.206, 726.212, and
1880 728.106 (in addition to the references cited below for specific methods):

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1882 Method 0010 (November 1986) (Modified Method 5 Sampling
1883 Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

1884
1885 Method 0011 (December 1996) (Sampling for Selected Aldehyde
1886 and Ketone Emissions from Stationary Sources), USEPA-approved
1887 for Appendix I to 35 Ill. Adm. Code 721 and for Appendix I to 35
1888 Ill. Adm. Code 726.

1889

1890 Method 0020 (November 1986) (Source Assessment Sampling
1891 System), USEPA-approved for Appendix I to 35 Ill. Adm. Code
1892 721.
1893
1894 Method 0023A (December 1996) (Sampling Method for
1895 Polychlorinated Dibenzo-p-Dioxins and Polychlorinated
1896 Dibenzofuran Emissions from Stationary Sources), USEPA-
1897 approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to
1898 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.204.
1899
1900 Method 0030 (November 1986) (Volatile Organic Sampling
1901 Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
1902
1903 Method 0031 (December 1996) (Sampling Method for Volatile
1904 Organic Compounds (SMVOC)), USEPA-approved for Appendix
1905 I to 35 Ill. Adm. Code 721.
1906
1907 Method 0040 (December 1996) (Sampling of Principal Organic
1908 Hazardous Constituents from Combustion Sources Using Tedlar®
1909 Bags), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
1910
1911 Method 0050 (December 1996) (Isokinetic HCl/Cl₂ Emission
1912 Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm.
1913 Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm.
1914 Code 726.207.
1915
1916 Method 0051 (December 1996) (Midget Impinger HCl/Cl₂
1917 Emission Sampling Train), USEPA-approved for Appendix I to 35
1918 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35
1919 Ill. Adm. Code 726.207.
1920
1921 Method 0060 (December 1996) (Determination of Metals in Stack
1922 Emissions), USEPA-approved for Appendix I to 35 Ill. Adm. Code
1923 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code
1924 726.206.
1925
1926 Method 0061 (December 1996) (Determination of Hexavalent
1927 Chromium Emissions from Stationary Sources), USEPA-approved
1928 for Appendix I to 35 Ill. Adm. Code 721, 35 Ill. Adm. Code
1929 726.206, and Appendix I to 35 Ill. Adm. Code 726.
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| 1931 | Method 1010A (November 2004) (Test Methods for Flash Point by Pensky-Martens Closed Cup Tester), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721. |
| 1932 | |
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| 1935 | Method 1020B (November 2004) (Standard Test Methods for Flash Point by Setaflash (Small Scale) Closed-cup Apparatus), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721. |
| 1936 | |
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| 1939 | Method 1110A (November 2004) (Corrosivity Toward Steel), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721. |
| 1940 | |
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| 1942 | |
| 1943 | Method 1310B (November 2004) (Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and referenced in Appendix I to 35 Ill. Adm. Code 728. |
| 1944 | |
| 1945 | |
| 1946 | |
| 1947 | Method 1311 (November 1992) (Toxicity Characteristic Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721; for 35 Ill. Adm. Code 721.124, 728.107, and 728.140; and for Table T to 35 Ill. Adm. Code 728. |
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| 1951 | Method 1312 (November 1994) (Synthetic Precipitation Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721. |
| 1952 | |
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| 1955 | Method 1320 (November 1986) (Multiple Extraction Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721. |
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| 1959 | Method 1330A (November 1992) (Extraction Procedure for Oily Wastes), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721. |
| 1960 | |
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| 1962 | |
| 1963 | Method 9010C (November 2004) (Total and Amenable Cyanide: Distillation), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728. |
| 1964 | |
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| 1967 | Method 9012B (November 2004) (Total and Amenable Cyanide (Automated Colorimetric, with Off-Line Distillation)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728. |
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- 1976 Method 9040C (November 2004) (pH Electrometric Measurement), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.
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- 1979 Method 9045D (November 2004) (Soil and Waste pH), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
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- 1982 Method 9060A (November 2004) (Total Organic Carbon), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 721.934, 721.963, 724.934, 724.963, 725.934, and 725.963.
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- 1987 Method 9070A (November 2004) (n-Hexane Extractable Material (HEM) for Aqueous Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
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- 1991 Method 9071B (April 1998) (n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
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- 1995 Method 9095B (November 2004) (Paint Filter Liquids Test), USEPA-approved for 35 Ill. Adm. Code 720.110; Appendix I to 35 Ill. Adm. Code 721; and 35 Ill. Adm. Code 724.290, 724.414, 725.290, 725.414, 725.981, 727.290, and 728.132.
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- 2000 BOARD NOTE: Also available on the Internet for free download in segments in PDF format from the USEPA website at: www.epa.gov/SW-846.
- 2001
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- 2004 OECD. Organization~~Organisation~~ for Economic Cooperation~~Co-operation~~ and Development, Environment Directorate, 2 rue Andre Pascal, F-75775 Paris Cedex 16, France, +33 (0) 1 45 24 81 67 (www.oecd.org), also OECD Washington Center, 2001 L Street, NW, Suite 650, Washington, DC 20036-4922, 202-785-6323 or 800-456-6323 (www.oecdwash.org):
- 2005
- 2006
- 2007
- 2008
- 2009
- 2010 OECD Guidance Manual. "Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, as Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations," 2009 (also called "Guidance Manual for the Control of Transboundary Movements of Recoverable Materials" in OECD documents), but only the following segments, which set forth the substantive requirements
- 2011
- 2012
- 2013
- 2014
- 2015
- 2016

2017 of OECD decision C(2001)107/FINAL (June 14, 2001), as
2018 amended by C(2001)107/ADD1 (February 28, 2002), C(2004)20
2019 (March 9, 2004), C(2005)141 (December 2, 2005), and
2020 C(2008)156 (December 4, 2008):

2021
2022 ~~"Annex A: OECD Decision C(2001)107/FINAL, as~~
2023 ~~Amended by C(2004)20; C(2005)141 and C(2008)156"~~
2024 ~~(also called "Revision of Council Decision C(92)39/FINAL~~
2025 ~~on the Control of Transboundary Movements of Wastes~~
2026 ~~Destined for Recovery Operations," within the text of~~
2027 ~~Annex A, and "Decision of the Council Concerning the~~
2028 ~~Control of Transboundary Movements of Wastes Destined~~
2029 ~~for Recovery Operations" in the original OECD decision~~
2030 ~~source document, C(2001)107/FINAL (June 14, 2001), as~~
2031 ~~amended by C(2001)107/ADD1 (February 28, 2002),~~
2032 ~~C(2004)20 (March 9, 2004), C(2005)141 (December 2,~~
2033 ~~2005), and C(2008)156 (December 4, 2008)).~~

2034
2035 "Annex B: OECD Consolidated List of Wastes Subject to
2036 the Green Control Procedure" (individually referred to as
2037 "Annex B to OECD Guidance Manual" in 35 Ill. Adm.
2038 Code 722), combining Appendix 3 to OECD decision
2039 C(2001)107/FINAL, as amended as described above,
2040 together with the text of Annex IX ("List B") to the "Basel
2041 Convention on the Control of Transboundary Movements
2042 of Hazardous Wastes and Their Disposal" ("Basel
2043 Convention").

2044
2045 "Annex C: OECD Consolidated List of Wastes Subject to
2046 the Amber Control Procedure" (individually referred to as
2047 "Annex C to OECD Guidance Manual" in 35 Ill. Adm.
2048 Code 722), combining Appendix 4 to OECD decision
2049 C(2001)107/FINAL, as amended, together with the text of
2050 Annexes II ("Categories of Wastes Requiring Special
2051 Consideration") and VIII ("List A") to the Basel
2052 Convention.

2053
2054 BOARD NOTE: The OECD Guidance Manual is available online
2055 from OECD at www.oecd.org/dataoecd/57/1/42262259.pdf. The
2056 OECD and the Basel Convention consider the OECD Guidance
2057 Manual unofficial text of these documents. Despite this unofficial
2058 status, the Board has chosen to follow USEPA's lead and
2059 incorporate the OECD Guidance Manual by reference, instead of

2060 separately incorporating the OECD decision C(2001)107/FINAL
 2061 (with its subsequent amendments: OECD decisions
 2062 C(2001)107/ADD1, C(2004)20, C(2005)141, and C(2008)156) and
 2063 the Basel Convention by reference. Use of the OECD Guidance
 2064 Manual eases reference to the documents, increases access to the
 2065 documents, and facilitates future updates to this incorporation by
 2066 reference. All references to "OECD C(2001)107/FINAL" in the
 2067 text of 35 Ill. Adm. Code 722 refer to both the OECD decision and
 2068 the Basel Convention that the OECD decision references. The
 2069 OECD Guidance Manual includes as Annex A the full text of
 2070 OECD document C(2001)107/FINAL, with amendments, and
 2071 Annexes B and C set forth lists of wastes subject to Green control
 2072 procedures and wastes subject to Amber control procedures,
 2073 respectively, which consolidate the wastes from
 2074 C(2001)107/FINAL together with those from the Basel
 2075 Convention.
 2076

2077 OECD Guideline for Testing of Chemicals, "Ready Biodegradability";
 2078 Method 301B (July 17, 1992), "CO₂ Evolution (Modified Sturm Test);",
 2079 referenced in 35 Ill. Adm. Code 724.414.
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2081 STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL
 2082 60062, 708-498-1980:
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2084 "Standard for Dual Wall Underground Steel Storage Tanks" (1986),
 2085 referenced in 35 Ill. Adm. Code 724.293.
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2087 USDOD. Available from the United States Department of Defense:
 2088

2089 "DOD Ammunition and Explosives Safety Standards" (DOD 6055.09-
 2090 ~~STD~~), as in effect on February 29, 2008 and revised December 15, 2017,
 2091 December 18, 2017, December 29, 2017, and January 24, 2018, referenced
 2092 in 35 Ill. Adm. Code 726.305.
 2093

2094 "The Motor Vehicle Inspection Report" (DD Form 626), as in effect in
 2095 October 2011~~March 2007~~, referenced in 35 Ill. Adm. Code 726.303.
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2097 "Requisition Tracking Form" (DD Form 1348), as in effect in July 1991,
 2098 referenced in 35 Ill. Adm. Code 726.303.
 2099

2100 "The Signature and Tally Record" (DD Form 1907), as in effect in
 2101 October 2011~~November 2006~~, referenced in 35 Ill. Adm. Code 726.303.
 2102

2103 "DOD Multimodal Dangerous Goods Declaration" (DD Form 2890), (Sep.
2104 2015) "Dangerous Goods Shipping Paper/Declaration and Emergency
2105 Response Information for Hazardous Materials Transported by
2106 Government Vehicles" (DD Form 836), as in effect in September
2107 2015~~December 2007~~, referenced in 35 Ill. Adm. Code 726.303.

2108
2109 BOARD NOTE: DOD 6055.09, DD Form 626, ~~STD~~ is available on-line for
2110 download in pdf format from <http://www.ddesb.pentagon.mil>. DD Form 1348,
2111 DD Form 1907, ~~DD Form 836~~, and DD Form 2890~~DOD 6055.09 STD~~ are
2112 available on-line for download in pdf format from
2113 www.esd.whs.mil/DD/[http://www.dtic.mil/whs/directives/infomgt/forms/](http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm)
2114 [formsprogram.htm](http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm).

2115
2116 USEPA, Office of Ground Water and Drinking Water. Available from United
2117 States Environmental Protection Agency, Office of Drinking Water, State
2118 Programs Division, WH 550 E, Washington, D.C. 20460:

2119
2120 "Inventory of Injection Wells," USEPA Form 7520-16 (Revised 8-01),
2121 referenced in 35 Ill. Adm. Code 704.148 and 704.283.

2122
2123 "Technical Assistance Document: Corrosion, Its Detection and Control in
2124 Injection Wells," USEPA publication number EPA-570/9-87-002, August
2125 1987, referenced in 35 Ill. Adm. Code 730.165.

2126
2127 USEPA, Receptor Analysis Branch. Available from Receptor Analysis Branch,
2128 USEPA (MD-14), Research Triangle Park, NC 27711:

2129
2130 "Screening Procedures for Estimating the Air Quality Impact of Stationary
2131 Sources, Revised," October 1992, USEPA publication number EPA-
2132 450/R-92-019, USEPA-approved for Appendix I to 35 Ill. Adm. Code
2133 726.

2134
2135 BOARD NOTE: Also available for purchase from NTIS (see above) and
2136 on the Internet for free download as a WordPerfect document from the
2137 USEPA website at following Internet address:
2138 www.epa.gov/scram001/guidance/guide/scrng.wpd.

2139
2140 USEPA Region 6. Available from United States Environmental Protection
2141 Agency, Region 6, Multimedia Permitting and Planning Division, 1445 Ross
2142 Avenue, Dallas, TX 75202 (phone: 214-665-7430):

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2144 "EPA RCRA Delisting Program – Guidance Manual for the Petitioner,"
2145 March 23, 2000, referenced in Section 720.122.

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USGSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1103, rev 9/2003, supplemented as necessary with GSA Standard Form 1109, rev 09/1998), referenced in Section 726.303.

BOARD NOTE: Available on-line for download in various formats from www.gsa.gov/forms/forms.htm.

- b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20.2006 ~~(2018)~~(2015) (Transfer for Disposal and Manifests), referenced in 35 Ill. Adm. Code 726.425 and 726.450.

Table II, column 2 in appendix B to 10 CFR 20 ~~(2018)~~(2015) (Water Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110, 730.103, and 730.151.

Appendix G to 10 CFR 20 ~~(2018)~~(2015) (Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests), referenced in 35 Ill. Adm. Code 726.440.

10 CFR 71 ~~(2018)~~(2015) (Packaging and Transportation of Radioactive Material), referenced generally in 35 Ill. Adm. Code 726.430.

10 CFR 71.5 ~~(2018)~~(2015) (Transportation of Licensed Material), referenced in 35 Ill. Adm. Code 726.425.

15 CFR 30.4(b) (2018) (Electronic Export Information Filing, Procedures, Deadlines, and Certification Statements), referenced in 35 Ill. Adm. Code 721.139.

15 CFR 30.6 (2018) (Electronic Export Information Data Elements), referenced in 35 Ill. Adm. Code 721.139.

29 CFR 1910.1200 (2017) (Hazard Communication), referenced in 35 Ill. Adm. Code 722.115.

33 CFR 153.203 ~~(2017)~~(2015) (Procedure for the Notice of Discharge), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

2189
2190 40 CFR 3.3 (2017)~~(2015)~~ (What Definitions Are Applicable to This Part?),
2191 referenced in Section 720.104.
2192
2193 40 CFR 3.10 (2017)~~(2015)~~ (What Are the Requirements for Electronic
2194 Reporting to EPA?), referenced in Section 720.104.
2195
2196 40 CFR 3.2000 (2017)~~(2015)~~ (What Are the Requirements Authorized
2197 State, Tribe, and Local Programs' Reporting Systems Must Meet?),
2198 referenced in Section 720.104.
2199
2200 40 CFR 51.100(ii) (2017)~~(2015)~~ (Definitions), referenced in 35 Ill. Adm.
2201 Code 726.200.
2202
2203 Appendix W to 40 CFR 51 (2017)~~(2015)~~ (Guideline on Air Quality
2204 Models), referenced in 35 Ill. Adm. Code 726.204.
2205
2206 BOARD NOTE: Also available from NTIS (see above for contact
2207 information) as "Guideline on Air Quality Models," Revised 1986,
2208 USEPA publication number EPA-450/12-78-027R, NTIS document
2209 numbers PB86-245248 (Guideline) and PB88-150958 (Supplement).
2210
2211 Appendix B to 40 CFR 52.741 (2017)~~(2015)~~ (VOM Measurement
2212 Techniques for Capture Efficiency), referenced in 35 Ill. Adm. Code
2213 703.213, 703.352, 721.984, 721.986, 721.989, 724.982, 724.984, 724.986,
2214 724.989, 725.983, 725.985, 725.987, and 725.990.
2215
2216 40 CFR 60 (2017)~~(2015)~~ (Standards of Performance for New Stationary
2217 Sources), referenced generally in 35 Ill. Adm. Code 721.104, 721.950,
2218 721.964, 721.980, 724.964, 724.980, 725.964, and 725.980.
2219
2220 Subpart VV of 40 CFR 60 (2017)~~(2015)~~ (Standards of Performance for
2221 Equipment Leaks of VOC in the Synthetic Organic Chemicals
2222 Manufacturing Industry), referenced in 35 Ill. Adm. Code 721.989,
2223 724.989, and 725.990.
2224
2225 Appendix A to 40 CFR 60 (2017)~~(2015)~~ (Test Methods), referenced
2226 generally in 35 Ill. Adm. Code 726.205 (in addition to the references cited
2227 below for specific methods):
2228
2229 Method 1 (Sample and Velocity Traverses for Stationary Sources),
2230 referenced in 35 Ill. Adm. Code 726.205.
2231

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| 2232 | Method 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)), referenced in 35 Ill. Adm. Code 721.934, 724.933, 724.934, 725.933, 725.934, and 726.205. |
| 2233 | |
| 2234 | |
| 2235 | Method 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), referenced in 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205. |
| 2236 | |
| 2237 | |
| 2238 | |
| 2239 | Method 2B (Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators), referenced in 35 Ill. Adm. Code 726.205. |
| 2240 | |
| 2241 | |
| 2242 | |
| 2243 | |
| 2244 | Method 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), referenced in 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205. |
| 2245 | |
| 2246 | |
| 2247 | |
| 2248 | Method 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts), referenced in 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205. |
| 2249 | |
| 2250 | |
| 2251 | |
| 2252 | Method 2E (Determination of Landfill Gas Production Flow Rate), referenced in 35 Ill. Adm. Code 726.205. |
| 2253 | |
| 2254 | |
| 2255 | Method 2F (Determination of Stack Gas Velocity and Volumetric Flow Rate with Three-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205. |
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| 2257 | |
| 2258 | |
| 2259 | Method 2G (Determination of Stack Gas Velocity and Volumetric Flow Rate with Two-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205. |
| 2260 | |
| 2261 | |
| 2262 | |
| 2263 | Method 2H (Determination of Stack Gas Velocity Taking into Account Velocity Decay Near the Stack Wall), referenced in 35 Ill. Adm. Code 726.205. |
| 2264 | |
| 2265 | |
| 2266 | |
| 2267 | Method 3 (Gas Analysis for the Determination of Dry Molecular Weight), referenced in 35 Ill. Adm. Code 724.443 and 726.205. |
| 2268 | |
| 2269 | |
| 2270 | Method 3A (Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure)), referenced in 35 Ill. Adm. Code 726.205. |
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| 2275 | Method 3B (Gas Analysis for the Determination of Emission Rate Correction Factor or Excess Air), referenced in 35 Ill. Adm. Code 726.205. |
| 2276 | |
| 2277 | |
| 2278 | Method 3C (Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205. |
| 2279 | |
| 2280 | |
| 2281 | Method 4 (Determination of Moisture Content in Stack Gases), referenced in 35 Ill. Adm. Code 726.205. |
| 2282 | |
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| 2284 | Method 5 (Determination of Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205. |
| 2285 | |
| 2286 | |
| 2287 | Method 5A (Determination of Particulate Matter Emissions from the Asphalt Processing and Asphalt Roofing Industry), referenced in 35 Ill. Adm. Code 726.205. |
| 2288 | |
| 2289 | |
| 2290 | Method 5B (Determination of Nonsulfuric Acid Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205. |
| 2291 | |
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| 2293 | Method 5D (Determination of Particulate Matter Emissions from Positive Pressure Fabric Filters), referenced in 35 Ill. Adm. Code 726.205. |
| 2294 | |
| 2295 | |
| 2296 | Method 5E (Determination of Particulate Matter Emissions from the Wool Fiberglass Insulation Manufacturing Industry), referenced in 35 Ill. Adm. Code 726.205. |
| 2297 | |
| 2298 | |
| 2299 | Method 5F (Determination of Nonsulfate Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205. |
| 2300 | |
| 2301 | |
| 2302 | Method 5G (Determination of Particulate Matter Emissions from Wood Heaters (Dilution Tunnel Sampling Location)), referenced in 35 Ill. Adm. Code 726.205. |
| 2303 | |
| 2304 | |
| 2305 | Method 5H (Determination of Particulate Emissions from Wood Heaters from a Stack Location), referenced in 35 Ill. Adm. Code 726.205. |
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2317 Method 5I (Determination of Low Level Particulate Matter
2318 Emissions from Stationary Sources), referenced in 35 Ill. Adm.
2319 Code 726.205.
2320
2321 Method 18 (Measurement of Gaseous Organic Compound
2322 Emissions by Gas Chromatography), referenced in 35 Ill. Adm.
2323 Code 721.933, 721.934, 724.933, 724.934, 725.933, and 725.934.
2324
2325 Method 21 (Determination of Volatile Organic Compound Leaks),
2326 referenced in 35 Ill. Adm. Code 703.213, 721.934, 721.935,
2327 721.963, 721.983, 724.934, 724.935, 724.963, 725.934, 725.935,
2328 725.963, and 725.984.
2329
2330 Method 22 (Visual Determination of Fugitive Emissions from
2331 Material Sources and Smoke Emissions from Flares), referenced in
2332 35 Ill. Adm. Code 721.933, 724.933, 724.1101, 725.933, 725.1101,
2333 and 727.900.
2334
2335 Method 25A (Determination of Total Gaseous Organic
2336 Concentration Using a Flame Ionization Analyzer), referenced in
2337 35 Ill. Adm. Code 721.934, 724.934, and 725.985.
2338
2339 Method 25D (Determination of the Volatile Organic Concentration
2340 of Waste Samples), referenced in 35 Ill. Adm. Code 721.983,
2341 724.982, 725.983, and 725.984.
2342
2343 Method 25E (Determination of Vapor Phase Organic
2344 Concentration in Waste Samples), referenced in 35 Ill. Adm. Code
2345 721.983 and 725.984.
2346
2347 Method 27 (Determination of Vapor Tightness of Gasoline
2348 Delivery Tank Using Pressure-Vacuum Test), referenced in 35 Ill.
2349 Adm. Code 721.986, 724.986, and 725.987.
2350
2351 40 CFR 61 ~~(2017)~~(2015) (National Emission Standards for Hazardous Air
2352 Pollutants), referenced generally in 35 Ill. Adm. Code 721.104, 721.933,
2353 721.950, 721.964, 721.980, 724.933, 724.964, 725.933, 725.964, and
2354 725.980.
2355
2356 Subpart V of 40 CFR 61 ~~(2017)~~(2015) (National Emission Standard for
2357 Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm.
2358 Code 721.989, 724.989, and 725.990.
2359

2360 Subpart FF of 40 CFR 61 ~~(2017)~~(2015) (National Emission Standard for
2361 Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and
2362 725.983.
2363

2364 40 CFR 63 ~~(2017)~~(2015) (National Emission Standards for Hazardous Air
2365 Pollutants for Source Categories), referenced generally in 35 Ill. Adm.
2366 Code 721.293, 721.933, 721.950, 721.964, 721.980, 724.933, 724.964,
2367 724.980, 725.933, 725.964, 725.980, and 726.200.
2368

2369 Subpart RR of 40 CFR 63 ~~(2017)~~(2015) (National Emission Standards for
2370 Individual Drain Systems), referenced in 35 Ill. Adm. Code 721.984,
2371 724.984, 724.985, 725.985, and 725.986.
2372

2373 Subpart EEE of 40 CFR 63 (2000) (National Emission Standards for
2374 Hazardous Air Pollutants from Hazardous Waste Combustors), referenced
2375 in 35 Ill. Adm. Code 703.280.
2376

2377 Subpart EEE of 40 CFR 63 ~~(2017)~~(2015) (National Emission Standards
2378 for Hazardous Air Pollutants from Hazardous Waste Combustors)
2379 (includes 40 CFR 63.1206 (When and How Must You Comply with the
2380 Standards and Operating Requirements?), 63.1215 (What are the Health-
2381 Based Compliance Alternatives for Total Chlorine?), 63.1216 (What are
2382 the Standards for Solid-Fuel Boilers that Burn Hazardous Waste?),
2383 63.1217 (What are the Standards for Liquid-Fuel Boilers that Burn
2384 Hazardous Waste?), 63.1218 (What are the Standards for Hydrochloric
2385 Acid Production Furnaces that Burn Hazardous Waste?), 63.1219 (What
2386 are the Replacement Standards for Hazardous Waste Incinerators?),
2387 63.1220 (What are the Replacement Standards for Hazardous Waste-
2388 Burning Cement Kilns?), and 63.1221 (What are the Replacement
2389 Standards for Hazardous Waste-Burning Lightweight Aggregate Kilns?)),
2390 referenced in Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code
2391 703.155, 703.205, 703.208, 703.221, 703.232, 703.320, 703.280, 724.440,
2392 724.701, 724.950, 725.440, and 726.200.
2393

2394 Method 301 (Field Validation of Pollutant Measurement Methods from
2395 Various Waste Media) in appendix A to 40 CFR 63 ~~(2017)~~(2015) (Test
2396 Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.
2397

2398 Appendix C to 40 CFR 63 ~~(2017)~~(2015) (Determination of the Fraction
2399 Biodegraded (F_{bio}) in a Biological Treatment Unit), referenced in 35 Ill.
2400 Adm. Code 725.984.
2401

2402 Appendix D to 40 CFR 63 ~~(2017)~~(2015) (Test Methods), referenced in 35
2403 Ill. Adm. Code 721.983 and 725.984.
2404
2405 40 CFR 136.3 (Identification of Test Procedures) ~~(2017)~~(2015), referenced
2406 in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.
2407
2408 40 CFR 144.70 ~~(2017)~~(2015) (Wording of the Instruments), referenced in
2409 35 Ill. Adm. Code 704.240.
2410
2411 40 CFR 232.2 ~~(2017)~~(2015) (Definitions), referenced in 35 Ill. Adm. Code
2412 721.104.
2413
2414 40 CFR 257 ~~(2017)~~(2015) (Criteria for Classification of Solid Waste
2415 Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code
2416 739.181.
2417
2418 ~~Subpart B of 40 CFR 257 (2015) (Disposal Standards for the Receipt of~~
2419 ~~Conditionally Exempt Small Quantity Generator (CESQG) Wastes at~~
2420 ~~Non-Municipal Non-Hazardous Waste Disposal Units) (40 CFR 257.5~~
2421 ~~through 257.30), referenced in 35 Ill. Adm. Code 721.105.~~
2422
2423 40 CFR 258 ~~(2017)~~(2015) (Criteria for Municipal Solid Waste Landfills),
2424 referenced in 35 Ill. Adm. Code 739.181.
2425
2426 40 CFR 260.21(b) ~~(2017)~~(2015) (Alternative Equivalent Testing
2427 Methods), referenced in Section 720.121.
2428
2429 40 CFR 261.151 ~~(2017)~~(2015) (Wording of the Instruments), referenced in
2430 35 Ill. Adm. Code 721.251.
2431
2432 Appendix III to 40 CFR 261 ~~(2017)~~(2015) (Chemical Analysis Test
2433 Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.
2434
2435 40 CFR 262.53 (2015) (Notification of Intent to Export), referenced in 35
2436 Ill. Adm. Code ~~722.153.~~
2437
2438 40 CFR 262.54 (2015) (Special Manifest Requirements), referenced in 35
2439 Ill. Adm. Code ~~722.154.~~
2440
2441 40 CFR 262.55 (2015) (Exception Reports), referenced in 35 Ill. Adm.
2442 Code ~~722.155.~~
2443

2444 40 CFR 262.56 (2015) (Annual Reports), referenced in 35 Ill. Adm. Code
2445 722.156.
2446
2447 40 CFR 262.57 (2015) (Recordkeeping), referenced in 35 Ill. Adm. Code
2448 722.157.
2449
2450 Appendix to 40 CFR 262 (2017)(2015) (Uniform Hazardous Waste
2451 Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their
2452 Instructions)), referenced in Appendix A to 35 Ill. Adm. Code 722 and 35
2453 Ill. Adm. Code 724.986 and 725.987.
2454
2455 40 CFR 264.151 (2017)(2015) (Wording of the Instruments), referenced in
2456 35 Ill. Adm. Code 724.251 and 727.240.
2457
2458 Appendix I to 40 CFR 264 (2017)(2015) (Recordkeeping Instructions),
2459 referenced in Appendix A to 35 Ill. Adm. Code 724.
2460
2461 Appendix IV to 40 CFR 264 (2017)(2015) (Cochran's Approximation to
2462 the Behrens-Fisher Students' T-Test), referenced in Appendix D to 35 Ill.
2463 Adm. Code 724.
2464
2465 Appendix V to 40 CFR 264 (2017)(2015) (Examples of Potentially
2466 Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724
2467 and 35 Ill. Adm. Code 727.270.
2468
2469 Appendix VI to 40 CFR 264 (2017)(2015) (Political Jurisdictions in
2470 Which Compliance with §264.18(a) Must Be Demonstrated), referenced in
2471 35 Ill. Adm. Code 703.306, 724.118, and 727.110.
2472
2473 Appendix I to 40 CFR 265 (2017)(2015) (Recordkeeping Instructions),
2474 referenced in Appendix A to 35 Ill. Adm. Code 725.
2475
2476 Appendix III to 40 CFR 265 (2017)(2015) (EPA Interim Primary Drinking
2477 Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.
2478
2479 Appendix IV to 40 CFR 265 (2017)(2015) (Tests for Significance),
2480 referenced in Appendix D to 35 Ill. Adm. Code 725.
2481
2482 Appendix V to 40 CFR 265 (2017)(2015) (Examples of Potentially
2483 Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.301,
2484 725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm.
2485 Code 725.
2486

2487 Appendix IX to 40 CFR 266 ~~(2017)~~(2015) (Methods Manual for
2488 Compliance with the BIF Regulations), referenced generally in Appendix I
2489 to 35 Ill. Adm. Code 726.
2490
2491 Section 4.0 (Procedures for Estimating the Toxicity Equivalence of
2492 Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners),
2493 referenced in 35 Ill. Adm. Code 726.200 and 726.204.
2494
2495 Section 5.0 (Hazardous Waste Combustion Air Quality Screening
2496 Procedure), referenced in 35 Ill. Adm. Code 726.204 and 726.206.
2497
2498 Section 7.0 (Statistical Methodology for Bevill Residue
2499 Determinations), referenced in 35 Ill. Adm. Code 726.212.
2500
2501 BOARD NOTE: Also available from NTIS (see above for contact
2502 information) as "Methods Manual for Compliance with BIF Regulations:
2503 Burning Hazardous Waste in Boilers and Industrial Furnaces," December
2504 1990, USEPA publication number EPA-530/SW-91-010, NTIS document
2505 number PB91-120006.
2506
2507 40 CFR 267.151 ~~(2017)~~(2015) (Wording of the Instruments), referenced in
2508 35 Ill. Adm. Code 727.240.
2509
2510 40 CFR 270.5 ~~(2017)~~(2015) (Noncompliance and Program Reporting by
2511 the Director), referenced in 35 Ill. Adm. Code 703.305.
2512
2513 40 CFR 302 ~~(2017)~~(2015) (Designation, Reportable Quantities, and
2514 Notification), referenced in 35 Ill. Adm. Code 721.293.
2515
2516 40 CFR 711.15(a)(4)(i)(C) ~~(2017)~~(2015) (Designation, Reportable
2517 Quantities, and Notification), referenced in 35 Ill. Adm. Code 721.104.
2518
2519 40 CFR 761 ~~(2017)~~(2015) (Polychlorinated Biphenyls (PCBs)
2520 Manufacturing, Processing, Distribution in Commerce, and Use
2521 Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.
2522
2523 40 CFR 761.3 ~~(2017)~~(2015) (Definitions), referenced in 35 Ill. Adm. Code
2524 728.102 and 739.110.
2525
2526 40 CFR 761.60 ~~(2017)~~(2015) (Disposal Requirements), referenced in 35
2527 Ill. Adm. Code 728.142.
2528

2529 40 CFR 761.65 (2017)~~(2015)~~ (Storage for Disposal), referenced in 35 Ill.
2530 Adm. Code 728.150.
2531
2532 40 CFR 761.70 (2017)~~(2015)~~ (Incineration), referenced in 35 Ill. Adm.
2533 Code 728.142.
2534
2535 Subpart B of 49 CFR 107 (2017)~~(2014)~~ (Exemptions), referenced
2536 generally in 35 Ill. Adm. Code 724.986 and 725.987.
2537
2538 49 CFR 171 (2017)~~(2014)~~ (General Information, Regulations, and
2539 Definitions), referenced generally in 35 Ill. Adm. Code 721.104, 733.118,
2540 733.138, 733.152, and 739.143.
2541
2542 49 CFR 171.3 (2017)~~(2014)~~ (Hazardous Waste), referenced in 35 Ill.
2543 Adm. Code 722.133.
2544
2545 49 CFR 171.8 (2017)~~(2014)~~ (Definitions and Abbreviations), referenced in
2546 35 Ill. Adm. Code 733.118, 733.138, 733.152, 733.155, and 739.143.
2547
2548 49 CFR 171.15 (2017)~~(2014)~~ (Immediate Notice of Certain Hazardous
2549 Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and
2550 739.143.
2551
2552 49 CFR 171.16 (2017)~~(2014)~~ (Detailed Hazardous Materials Incident
2553 Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.
2554
2555 49 CFR 172 (2017)~~(2014)~~ (Hazardous Materials Table, Special
2556 Provisions, Hazardous Materials Communications, Emergency Response
2557 Information, and Training Requirements), referenced generally in 35 Ill.
2558 Adm. Code 721.104, 721.986, 722.131, 722.132, 724.986, 725.987,
2559 733.114, 733.118, 733.134, 733.138, 733.152, 733.155, and 739.143.
2560
2561 49 CFR 172.304 (2017)~~(2014)~~ (Marking Requirements), referenced in 35
2562 Ill. Adm. Code 722.132.
2563
2564 Subpart C of 49 CFR 172 (2017)~~(2014)~~ (Shipping Papers), referenced in
2565 35 Ill. Adm. Code 722.124.
2566
2567 Subpart E of 49 CFR 172 (2017) (Labeling), referenced in 35 Ill. Adm.
2568 Code 722.114 and 722.115.
2569
2570 Subpart F of 49 CFR 172 (2017)~~(2014)~~ (Placarding), referenced in 35 Ill.
2571 Adm. Code 722.114, 722.115, and 722.133.

2572
2573 49 CFR 173 (2017)(2014) (Shippers – General Requirements for
2574 Shipments and Packages), referenced generally in 35 Ill. Adm. Code
2575 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118,
2576 733.138, 733.152, and 739.143.
2577
2578 49 CFR 173.2 (2017)(2014) (Hazardous Materials Classes and Index to
2579 Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.
2580
2581 49 CFR 173.12 (2017)(2014) (Exceptions for Shipments of Waste
2582 Materials), referenced in 35 Ill. Adm. Code 724.416, 724.986, 725.416,
2583 and 725.987.
2584
2585 49 CFR 173.28 (2017)(2014) (Reuse, Reconditioning, and Remanufacture
2586 of Packagings), referenced in 35 Ill. Adm. Code 725.273.
2587
2588 49 CFR 173.50 (2017)(2014) (Class 1 – Definitions), referenced in 35 Ill.
2589 Adm. Code 721.123.
2590
2591 49 CFR 173.54 (2017)(2014) (Forbidden Explosives), referenced in 35 Ill.
2592 Adm. Code 721.123.
2593
2594 49 CFR 173.115 (2017)(2014) (Class 2, Divisions 2.1, 2.2, and 2.3 –
2595 Definitions), referenced in 35 Ill. Adm. Code 721.121.
2596
2597 49 CFR 173.127 (2017)(2014) (Class 2, Divisions 2.1, 2.2, and 2.3 –
2598 Definition and Assignment of Packaging Groups), referenced in 35 Ill.
2599 Adm. Code 721.121.
2600
2601 49 CFR 174 (2017)(2014) (Carriage by Rail), referenced generally in 35
2602 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.
2603
2604 49 CFR 175 (2017)(2014) (Carriage by Aircraft), referenced generally in
2605 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.
2606
2607 49 CFR 176 (2017)(2014) (Carriage by Vessel), referenced generally in 35
2608 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.
2609
2610 49 CFR 177 (2017)(2014) (Carriage by Public Highway), referenced
2611 generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.
2612
2613 49 CFR 177.817 (2017)(2014) (Shipping Papers), referenced in 35 Ill.
2614 Adm. Code 722.124.

2615
2616 49 CFR 178 (2017)~~(2014)~~ (Specifications for Packagings), referenced
2617 generally in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416,
2618 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.
2619
2620 49 CFR 179 (2017)~~(2014)~~ (Specifications for Tank Cars), referenced in 35
2621 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416,
2622 725.987, 733.118, 733.138, 733.152, and 739.143.
2623
2624 49 CFR 180 (2017)~~(2014)~~ (Continuing Qualification and Maintenance of
2625 Packagings), referenced generally in 35 Ill. Adm. Code 721.986, 724.986,
2626 725.987, 733.118, 733.138, 733.152, and 739.143.
2627
2628 49 CFR 190 (2017)~~(2014)~~ (Pipeline Safety Programs and Rulemaking
2629 Procedures), referenced generally in 35 Ill. Adm. Code 721.104.
2630
2631 49 CFR 191 (2017)~~(2014)~~ (Transportation of Natural and Other Gas by
2632 Pipeline: Annual Reports, Incident Reports, and Safety-Related Condition
2633 Reports), referenced generally in 35 Ill. Adm. Code 721.104.
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2635 49 CFR 192 (2017)~~(2014)~~ (Transportation of Natural and Other Gas by
2636 Pipeline: Minimum Federal Safety Standards), referenced generally in 35
2637 Ill. Adm. Code 721.104.
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2639 49 CFR 193 (2017)~~(2014)~~ (Liquefied Natural Gas Facilities: Federal
2640 Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.
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2642 49 CFR 194 (2017)~~(2014)~~ (Response Plans for Onshore Oil Pipelines),
2643 referenced generally in 35 Ill. Adm. Code 721.104.
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2645 49 CFR 195 (2017)~~(2014)~~ (Transportation of Hazardous Liquids by
2646 Pipeline), referenced generally in 35 Ill. Adm. Code 721.104.
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2648 49 CFR 196 (2017)~~(2014)~~ (Protection of Underground Pipelines from
2649 Excavation Activity), referenced generally in 35 Ill. Adm. Code 721.104.
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2651 49 CFR 198 (2017)~~(2014)~~ (Regulations for Grants to Aid State Pipeline
2652 Safety Programs), referenced generally in 35 Ill. Adm. Code 721.104.
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2654 49 CFR 199 (2017)~~(2014)~~ (Drug and Alcohol Testing), referenced
2655 generally in 35 Ill. Adm. Code 721.104.
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2657 c) Federal Statutes:

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Section 11 of the Atomic Energy Act of 1954 (42 USC 2014 ~~(2016)~~
(~~2013~~)), referenced in 35 Ill. Adm. Code 721.104 and 726.310.

Sections 301, 304, 307, and 402 of the Clean Water Act (33 USC 1311,
1314, 1337, and 1342 ~~(2016)~~(~~2013~~)), referenced in 35 Ill. Adm. Code
721.293.

Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and
Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 360b(j) ~~(2016)~~
(~~2013~~)), referenced in Section 720.110 and 35 Ill. Adm. Code 733.109.

Section 1004 of the Resource Conservation and Recovery Act (42 USC
6903 ~~(2016)~~(~~2013~~)), referenced in 35 Ill. Adm. Code 721.931, 721.951,
~~and 721.981, 724.931, 724.981, 725.931, 725.951, and 725.981.~~

Chapter 601 of subtitle VIII of 49 USC (49 USC 60101 through 60140
~~(2016)~~(~~2013~~)), referenced in 35 Ill. Adm. Code 721.104.

Section 1412 of the Department of Defense Authorization Act of 1986 (50
USC 1521(j)(1) ~~(2015)~~(~~2012~~)), referenced in 35 Ill. Adm. Code 726.301.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section 720.120 Rulemaking

a) Any person may petition the Board to adopt as State regulations rules that are
identical in substance with newly-adopted federal amendments or regulations.
The petition must take the form of a proposal for rulemaking pursuant to 35 Ill.
Adm. Code 102. The proposal must include a listing of all amendments to 40
CFR 260 through 268, 273, or 279 that have been made since the last preceding
amendment or proposal to amend 35 Ill. Adm. Code 720 through 728, 733, or
739, pursuant to Section 22.4(a) of the Environmental Protection Act ~~[415 ILCS~~
~~5/22.4(a)]~~.

b) Any person may petition the Board to adopt amendments or additional regulations
not identical in substance with federal regulations. Such proposal must conform
to 35 Ill. Adm. Code 102 and Section 22.4(b) or 22.4(c) and Title VII of the
Environmental Protection Act ~~[415 ILCS 5/22.4(b) or (c) and Title VII]~~.

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(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 720.121 Alternative Equivalent Testing Methods

- a) The Agency has no authority to alter the universe of regulated wastes. Modification of testing methods that are stated in 35 Ill. Adm. Code 721 requires rulemaking pursuant to Section 720.120. However, deviation from these methods is allowed under 35 Ill. Adm. Code 721, as observed, for example, in the Board Note appended to 35 Ill. Adm. Code 721.120(c).
- b) The Agency may approve alternative equivalent testing methods for a particular person's use to determine whether specified waste streams are subject to these regulations. This must be done by permit condition or letter. Any petition to the Board or request to the Agency concerning alternative equivalent testing methods must include the information required by 40 CFR 260.21(b), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
- c) The testing methods specified in 35 Ill. Adm. Code 721 or alternative equivalent testing methods approved by the Agency need not be applied to identify or distinguish waste streams that are known, admitted, or assumed to be subject to these regulations. In this case, any method may be used, subject to the Agency's authority to approve the testing procedures used .
- d) If USEPA amends the federal regulations to allow the use of a new testing method, USEPA has stated that it will incorporate the new method by reference in 40 CFR 260.11 and add it to "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA 530/SW-846, incorporated by reference in Section 720.111(b).
- e) Alternative equivalent testing methods will not be approved if the result of the approval would make the Illinois RCRA Subtitle C program less than substantially equivalent to the federal.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 720.122 Waste Delisting

- a) Any person seeking to exclude a waste from a particular generating facility from the lists in Subpart D of 35 Ill. Adm. Code 721 may file a petition, as specified in subsection (n) of this Section. The Board will grant the petition if the following occur:

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- 1) The petitioner demonstrates that the waste produced by a particular generating facility does not meet any of the criteria under which the waste was listed as a hazardous or acute hazardous waste; and
 - 2) The Board determines that there is a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, "EPA RCRA Delisting Program – Guidance Manual for the Petitioner,"² incorporated by reference in Section 720.111(a). A waste that is so excluded, however, still may be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.
- b) Listed wastes and mixtures. A person may also petition the Board to exclude from 35 Ill. Adm. Code 721.103(a)(2)(B) or (c), a waste that is described in these Sections and is either a waste listed in Subpart D of 35 Ill. Adm. Code 721, or is derived from a waste listed in that Subpart. This exclusion may only be granted for a particular generating, storage, treatment, or disposal facility. The petitioner must make the same demonstration as required by subsection (a) of this Section. Where the waste is a mixture of a solid waste and one or more listed hazardous wastes or is derived from one or more listed hazardous wastes, the demonstration must be made with respect to the waste mixture as a whole; analyses must be conducted for not only those constituents for which the listed waste contained in the mixture was listed as hazardous, but also for factors (including additional constituents) that could cause the waste mixture to be a hazardous waste. A waste that is so excluded may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.
- c) Ignitable, corrosive, reactive and toxicity characteristic wastes. If the waste is listed in codes "I,"² "C,"² "R,"² or "E" in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:
- 1) The petitioner must demonstrate that the waste does not exhibit the relevant characteristic for which the waste was listed, as defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections. The petitioner must also show that the waste does not exhibit any of the other characteristics, defined in those Sections, using any applicable methods prescribed in those Sections; and
 - 2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be

2787 hazardous waste, that such factors do not warrant retaining the waste as a
2788 hazardous waste. A Board determination under the preceding sentence
2789 must be made by reliance on, and in a manner consistent with, "EPA
2790 RCRA Delisting Program – Guidance Manual for the Petitioner,"
2791 incorporated by reference in Section 720.111(a). A waste that is so
2792 excluded, however, may still be a hazardous waste by operation of Subpart
2793 C of 35 Ill. Adm. Code 721.
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2795 d) Toxic waste. If the waste is listed in code "T" in Subpart D of 35 Ill. Adm. Code
2796 721, the following requirements apply:

2797 1) The petitioner must demonstrate that the waste fulfills the following
2798 criteria:

2800 A) It does not contain the constituent or constituents (as defined in
2801 Appendix G of 35 Ill. Adm. Code 721) that caused USEPA to list
2802 the waste; or
2803

2804 B) Although containing one or more of the hazardous constituents (as
2805 defined in Appendix G of 35 Ill. Adm. Code 721) that caused
2806 USEPA to list the waste, the waste does not meet the criterion of
2807 35 Ill. Adm. Code 721.111(a)(3) when considering the factors used
2808 in 35 Ill. Adm. Code 721.111(a)(3)(A) through (a)(3)(K) under
2809 which the waste was listed as hazardous.
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2811 2) Based on a complete petition, the Board will determine, if it has a
2812 reasonable basis to believe that factors (including additional constituents)
2813 other than those for which the waste was listed could cause the waste to be
2814 hazardous waste, that such factors do not warrant retaining the waste as a
2815 hazardous waste.
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2817 3) The petitioner must demonstrate that the waste does not exhibit any of the
2818 characteristics, defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123,
2819 or 721.124, using any applicable methods prescribed in those Sections.
2820

2821 4) A waste that is so excluded, however, may still be a hazardous waste by
2822 operation of Subpart C of 35 Ill. Adm. Code 721.
2823

2824 e) Acute hazardous waste. If the waste is listed with the code "H" in Subpart D of
2825 35 Ill. Adm. Code 721, the following requirements apply:
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2827 1) The petitioner must demonstrate that the waste does not meet the criterion
2828 of 35 Ill. Adm. Code 721.111(a)(2); and
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- 2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, "EPA RCRA Delisting Program – Guidance Manual for the Petitioner," incorporated by reference in Section 720.111(a).
 - 3) The petitioner must demonstrate that the waste does not exhibit any of the characteristics, defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections.
 - 4) A waste that is so excluded, however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.
 - f) This subsection (f) corresponds with 40 CFR 260.22(f), which USEPA has marked "reserved-". This statement maintains structural consistency with the federal regulations.
 - g) This subsection (g) corresponds with 40 CFR 260.22(g), which USEPA has marked "reserved-". This statement maintains structural consistency with the federal regulations.
 - h) Demonstration samples must consist of enough representative samples, but in no case less than four samples, taken over a period of time sufficient to represent the variability or the uniformity of the waste.
 - i) Each petition must include, in addition to the information required by subsection (n) of this Section:
 - 1) The name and address of the laboratory facility performing the sampling or tests of the waste;
 - 2) The names and qualifications of the persons sampling and testing the waste;
 - 3) The dates of sampling and testing;
 - 4) The location of the generating facility;
 - 5) A description of the manufacturing processes or other operations and feed

- 2873 materials producing the waste and an assessment of whether such
 2874 processes, operations, or feed materials can or might produce a waste that
 2875 is not covered by the demonstration;
 2876
- 2877 6) A description of the waste and an estimate of the average and maximum
 2878 monthly and annual quantities of waste covered by the demonstration;
 2879
- 2880 7) Pertinent data on and discussion of the factors delineated in the respective
 2881 criterion for listing a hazardous waste, where the demonstration is based
 2882 on the factors in 35 Ill. Adm. Code 721.111(a)(3);
 2883
- 2884 8) A description of the methodologies and equipment used to obtain the
 2885 representative samples;
 2886
- 2887 9) A description of the sample handling and preparation techniques,
 2888 including techniques used for extraction, containerization, and
 2889 preservation of the samples;
 2890
- 2891 10) A description of the tests performed (including results);
 2892
- 2893 11) The names and model numbers of the instruments used in performing the
 2894 tests; and
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- 2896 12) The following statement signed by the generator or the generator's
 2897 authorized representative:
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- 2899 I certify under penalty of law that I have personally examined and am
 2900 familiar with the information submitted in this demonstration and all
 2901 attached documents, and that, based on my inquiry of those individuals
 2902 immediately responsible for obtaining the information, I believe that the
 2903 submitted information is true, accurate and complete. I am aware that
 2904 there are significant penalties for submitting false information, including
 2905 the possibility of fine and imprisonment.
 2906
- 2907 j) After receiving a petition, the Board may request any additional information that
 2908 the Board needs to evaluate the petition.
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- 2910 k) An exclusion will only apply to the waste generated at the individual facility
 2911 covered by the demonstration and will not apply to waste from any other facility.
 2912
- 2913 l) The Board will exclude only part of the waste for which the demonstration is
 2914 submitted if the Board determines that variability of the waste justifies a partial
 2915 exclusion.

- 2916 BOARD NOTE: See "EPA RCRA Delisting Program – Guidance Manual for
2917 the Petitioner," incorporated by reference in Section 720.111(a).
2918
- 2919 m) Delisting of specific wastes from specific sources that have been adopted by
2920 USEPA may be proposed as State regulations that are identical in substance
2921 pursuant to Section 720.120(a).
2922
- 2923 n) Delistings that have not been adopted by USEPA may be proposed to the Board
2924 pursuant to a petition for adjusted standard pursuant to Section 28.1 of the Act
2925 [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 104. The justification for
2926 the adjusted standard is as specified in subsections (a) through (g) of this Section,
2927 as applicable to the waste in question. The petition must be clearly labeled as a
2928 RCRA delisting adjusted standard petition.
2929
- 2930 1) In accordance with 35 Ill. Adm. Code 101.304, the petitioner must serve
2931 copies of the petition, and any other documents filed with the Board, on
2932 USEPA at the following addresses:
2933
- 2934 USEPA
2935 Office of Resource Conservation and Recovery
2936 1200 Pennsylvania Avenue, NW
2937 Washington, D.C. 20460
2938
- 2939 USEPA, Region 5
2940 77 West Jackson Boulevard
2941 Chicago, IL 60604
2942
- 2943 2) The Board will mail copies of all opinions and orders to USEPA at the
2944 above addresses.
2945
- 2946 3) In conjunction with the normal updating of the RCRA regulations, the
2947 Board will maintain, in Appendix I of 35 Ill. Adm. Code 721, a listing of
2948 all adjusted standards granted by the Board.
2949
- 2950 o) The Agency may determine in a permit or a letter directed to a generator that,
2951 based on 35 Ill. Adm. Code 721, a waste from a particular source is not subject to
2952 these regulations. Such a finding is evidence against the Agency in any
2953 subsequent proceedings but will not be conclusive with reference to other persons
2954 or the Board.
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- 2956 p) Any petition to delist directed to the Board or request for determination directed
2957 to the Agency must include a showing that the waste will be generated or
2958 managed in Illinois.

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- q) The Board will not grant any petition that would render the Illinois RCRA program less stringent than if the decision were made by USEPA.
 - r) Delistings apply only within Illinois. Generators must comply with 35 Ill. Adm. Code 722 for waste that is hazardous in any state to which it is to be transported.
- (Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 720.134 Non-Waste Determinations

- a) A person generating, managing, or reclaiming hazardous secondary material may petition the Board pursuant to this Section, Section 720.133 and Section 28.2 of the Act [415 ILCS 5/28.2] for an adjusted standard that is a formal determination that a hazardous secondary material is not discarded and therefore is not a solid waste. The Board's adjusted standard determination will be based on the criteria contained in either subsection (b) or (c), as applicable. If the Board denies the petition, the hazardous secondary material might still be eligible for a solid waste determination or verified facility determination pursuant to Section 720.131 or an exclusion. A determination made by the Board pursuant to this Section becomes effective upon occurrence of the first of the following two events:
 - 1) After USEPA has authorized Illinois to administer this segment of the hazardous waste regulations, the determination is effective upon issuance of the Board order that grants the non-waste determination; or
 - 2) Before USEPA has granted such authorization, the non-waste determination becomes effective upon fulfillment of all of the following conditions:
 - A) The Board has granted an adjusted standard which determines that the hazardous secondary material meets the criteria in either subsection (b) or (c), as applicable;
 - B) The Agency has requested that USEPA review the Board's non-waste determination; and
 - C) USEPA has approved the Board's non-waste determination.
- b) The Board will grant a non-waste determination for hazardous secondary material that is reclaimed in a continuous industrial process if the Board determines that the applicant has demonstrated that the hazardous secondary material is a part of the production process and the material is not discarded. The determination will

3002 be based on whether the hazardous secondary material is legitimately recycled, as
3003 determined pursuant to Section 720.143, and on the following criteria:

- 3004
- 3005 1) The extent to which the management of the hazardous secondary material
3006 is part of the continuous primary production process and is not waste
3007 treatment;
 - 3008
 - 3009 2) Whether the capacity of the production process would use the hazardous
3010 secondary material in a reasonable time frame and ensure that the
3011 hazardous secondary material will not be abandoned (for example, based
3012 on past practices, market factors, the nature of the hazardous secondary
3013 material, or any contractual arrangements);
 - 3014
 - 3015 3) Whether the hazardous constituents in the hazardous secondary material
3016 are reclaimed, rather than released to the air, water, or land, at
3017 significantly higher levels, from either a statistical or from a health and
3018 environmental risk perspective, than would otherwise be released by the
3019 production process; and
 - 3020
 - 3021 4) Other relevant factors which demonstrate that the hazardous secondary
3022 material is not discarded, including why the hazardous secondary material
3023 cannot meet, or should not have to meet, the conditions of an exclusion
3024 under 35 Ill. Adm. Code 721.102 or 721.104.

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3026 c) The Board will grant a non-waste determination for a hazardous secondary
3027 material that is indistinguishable in all relevant aspects from a product or
3028 intermediate if the petitioner demonstrates that the hazardous secondary material
3029 is comparable to a product or intermediate and is not discarded. The Board's
3030 determination will be based on whether the hazardous secondary material is
3031 legitimately recycled, as determined pursuant to Section 720.143, and on the
3032 following criteria:

- 3033
- 3034 1) Whether market participants treat the hazardous secondary material as a
3035 product or intermediate, rather than as a waste (for example, based on the
3036 current positive value of the hazardous secondary material, stability of
3037 demand, or any contractual arrangements);
 - 3038
 - 3039 2) Whether the chemical and physical identity of the hazardous secondary
3040 material is comparable to commercial products or intermediates;
 - 3041
 - 3042 3) Whether the capacity of the market would use the hazardous secondary
3043 material in a reasonable time frame and ensure that the hazardous
3044 secondary material will not be abandoned (for example, based on past

3045 practices, market factors, the nature of the hazardous secondary material,
3046 or any contractual arrangements);

3047
3048 4) Whether the hazardous constituents in the hazardous secondary material
3049 are reclaimed, rather than released to the air, water, or land, at
3050 significantly higher levels, from either a statistical or from a health and
3051 environmental risk perspective, than would otherwise be released by the
3052 production process; and

3053
3054 5) Other relevant factors which demonstrate that the hazardous secondary
3055 material is not discarded, including why the hazardous secondary material
3056 cannot meet, or should not have to meet, the conditions of an exclusion
3057 under 35 Ill. Adm. Code 721.102 or 721.104.
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3059 (Source: Amended at 42 Ill. Reg. _____, effective _____)
3060

3061 **Section 720.142 Notification Requirement for Hazardous Secondary Materials**
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3063 a) A facility that manages hazardous secondary materials which are excluded from
3064 regulation under 35 Ill. Adm. Code 721.104(a)(23), (a)(24), or (a)(27) must send a
3065 notification to USEPA Region 5. The notification must occur prior to operating
3066 under the regulatory provision and before March 1 of every even-numbered
3067 calendar year thereafter using a copy of USEPA Form 8700-12 obtained from the
3068 Agency, Bureau of Land (217-782-6762). The notification must include the
3069 following information:

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3071 1) The name, address, and USEPA identification number (if applicable) of
3072 the facility;

3073
3074 2) The name and telephone number of a contact person for the facility;

3075
3076 3) The NAICS code of the facility;

3077
3078 BOARD NOTE: Determined using the "North American Industry
3079 Classification System", incorporated by reference in Section 720.111.
3080

3081 4) The regulation under which the facility will manage the hazardous
3082 secondary materials;

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3084 5) When the facility began or expects to begin managing the hazardous
3085 secondary materials in accordance with the regulation;
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- 6) A list of hazardous secondary materials that the facility will manage according to the regulation (reported as the USEPA hazardous waste numbers that would apply if the hazardous secondary materials were managed as hazardous wastes);
 - 7) For each hazardous secondary material, whether the hazardous secondary material, or any portion thereof, will be managed in a land-based unit;
 - 8) The quantity of each hazardous secondary material to be managed annually; and
 - 9) The certification (included in USEPA Form 8700-12) signed and dated by an authorized representative of the facility.
- b) If a facility that manages hazardous secondary material has submitted a notification, but then subsequently ceases managing hazardous secondary materials in accordance with a regulation listed in subsection (a), the facility owner or operator must notify the Agency within 30 days after the cessation using a copy of USEPA Form 8700-12 obtained from the Agency, Bureau of Land (217-782-6762). For purposes of this Section, a facility has stopped managing hazardous secondary materials if the facility no longer generates, manages, or reclaims hazardous secondary materials under the regulation listed in subsection (a), and the facility owner or operator does not expect to manage any amount of hazardous secondary materials for at least one year.

3112 BOARD NOTE: USEPA Form 8700-12 is the required instructions and forms for
3113 notification of regulated waste activity.
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3115 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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3117 **Section 720.143 Legitimate Recycling of Hazardous Secondary Materials**
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- a) Recycling of hazardous secondary materials for the purpose of the exclusions or exemptions from the hazardous waste regulations must be legitimate. Hazardous secondary material that is not the subject of legitimate recycling is discarded material and is a solid waste. A determination that an activity is legitimate recycling must address all the requirements of this subsection (a).
 - 1) Legitimate recycling must involve a hazardous secondary material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process. The hazardous secondary material provides a useful contribution if it fulfills one of the following criteria:

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- A) The material contributes valuable ingredients to a product or intermediate;
 - B) The material replaces a catalyst or carrier in the recycling process;
 - C) The material is the source of a valuable constituent recovered in the recycling process;
 - D) The material is recovered or regenerated by the recycling process; or
 - E) The material is used as an effective substitute for a commercial product.
- 2) The recycling process must produce a valuable product or intermediate. The product or intermediate is valuable if either of the following is true:
- A) The product or intermediate is sold to a third party; or
 - B) The product or intermediate is used by the recycler or the generator as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process.
- 3) The generator and the recycler must manage the hazardous secondary material as a valuable commodity when it is under their control. Where there is an analogous raw material, the hazardous secondary material must be managed, at a minimum, in a manner consistent with the management of the raw material or in an equally protective manner. Where there is no analogous raw material, the hazardous secondary material must be contained. Hazardous secondary materials that are released to the environment and which are not recovered immediately are discarded material.
- 4) The product of the recycling process must be comparable to a legitimate product or intermediate as follows:
- A) Where there is an analogous product or intermediate, the product of the recycling process is comparable to a legitimate product or intermediate if both of the following conditions are true:
 - i) The product of the recycling process does not exhibit a hazardous characteristic (as defined in Subpart C of 35 Ill.

- 3172 Adm. Code 721) that analogous products do not exhibit;
3173 and
3174
3175 ii) The concentrations of any hazardous constituents found in
3176 Appendix H of 35 Ill. Adm. Code 721 that are in the
3177 product or intermediate are at levels that are comparable to
3178 or lower than those found in analogous products or at levels
3179 that meet widely recognized commodity standards and
3180 specifications, where the commodity standards and
3181 specifications include levels that specifically address those
3182 hazardous constituents.
3183
- 3184 B) Where there is no analogous product, the product of the recycling
3185 process is comparable to a legitimate product or intermediate if
3186 either of the following conditions is true:
3187
- 3188 i) The product of the recycling process is a commodity that
3189 meets widely recognized commodity standards and
3190 specifications (e.g., commodity specification grades for
3191 common metals); or
3192
- 3193 ii) The hazardous secondary materials being recycled are
3194 returned to the original process or processes from which
3195 they were generated to be reused (e.g., closed loop
3196 recycling).
3197
- 3198 C) If the product of the recycling process has levels of hazardous
3199 constituents that are not comparable to or unable to be compared to
3200 a legitimate product or intermediate as provided in subsection
3201 (a)(4)(A) or (a)(4)(B), the recycling still may be shown to be
3202 legitimate if the person performing the recycling fulfills the
3203 following requirements:
3204
- 3205 i) The person performing the recycling must conduct the
3206 necessary assessment and prepare documentation which
3207 demonstrates that the recycling is, in fact, still legitimate;
3208
- 3209 ii) The assessment and documentation demonstrate that the
3210 recycling is legitimate based on lack of exposure from
3211 toxics in the product, lack of the bioavailability of the
3212 toxics in the product, or other relevant considerations
3213 which show that the recycled product does not contain

- 3214 levels of hazardous constituents that pose a significant
3215 human health or environmental risk;
- 3216
- 3217 iii) The documentation must include a certification statement
3218 that the recycling is legitimate, and the assessment and
3219 documentation must be maintained on-site for three years
3220 after the recycling operation has ceased; and
- 3221
- 3222 iv) The person performing the recycling must notify USEPA
3223 and the Agency of the recycling activity using USEPA
3224 Form 8700-12.
- 3225
- 3226 b) This subsection (b) corresponds with 40 CFR 260.43(b), which USEPA has
3227 removed and marked "reserved-". This statement maintains structural consistency
3228 with the corresponding federal rules.
- 3229
- 3230 c) This subsection (c) corresponds with 40 CFR 260.43(c), which USEPA has
3231 removed and marked "reserved-". This statement maintains structural consistency
3232 with the corresponding federal rules.
- 3233

3234 (Source: Amended at 42 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

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720.APPENDIX A Overview of Federal RCRA Subtitle C (Hazardous Waste) Regulations (Repealed)

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, effective 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. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18535, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17672, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8740, effective June 4, 2012; amended in R13-5 at 37 Ill. Reg. 3180, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17726, effective October 24, 2013; amended in R14-1/?R14-2/?R14-3 at 38 Ill. Reg. 7189, effective March 13, 2014; amended in R14-13 at 38 Ill. Reg. 12378, effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1542, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11286,

effective August 9, 2016; amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 720.101 Purpose, Scope, and Applicability

a) This Part provides definitions of terms, general standards, and overview information applicable to 35 Ill. Adm. Code 720 through 728, 733, 738, and 739.

b) In this Part:

1) Section 720.102 sets forth the rules that the Board and the Agency will use in making information it receives available to the public and sets forth the requirements that a generator, transporter, or owner or operator of a treatment, storage, or disposal facility must follow to assert claims of business confidentiality with respect to information that is submitted to the Board or the Agency for the purposes of compliance with 35 Ill. Adm. Code 720 through 728, 733, 738, and 739.

2) Section 720.103 establishes rules of grammatical construction for ~~for~~ the purposes of compliance with 35 Ill. Adm. Code 720 through 728, 733, 738, and 739.

3) Section 720.110 defines terms that are used in 35 Ill. Adm. Code 720 through 728, 733, 738, and 739.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 720.102 Availability of Information; Confidentiality of Information

a) Availability and confidentiality of information is governed by Illinois law, including Sections 7 and 7.1 of the Environmental Protection Act ~~[415 ILCS 5/7 and 7.1]~~ and 35 Ill. Adm. Code 130.

b) Except as provided under subsections ~~subsection~~ (c) and (d) ~~of this Section~~, any person who submits information to the Board or the Agency in accordance with this Part or 35 Ill. Adm. Code 721 through 728 may assert a claim of business confidentiality covering part or all of that information by following the procedures set forth in 35 Ill. Adm. Code 130. Information covered by such a claim will be disclosed by the Board or the Agency only to the extent, and by means of the procedures, set forth in 35 Ill. Adm. Code 130. ~~Information required under 35 Ill. Adm. Code 722.153(a) and 722.183 that is submitted in a notification of intent to export a hazardous waste will be provided to the U.S. Department of State and the appropriate authorities in the transit and receiving or importing countries regardless of any claims of confidentiality or trade secret.~~

c) Public disclosure of hazardous waste manifest documents.

1) No claim of business confidentiality may be asserted by any person with respect to information entered on a hazardous waste manifest (USEPA Form 8700-22), a Hazardous Waste Manifest Continuation Sheet (USEPA Form 8700-22A), or an e-Manifest format that may be prepared and used in accordance with 35 Ill. Adm. Code 722.120(a)(3).

2) USEPA has stated that it will make any e-Manifest that is prepared and used in accordance with 35 Ill. Adm. Code 722.120(a)(3), or any paper manifest that is submitted to the e-Manifest System under 35 Ill. Adm. Code 724.171(a)(6) or 725.171(a)(6) available to the public under this Section when the electronic or paper manifest is a complete and final document. E-Manifests and paper manifests submitted to the e-Manifest System are complete and final documents, and they become publicly available information, after 90 days have passed since the delivery to the designated facility of the hazardous waste shipment identified in the manifest.

d) Claims of Confidentiality.

1) No person may assert any claim of business confidentiality with respect to information contained in cathode ray tube export documents prepared, used, and submitted under 35 Ill. Adm. Code 721.139(a)(5) and 721.141(a), and with respect to information contained in hazardous waste export, import, and transit documents prepared, used, and submitted under 35 Ill. Adm. Code 722.182, 722.183, 722.184, 723.120, 724.112, 724.171, 725.112, 725.171, and 727.171, whether submitted electronically into USEPA's Waste Import Export Tracking System or in paper format.

2) USEPA will make any cathode ray tube export documents prepared, used, and submitted under 35 Ill. Adm. Code 721.139(a)(5) and 721.141(a) and any hazardous waste export, import, and transit documents prepared, used, and submitted under 35 Ill. Adm. Code 722.182, 722.183, 722.184, 723.120, 724.112, 724.171, 725.112, 725.171, and 727.171 available to the public under this Section when USEPA considers these electronic or paper documents to be final documents. USEPA considers these submitted electronic and paper documents related to hazardous waste exports, imports, and transits and cathode ray tube exports to be final documents on March 1 of the calendar year after the related cathode ray tube exports or hazardous waste exports, imports, or transits occur.

(Source: Amended at 42 Ill. Reg. _____, effective
_____)

Section 720.103 Use of Number and Gender

As used in 35 Ill. Adm. Code 702, 703, 720 through 728, and ~~733, 738,~~
~~and 739~~733:

a) Words in the masculine gender also include the feminine and neuter genders;

- b) Words in the singular include the plural; and
- c) Words in the plural include the singular.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 720.104 Electronic Reporting

a) Scope and Applicability.

1) The USEPA, the Board, or the Agency may allow for the submission of any document as an electronic document in lieu of a paper document. This Section does not require submission of electronic documents in lieu of paper documents. This Section sets forth the requirements for the optional electronic submission of any document that must be submitted to the appropriate of the following:

A) To USEPA directly under Title 40 of the Code of Federal Regulations; or

B) To the Board or the Agency pursuant to any provision of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, or 739.

2) Electronic document submission under this Section can occur only as follows:

A) For submissions of documents to USEPA, submissions may occur only after USEPA has published a notice in the Federal Register announcing that USEPA is prepared to receive, in an electronic format, documents required or permitted by the identified part or subpart of Title 40 of the Code of Federal Regulations; or

B) For submissions of documents to the State, submissions may occur only under the following circumstances:

i) To the Board, into the Board's Clerk's Office On-Line (COOL) system at www.ipcb.state.il.us. ~~As to any existing electronic document receiving system (i.e., one in use or substantially developed on or before October 13, 2005) for which an electronic reporting application has not been submitted on behalf of the Board or the Agency to USEPA pursuant to 40 CFR 3.1000, the Board or the Agency may use that system until October 13, 2007, or until such later date as USEPA has approved in writing as the extended deadline for submitting the application;~~

ii) To the Agency, into any electronic document receiving system for which USEPA has granted approval pursuant to 40 CFR 3.1000, so long as the system complies with 40 CFR 3.2000, incorporated by reference in Section 611.102(c), ~~and USEPA has not withdrawn its approval of the system in writing. As to any existing electronic document receiving system (i.e., one in use or substantially developed on or before October~~

~~13, 2005) for which an electronic reporting application has been submitted on behalf of the Board or the Agency to USEPA pursuant to 40 CFR 3.1000 on or before October 13, 2007, or on or before such later date as USEPA has approved in writing as the extended deadline for submitting the application, the Board or the Agency may use that system until USEPA disapproves its use in writing, or~~ (iii) The Board or the Agency may use any electronic document receiving system for which USEPA has granted approval pursuant to 40 CFR 3.1000, so long as the system complies with 40 CFR 3.2000, incorporated by reference in Section 611.102(e), and USEPA has not withdrawn its approval of the system in writing.

3) This Section does not apply to any of the following documents, whether or not the document is a document submitted to satisfy the requirements cited in subsection (a) (1) ~~of this Section~~:

A) Any document submitted via facsimile;

B) Any document submitted via magnetic or optical media, such as diskette, compact disc, digital video disc, or tape; or

C) Any data transfer between USEPA, any state, or any local government and either the Board or the Agency as part of administrative arrangements between the parties to the transfer to share data.

4) Upon USEPA conferring written approval for the submission of any types of documents as electronic documents in lieu of paper documents, as described in subsection (a) (2) (B) ~~(iii) of this Section~~, the Agency or the Board, as appropriate, must publish a Notice of Public Information in the Illinois Register that describes the documents approved for submission as electronic documents, the electronic document receiving system approved to receive them, the acceptable formats and procedures for their submission, and, as applicable, the date on which the Board or the Agency will begin to receive those submissions. In the event of written cessation of USEPA approval for receiving any type of document as an electronic document in lieu of a paper document, the Board or the Agency must similarly cause publication of a Notice of Public Information in the Illinois Register.

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 3.1, 3.2, 3.10, 3.20, and 3.1000 (2017) ~~(2012)~~.

b) Definitions. For the purposes of this Section, terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in 35 Ill. Adm. Code 720.111(b).

c) Procedures for submission of electronic documents in lieu of paper documents to USEPA. Except as provided in subsection (a) (3) of this Section, any person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, provided the following conditions are met:

1) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in Section 720.111(b); and

2) USEPA has first published a notice in the Federal Register as described in subsection (a) (2) (A) ~~of this Section~~.

BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3 (2017) ~~(2012)~~.

d) Procedures for submission of electronic documents in lieu of paper documents to the Board or the Agency.

1) The Board or the Agency may, but is not required to, establish procedural rules for the electronic submission of documents. The Board or the Agency must establish any such procedural rules under the Administrative Procedure Act [5 ILCS 100/Art. 5].

2) The Board or the Agency may accept electronic documents under this Section only as provided in subsection (a) (2) (B) ~~of this Section~~.

BOARD NOTE: Subsection (d) ~~of this Section~~ is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3 (2017) ~~(2012)~~.

e) Effects of submission of an electronic document in lieu of paper documents.

1) If a person who submits a document as an electronic document fails to comply with the requirements of this Section, that person is subject to the penalties prescribed for failure to comply with the requirement that the electronic document was intended to satisfy.

2) Where a document submitted as an electronic document to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds, obligates, and makes the signer responsible to the same extent as the signer's handwritten signature would on a paper document submitted to satisfy the same reporting requirement.

3) Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.

4) Nothing in this Section limits the use of electronic documents or information derived from electronic documents as evidence in enforcement or other proceedings.

BOARD NOTE: Subsection (e) ~~of this Section~~ is derived from 40 CFR 3.4 and 3.2000(c) (2017) ~~(2012)~~.

f) Public document subject to State laws. Any electronic document filed with the Board is a public document. The document, its

submission, its retention by the Board, and its availability for public inspection and copying are subject to various State laws, including, but not limited to, the following:

- 1) The Administrative Procedure Act ~~[5 ILCS 100]~~;
 - 2) The Freedom of Information Act [5 ILCS 140];
 - 3) The State Records Act [5 ILCS 160];
 - 4) The Electronic Commerce Security Act [5 ILCS 175];
 - 5) The Environmental Protection Act ~~[415 ILCS 5]~~;
 - 6) Regulations relating to public access to Board records (2 Ill. Adm. Code 2175); and
 - 7) Board procedural rules relating to protection of trade secrets and confidential information (35 Ill. Adm. Code 130).
- g) Nothing in this Section or in any provisions adopted pursuant to subsection (d)(1) ~~of this Section~~ will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection (g) ~~of this Section~~ is derived from 40 CFR 3.2(c) (2017) ~~(2012)~~.

BOARD NOTE: Derived from 40 CFR 3, 145.11(a)(33), 271.10(b), 271.11(b), and 271.12(h) (2017) ~~(2012)~~.

(Source: Amended at 42 Ill. Reg. , effective)

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 728, 733, 738, and 739 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of tank that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

"Active portion" means that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after

May 19, 1980, and which is not a closed portion. (See also "closed portion" ~~and "inactive portion."~~.)

"Acute hazardous waste" means hazardous waste that meets the listing criteria in 35 Ill. Adm. Code 721.111(a)(2) and therefore is either listed in 35 Ill. Adm. Code 721.131 with the assigned hazard code of (H) or is listed in 35 Ill. Adm. Code 721.133(e).

BOARD NOTE: These are USEPA hazardous waste numbers F020, F021, F022, F023, F026, and F026, and all USEPA hazardous waste numbers having the prefix "P".

"Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device, including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to storage or treatment tanks, between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent, or person of equivalent responsibility.

"Battery" means a device that consists of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

Boiler by physical characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and the unit's combustion chamber and primary energy recovery sections must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery sections (such as waterwalls and

superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery sections are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream) and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit may be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps.); or

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

"Carbon dioxide stream" means carbon dioxide that has been captured from an emission source (e.g., a power plant), plus incidental associated substances derived from the source materials and the capture process, and any substances added to the stream to enable or improve the injection process.

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

"Cathode ray tube" or "CRT" means a vacuum tube, composed primarily of glass, which is the visual or video display component of an electronic device. A "used, intact CRT" means a CRT whose vacuum has not been released. A "used, broken CRT" means glass removed from its housing or casing whose vacuum has been released.

"Central accumulation area" means any on-site area where is accumulating in units subject to either 35 Ill. Adm. Code 722.116 (for an SQG) or 35 Ill. Adm. Code 722.117 (for an LQG). A central accumulation area at an eligible academic entity that chooses to operate under Subpart K of 35 Ill. Adm. Code 722 is also subject to 35 Ill. Adm. Code 722.311 when accumulating unwanted material or hazardous waste.

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

"Closed portion" means that portion of a facility that an owner or operator has closed in accordance with the approved facility closure

plan and all applicable closure requirements. (See also "active portion" ~~and "inactive portion."~~)

"Component" means either the tank or ancillary equipment of a tank system.

"Contained" means held in a unit (including a land-based unit, as defined in this Section) that meets either of the following containment situations:

Containment situation 1 (non-hazardous waste containment):

The unit is in good condition, with no leaks or other continuing or intermittent unpermitted releases of the hazardous secondary materials to the environment, and is designed, as appropriate for the hazardous secondary materials, to prevent unpermitted releases of hazardous secondary materials to the environment. "Unpermitted releases" are releases that are not covered by a permit (such as a permit to discharge to water or air) and may include, but are not limited to, releases through surface transport by precipitation runoff, releases to soil and groundwater, windblown dust, fugitive air emissions, and catastrophic unit failures;

The unit is properly labeled or otherwise has a system (such as a log) to immediately identify the hazardous secondary materials in the unit; and

The unit holds hazardous secondary materials that are compatible with other hazardous secondary materials placed in the unit, is compatible with the materials used to construct the unit, and addresses any potential risks of fires or explosions.

Containment situation 2 (hazardous waste containment):

Hazardous secondary materials in units that meet the applicable requirements of 35 Ill. Adm. Code 724 or 725 are presumptively contained.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

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

"Containment building" means a hazardous waste management unit that is used to store or treat hazardous waste pursuant to the provisions of Subpart DD of 35 Ill. Adm. Code 724 and Subpart DD of 35 Ill. Adm. Code 725.

"Contingency plan" means a document setting out an organized, planned and coordinated course of action to be followed in case of a fire,

explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

"Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"CRT collector" means a person who receives used, intact CRTs for recycling, repair, resale, or donation.

"CRT exporter" means any person in the United States that initiates a transaction to send used CRTs outside the United States or its territories for recycling or reuse, or any intermediary in the United States arranging for such export.

"CRT glass manufacturer" means an operation or part of an operation that uses a furnace to manufacture CRT glass.

"CRT processing" means conducting all of the following activities:

Receiving broken or intact CRTs;

Intentionally breaking intact CRTs or further breaking or separating broken CRTs; and

Sorting or otherwise managing glass removed from CRT monitors.

"Designated facility" means either of the following entities:

A hazardous waste treatment, storage, or disposal facility that has been designated on the manifest by the generator, pursuant to 35 Ill. Adm. Code 722.120, of which any of the following is true:

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

The facility has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270;

The facility has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271; or

The facility is regulated pursuant to 35 Ill. Adm. Code 721.106(c)(2) or Subpart F of 35 Ill. Adm. Code 266; or

A generator site designated by the hazardous waste generator on the manifest to receive back its own waste as a return shipment from a designated hazardous waste treatment, storage, or disposal facility that has rejected the waste in accordance with 35 Ill. Adm. Code 724.172(f) or 725.172(f).

If a waste is destined to a facility in a state other than Illinois that has been authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for the purposes of managing that category of universal waste.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

"Dioxins and furans" means tetra-, penta-, hexa-, hepta-, and octa-chlorinated dibenzo dioxins and furans.

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

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

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

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

"Drip pad" means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation and surface water runoff to an associated collection system at wood preserving plants.

"Electronic import-export reporting compliance date" means the date that USEPA will announce in the Federal Register, on or after which exporters, importers, and receiving facilities will be required to submit certain export and import related documents to USEPA using USEPA's Waste Import Export Tracking System, or its successor system. BOARD NOTE: A compliance date in Illinois regulations is limited to a date certain on or after the Board has adopted the date by rulemaking. Adoption by rulemaking of the electronic import-export reporting compliance date can occur only after USEPA has made its announcement in the Federal Register. Until the Board has incorporated a date certain by rulemaking, the Board intends that no "electronic import-export reporting compliance date" will apply in the context of the Illinois rules. The federal electronic import-export reporting compliance date named by USEPA, however, may apply as provided by federal law.

"Electronic manifest" or "e-Manifest" means the electronic format of the hazardous waste manifest that is obtained from USEPA's national e-Manifest System and transmitted electronically to the e-Manifest System, and which is the legal equivalent of USEPA Forms 8700-22 (Manifest) and 8700-22A (Continuation Sheet).

"Electronic Manifest System" or "e-Manifest System" means USEPA's national information technology system through which the e-Manifest may be obtained, completed, transmitted, and distributed to users of the e-Manifest System and to regulatory agencies.

"Elementary neutralization unit" means a device of which the following is true:

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

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

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

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

"EPA region" or "USEPA region" means the states and territories found in any one of the following 10 regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

Region II: New York, New Jersey, Commonwealth of Puerto Rico, and the U.S. Virgin Islands.

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia.

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida.

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio.

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana, and Texas.

Region VII: Nebraska, Kansas, Missouri, and Iowa.

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah, and Colorado.

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands.

Region X: Washington, Oregon, Idaho, and Alaska.

"Equivalent method" means any testing or analytical method approved by the Board pursuant to Section 720.120.

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

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

The owner or operator had entered into contractual obligations that could not be canceled or modified without substantial loss for physical construction of the facility to be completed within a reasonable time.

"Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and which was in operation, or for which installation was commenced, on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, State, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either of the following is true:

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

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

"Explosives or munitions emergency" means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

"Explosives or munitions emergency response" means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment, or destruction of the explosives or munitions or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

"Explosives or munitions emergency response specialist" means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include United States Department of Defense (USDOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and USDOD-certified civilian or contractor personnel and other federal, State, or local government or civilian personnel who are similarly trained in explosives or munitions emergency responses.

"Facility" means the following:

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

For the purpose of implementing corrective action pursuant to 35 Ill. Adm. Code 724.201 or 35 Ill. Adm. Code 727.201, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action pursuant to RCRA section 3008(h).

Notwithstanding the immediately-preceding paragraph of this definition, a remediation waste management site is not a facility that is subject to 35 Ill. Adm. Code 724.201, but a facility that is subject to corrective action requirements if the site is located within such a facility.

"Federal agency" means any department, agency, or other instrumentality of the federal government, any independent agency or establishment of the federal government, including any government corporation and the Government Printing Office.

"Federal, State, and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, State, or local hazardous waste control statutes, regulations, or ordinances.

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities pursuant to 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code ~~722.116-~~
~~722.134-~~722.116.

"Food-chain crops" means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

"Free liquids" means liquids that readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous secondary material" means a secondary material (e.g., spent material, by-product, or sludge) that, when discarded, would be identified as hazardous waste pursuant to 35 Ill. Adm. Code 721.

"Hazardous secondary material generator" means any person whose act or process produces hazardous secondary materials at the generating facility. For purposes of this definition, "generating facility" means

all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator. For the purposes of Sections 721.102(a)(2)(B) and 721.104(a)(23), a facility that collects hazardous secondary materials from other persons is not the hazardous secondary material generator.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent that caused the hazardous waste to be listed in Subpart D of 35 Ill. Adm. Code 721, or a constituent listed in 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers, and the land or pad upon which they are placed.

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

"Incinerator" means any enclosed device of which the following is true:

The facility uses controlled flame combustion, and both of the following are true of the facility:

The facility does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor

The facility is not listed as an industrial furnace; or

The facility meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste that is unsuitable for the following:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire, or explosion, violent reaction, toxic dusts, mists, fumes or gases, or flammable fumes or gases.

(See Appendix E to 35 Ill. Adm. Code 724 and Appendix E to 35 Ill. Adm. Code 725 for references that list examples.)

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

Cement kilns;

Lime kilns;

Aggregate kilns;

Phosphate kilns;

Coke ovens;

Blast furnaces;

Smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces);

Titanium dioxide chloride process oxidation reactors;

Methane reforming furnaces;

Pulping liquor recovery furnaces;

Combustion devices used in the recovery of sulfur values from spent sulfuric acid;

Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least three percent, the acid product is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20 percent, as generated; and

Any other such device as the Agency determines to be an industrial furnace on the basis of one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

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

"Infrared incinerator" means any enclosed device that uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

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

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

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

"Inner liner" means a continuous layer of material placed inside a tank or container that protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"Intermediate facility" means any facility that stores hazardous secondary materials for more than 10 days and which is neither a hazardous secondary material generator nor a reclaimer of hazardous secondary material.

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

"Lamp" or "universal waste lamp" means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infrared regions of the electromagnetic spectrum. Examples of common universal

waste lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high-pressure sodium, and metal halide lamps.

"Land-based unit" means an area where hazardous secondary materials are placed in or on the land before recycling. This definition does not include land-based production units.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit (CAMU).

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

"Large quantity generator" or "LQG" means a generator that generates any of the following amounts of material in a calendar month:

Greater than or equal to 1,000 kg (2,200 lbs) of non-acute hazardous waste;

Greater than 1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e); or

Greater than 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e).

"LDS" means leak detection system.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill, or landfill cell that restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary

containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

"Manifest" means the shipping document USEPA Form 8700-22 (including, if necessary, USEPA Form 8700-22A), or the e-Manifest, originated and signed in accordance with the applicable requirements of 35 Ill. Adm. Code 722 through 727.

"Manifest tracking number" means the alphanumeric identification number (i.e., a unique three letter suffix preceded by nine numerical digits) that is pre-printed in Item 4 of the manifest by a registered source.

"Mercury-containing equipment" means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function.

"Military munitions" means all ammunition products and components produced or used by or for the United States Department of Defense or the United States Armed Services for national defense and security, including military munitions under the control of the United States Department of Defense (USDOD), the United States Coast Guard, the United States Department of Energy (USDOE), and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by USDOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components of these items and devices. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components of these items and devices. However, the term does include non-nuclear components of nuclear devices, managed under USDOE's nuclear weapons program after all sanitization operations required under the Atomic Energy Act of 1954 (42 USC 2014 et seq.), as amended, have been completed.

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

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container; tank; surface impoundment; pile; land treatment unit; landfill; incinerator; boiler; industrial furnace; underground injection

well with appropriate technical standards pursuant to 35 Ill. Adm. Code 730; containment building; corrective action management unit (CAMU); unit eligible for a research, development, and demonstration permit pursuant to 35 Ill. Adm. Code 703.231; or staging pile.

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

"NAICS Code" means the code number assigned a facility using the "North American Industry Classification System", incorporated by reference in Section 720.111.

"New hazardous waste management ~~(HWM)~~ facility", "HWM" or "new facility" means a facility that began operation, or for which construction commenced after November 19, 1980. (See also "Existing hazardous waste management facility".)

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commenced after July 14, 1986. (See also "existing tank system".)

"No free liquids", as used in 35 Ill. Adm. Code 721.104(a)(26) and (b)(18), means that solvent-contaminated wipes may not contain free liquids, as determined by Method 9095B (Paint Filter Liquids Test), included in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in Section 720.111, and that there is no free liquid in the container holding the wipes. No free liquids may also be determined using another standard or test method that the Agency has determined by permit condition is equivalent to Method 9095B.

"Non-acute hazardous waste" means hazardous waste that is not acute hazardous waste, as defined in this Section.

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

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

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

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

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

Control of emission of the gaseous combustion products.

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

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

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

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with 35 Ill. Adm. Code 724 or 725.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 USC 321(v)), incorporated by reference in Section 720.111(c);

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to FFDCA section 512 (21 USC 360b), incorporated by reference in Section 720.111(c), to be an exempted new animal drug; or

It is an animal feed under FFDCA section 201(w) (21 USC 321(w)), incorporated by reference in Section 720.111(c), that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 260.10 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug-". This is very similar to the language of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC 136(u)). The three exceptions, taken together, appear intended not to include as pesticide any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Pile" means any non-containerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage, and that is not a containment building.

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

"Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.110.

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certifications, or completion of accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and contaminant rate and transport.

BOARD NOTE: State registration includes, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to 225 ILCS 325 and 68 Ill. Adm. Code 1380. Professional certification includes, but is not limited to, certification under the certified groundwater professional program of the National Ground Water Association.

"RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 USC 6901 et seq.).

"RCRA standardized permit" means a RCRA permit issued pursuant to Subpart J of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 702 that authorizes management of hazardous waste. The RCRA

standardized permit may have two parts: a uniform portion issued in all cases and a supplemental portion issued at the discretion of the Agency.

"Recognized trader" means a person domiciled in the United States, by site of business, who acts to arrange and facilitate transboundary movements of wastes destined for recovery or disposal operations, either by purchasing from and subsequently selling to United States and foreign facilities, or by acting under arrangements with a United States waste facility to arrange for the export or import of the wastes.

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

"Remanufacturing" means processing a higher-value hazardous secondary material in order to manufacture a product that serves a similar functional purpose as the original commercial-grade material. For the purpose of this definition, a hazardous secondary material is considered higher-value if it was generated from the use of a commercial-grade material in a manufacturing process and can be remanufactured into a similar commercial-grade material.

"Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that are managed for implementing cleanup.

"Remediation waste management site" means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action pursuant to 35 Ill. Adm. Code 724.201, but a remediation waste management site is subject to corrective action requirements if the site is located in such a facility.

"Replacement unit" means a landfill, surface impoundment, or waste pile unit from which all or substantially all of the waste is removed, and which is subsequently reused to treat, store, or dispose of hazardous waste. Replacement unit does not include a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with a closure or corrective action plan approved by USEPA or the Agency.

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

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

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

"Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

"SIC code" means "Standard Industrial Classification code₇", as assigned to a site by the United States Department of Transportation, Federal Highway Administration, based on the particular activities that occur on the site, as set forth in its publication "Standard Industrial Classification Manual₇", incorporated by reference in Section 720.111(a).

"Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device that is used to dehydrate sludge and which has a total thermal input, excluding the heating value of the sludge itself, of 2,500 Btu/lb or less of sludge treated on a wet-weight basis.

"Small quantity generator" or "SQG" means a generator that generates the following amounts ~~less than 1,000 kg~~ of material ~~hazardous waste~~ in a calendar month:—

Greater than 100 kg (220 lbs) but less than 1,000 kilograms (2,200 lbs) of non-acute hazardous waste;

Less than or equal to 1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e); and

Less than or equal to 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e).

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

"Solvent-contaminated wipe" means the following: A wipe that, after use or after cleaning up a spill, fulfills one or more of the following conditions:

The wipe contains one or more of the F001 through F005 solvents listed in 35 Ill. Adm. Code 721.131 or the corresponding P- or U-listed solvents found in 35 Ill. Adm. Code 721.133;

The wipe exhibits a hazardous characteristic found in Subpart C of 35 Ill. Adm. Code 721 when that characteristic results from a solvent listed in 35 Ill. Adm. Code 721; or

The wipe exhibits only the hazardous waste characteristic of ignitability found in 35 Ill. Adm. Code 721.121 due to the presence of one or more solvents that are not listed in 35 Ill. Adm. Code 721.

Solvent-contaminated wipes that contain listed hazardous waste other than solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents, are not eligible for the exclusions at 35 Ill. Adm. Code 721.104(a)(26) and (b)(18).

"Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or both.

"Staging pile" means an accumulation of solid, non-flowing "remediation waste" (as defined in this Section) that is not a containment building and that is used only during remedial operations for temporary storage at a facility. Staging piles must be designated by the Agency according to 35 Ill. Adm. Code 724.654.

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

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

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities; except that, as used in the landfill, surface impoundment, and waste pile rules, sump means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

"Surface impoundment" or "impoundment" means a facility or part of a facility that is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials) that is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds, and lagoons.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste that is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) that provide structural support.

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

"TEQ" means toxicity equivalence, the international method of relating the toxicity of various dioxin and furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.

"Thermal treatment" means the treatment of hazardous waste in a device that uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning".)

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste that is directly connected to an industrial production process and which is constructed and operated in a manner that prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

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

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway, or water.

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

"Treatability study" means the following:

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

Whether the waste is amenable to the treatment process;

What pretreatment (if any) is required;

The optimal process conditions needed to achieve the desired treatment;

The efficiency of a treatment process for a specific waste or wastes;
and

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

Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion and other material compatibility studies, and toxicological and health effects studies. A treatability study is not a means to commercially treat or dispose of hazardous waste.

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

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well-".)

"Underground tank" means a device meeting the definition of tank whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been determined, through an integrity assessment or other inspection, to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"Universal waste" means any of the following hazardous wastes that are managed pursuant to the universal waste requirements of 35 Ill. Adm. Code 733:

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

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

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

Lamps, as described in 35 Ill. Adm. Code 733.105.

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates the universal waste, and sends that universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

"Universal waste handler" does not mean either of the following:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

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

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"USDOT" or "Department of Transportation" means the United States Department of Transportation.

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

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

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

"USEPA identification number" or "USEPA ID number" is the unique alphanumeric identifier that USEPA assigns a hazardous waste generator; transporter; treatment, storage, or disposal facility; or reclamation facility upon notification in compliance with the requirements of section 3010 of RCRA (42 USC 6930).

"User of the Electronic Manifest System" or "user of the e-Manifest System" means a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person or entity—;

that is required to use a manifest to comply with any federal or state requirement to track the shipment, transportation, and receipt of either—;

hazardous waste or other waste material that is shipped from the site of generation to an off-site designated facility for treatment, storage, recycling, or disposal; or

rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and

which elects to use either—;

the e-Manifest System to obtain, complete and transmit an e-Manifest format supplied by the USEPA e-Manifest System; or

the paper manifest form and submits to the e-Manifest System for data processing purposes a paper copy of the manifest (or data from such a paper copy), in accordance with 35 Ill. Adm. Code 724.171(a)(2)(E) or 725.171(a)(2)(E).

A paper copy submitted for data processing purposes is submitted for data exchange purposes only and is not the official copy of record for legal purposes.

"USPS" means the United States Postal Service.

"Very small quantity generator" or "VSQG" means a generator that generates less than or equal to the following amounts of material in a calendar month:

100 kg (220 lbs) of nonacute hazardous waste;
1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e); and

100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e).

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

"Wastewater treatment unit" means a device of which the following is true:

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

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

It meets the definition of tank or tank system in this Section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste that is loaded or carried on board a vessel without containers or labels.

"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"Well injection" (See "underground injection-".)

"Wipe" means a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.

"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 720.111 References

The following documents are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 702 through 705, 721 through 728, 730, 733, 738, and 739:

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

ACGME. Available from the Accreditation Council for Graduate Medical Education, 515 North State Street, Suite 2000, Chicago, IL 60654, 312-755-5000:

"Accreditation Council for Graduate Medical Education: Glossary of Terms", March 19, 2009, referenced in 35 Ill. Adm. Code 722.300.

BOARD NOTE: Also available on the Internet for download and viewing as a PDF file at the following Internet address:
http://www.acgme.org/?acWebsite/?about/?ab_ACGMEglossary.pdf.

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

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted November 1983, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

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

See ASME/ANSI B31.3 and B31.4 and supplements below in this subsection (a) under ASME.

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, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

"Evaporative Loss from External Floating-Roof Tanks", API publication 2517, Third Edition, February 1989, USEPA-approved for 35 Ill. Adm. Code 721.983 and 725.984.

"Guide for Inspection of Refinery Equipment," Chapter XIII, "Atmospheric and Low Pressure Storage Tanks", 4th Edition, 1981, reaffirmed December 1987, referenced in 35 Ill. Adm. Code 721.291, 724.291, 724.293, 725.291, and 725.292.

"Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615, Fourth Edition, November 1987, referenced in 35 Ill. Adm. Code 724.292.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585:

ASTM C 94-90, "Standard Specification for Ready-Mixed Concrete", approved March 30, 1990, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

ASTM D 88-87, "Standard Test Method for Saybolt Viscosity", approved April 24, 1981, reapproved January 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D 93-85, "Standard Test Methods for Flash Point by Pensky-Martens Closed Tester", approved October 25, 1985, USEPA-approved for 35 Ill. Adm. Code 721.121.

ASTM D 140-70, "Standard Practice for Sampling Bituminous Materials", approved 1970, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 346-75, "Standard Practice for Collection and Preparation of Coke Samples for Laboratory Analysis", approved 1975, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 420-69, "Guide to Site Characterization for Engineering, Design, and Construction Purposes", approved 1969, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1452-65, "Standard Practice for Soil Investigation and Sampling by Auger Borings", approved 1965, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1946-90, "Standard Practice for Analysis of Reformed Gas by Gas Chromatography", approved March 30, 1990, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2161-87, "Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity", March 27, 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D 2234-76, "Standard Practice for Collection of a Gross Sample of Coal", approved 1976, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 2267-88, "Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography", approved November 17, 1988, USEPA-approved for 35 Ill. Adm. Code 721.963 and 724.963.

ASTM D 2382-88, "Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method)", approved October 31, 1988, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2879-92, "Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by

Isoteniscope₇", approved 1992, USEPA-approved for 35 Ill. Adm. Code 725.984, referenced in 35 Ill. Adm. Code 721.963, 724.963, and 725.963.

ASTM D 3828-87, "Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester₇", approved December 14, 1988, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM E 168-88, "Standard Practices for General Techniques of Infrared Quantitative Analysis₇", approved May 27, 1988, USEPA-approved for 35 Ill. Adm. Code 721.963 and 724.963.

ASTM E 169-87, "Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis₇", approved February 1, 1987, USEPA-approved for 35 Ill. Adm. Code 721.963 and 724.963.

ASTM E 260-85, "Standard Practice for Packed Column Gas Chromatography₇", approved June 28, 1985, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM G 21-70 (1984a), "Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi₇", referenced in 35 Ill. Adm. Code 724.414 and 725.414.

ASTM G 22-76 (1984b), "Standard Practice for Determining Resistance of Plastics to Bacteria₇", referenced in 35 Ill. Adm. Code 724.414 and 725.414.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-512-1800:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, referenced in 35 Ill. Adm. Code 702.110 and Section 720.110.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods₇", USEPA publication number EPA-530/SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (November 1994), IIA (August, 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1). See below in this subsection (a) under NTIS.

ISO. Available from the International Organization for Standardization, BIBC II, Chemin de Blandonne 8, CP 401, 1214 Vernier, Geneva, Switzerland (phone: +41 22 749 01 11; www.iso.org/stare):

International Standard ISO 3166-1:2013, "Codes for the representation of names of countries and their subdivisions-Part 1: Country code", Third edition (2013), referenced in 35 Ill. Adm. Code 702.183 and Section 722.182.

BOARD NOTE: ISO maintains a web page with a free on-line list of country codes: <https://www.iso.org/obp/ui/#search>.

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems⁷", NACE Recommended Practice RP0285-85, approved March 1985, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

NFPA. Available from the National Fire Protection Association, 1 Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code", NFPA 30 (1977), referenced in 35 Ill. Adm. Code 722.116.

"Flammable and Combustible Liquids Code", NFPA 30 (1981), referenced in 35 Ill. Adm. Code 722.116.

"Flammable and Combustible Liquids Code⁷", NFPA ~~30, issued July 14, 30~~ (1984), referenced in 35 Ill. Adm. Code 721.298, 722.116, 724.298, 725.298, ~~725.301,~~ 726.211, and 727.290.

"Flammable and Combustible Liquids Code⁷", NFPA ~~30, issued August 7, 30~~ (1987), referenced in 35 Ill. Adm. Code 721.298, 722.116, 724.298, 725.298, ~~725.301,~~ 726.211, and 727.290.

"Flammable and Combustible Liquids Code⁷", NFPA ~~30, issued July 18, 30~~ (2003), as supplemented by TIA 03-~~1, issued July 15, 1~~ (2004), and corrected by Errata 30-03-~~01, issued August 13, 01~~ (2004), referenced in 35 Ill. Adm. Code 721.298, 722.116, 724.298, 725.298, ~~725.301,~~ 726.211, and 727.290.

"Standard System for the Identification of the Hazards of Materials for Emergency Response", NFPA 704 (2012 or 2017), referenced in 35 Ill. Adm. Code 722.114.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-6000 or 800-553-6847 (Internet address: www.ntis.gov):

"APTI Course 415: Control of Gaseous Emissions⁷", December 1981, USEPA publication number EPA-450/2-81-005, NTIS document number PB80-208895, USEPA-approved for 35 Ill. Adm. Code 703.210, 703.211, 703.352, 724.935, and 725.935.

BOARD NOTE: "APTI" denotes USEPA's "Air Pollution Training Institute" (Internet address: www.epa.gov/air/oaqps/eog/).

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program⁷", USEPA publication number EPA-530/SW-87-011, March 15, 1987, NTIS document number PB88-170766, referenced in 35 Ill. Adm. Code 728.106.

"Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar Material) by Extraction and Gravimetry", Revision A, February 1999, USEPA publication number EPA-821/R-98-002, NTIS document number PB99-121949, or Revision B, February 2010, USEPA publication number EPA-821/R-10-001, NTIS document number PB2011-100735, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

BOARD NOTE: Also available on the Internet for free download as a PDF document from the USEPA website at: water.epa.gov/scitech/methods/cwa/methods_index.cfm. Revision A is also from the USEPA, National Service Center for Environmental Publications (NSCEP) website at www.epa.gov/nscep/index.html.

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March 1983, USEPA document number EPA-600/4-79-020, NTIS document number PB84-128677, referenced in 35 Ill. Adm. Code 725.192.

BOARD NOTE: Also available on the Internet as a viewable/printable HTML document from the USEPA website at: www.epa.gov/clariton/clhtml/pubtitleORD.html as document 600479002.

"North American Industry Classification System", July 2007, U.S. Department of Commerce, Bureau of the Census, document number PB2007-100002 (hardcover printed volume) or PB2007-500023, referenced in Section 720.110 (definition of "NAICS Code") for the purposes of Section 720.142, and in 35 Ill. Adm. Code 721.104.

BOARD NOTE: Also available on the Internet from the Bureau of Census: www.census.gov/naics/2007/naicod07.htm.

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", August 1977, EPA-530/SW-611, NTIS document number PB84-174820, referenced in 35 Ill. Adm. Code 725.192.

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October 1992, USEPA publication number EPA-454/R-92-019, NTIS document number 93-219095, referenced in 35 Ill. Adm. Code 726.204 and 726.206.

BOARD NOTE: Also available on the Internet for free download as a WordPerfect document from the USEPA website at the following Internet address: www.epa.gov/scram001/guidance/guide/scrng.wpd.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846 (Third Edition, November 1986; Revision 6, January 2005), as amended by Updates I (July 1992), II (November 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1), generally referenced in Appendices A and I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 726.200, 726.206, 726.212, and

728.106 (in addition to the references cited below for specific methods):

Method 0010 (November 1986) (Modified Method 5 Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0011 (December 1996) (Sampling for Selected Aldehyde and Ketone Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and for Appendix I to 35 Ill. Adm. Code 726.

Method 0020 (November 1986) (Source Assessment Sampling System), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0023A (December 1996) (Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.204.

Method 0030 (November 1986) (Volatile Organic Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0031 (December 1996) (Sampling Method for Volatile Organic Compounds (SMVOC)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0040 (December 1996) (Sampling of Principal Organic Hazardous Constituents from Combustion Sources Using Tedlar(r) Bags), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0050 (December 1996) (Isokinetic HCl/Cl₂ Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0051 (December 1996) (Midget Impinger HCl/Cl₂ Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0060 (December 1996) (Determination of Metals in Stack Emissions), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.206.

Method 0061 (December 1996) (Determination of Hexavalent Chromium Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, 35 Ill. Adm. Code 726.206, and Appendix I to 35 Ill. Adm. Code 726.

Method 1010A (November 2004) (Test Methods for Flash Point by Pensky-Martens Closed Cup Tester), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1020B (November 2004) (Standard Test Methods for Flash Point by Setaflash (Small Scale) Closed-cup Apparatus), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1110A (November 2004) (Corrosivity Toward Steel), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 1310B (November 2004) (Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and referenced in Appendix I to 35 Ill. Adm. Code 728.

Method 1311 (November 1992) (Toxicity Characteristic Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721; for 35 Ill. Adm. Code 721.124, 728.107, and 728.140; and for Table T to 35 Ill. Adm. Code 728.

Method 1312 (November 1994) (Synthetic Precipitation Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1320 (November 1986) (Multiple Extraction Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1330A (November 1992) (Extraction Procedure for Oily Wastes), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9010C (November 2004) (Total and Amenable Cyanide: Distillation), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728.

Method 9012B (November 2004) (Total and Amenable Cyanide (Automated Colorimetric, with Off-Line Distillation)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728.

Method 9040C (November 2004) (pH Electrometric Measurement), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 9045D (November 2004) (Soil and Waste pH), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9060A (November 2004) (Total Organic Carbon), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 721.934, 721.963, 724.934, 724.963, 725.934, and 725.963.

Method 9070A (November 2004) (n-Hexane Extractable Material (HEM) for Aqueous Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9071B (April 1998) (n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9095B (November 2004) (Paint Filter Liquids Test), USEPA-approved for 35 Ill. Adm. Code 720.110; Appendix I to 35 Ill. Adm. Code 721; and 35 Ill. Adm. Code 724.290, 724.414, 725.290, 725.414, 725.981, 727.290, and 728.132.

BOARD NOTE: Also available on the Internet for free download in segments in PDF format from the USEPA website at: www.epa.gov/SW-846.

OECD. Organization ~~Organisation~~ for Economic Cooperation ~~Co-operation~~ and Development, Environment Directorate, 2 rue Andre Pascal, F-75775 Paris Cedex 16, France, +33 (0) 1 45 24 81 67 (www.oecd.org), also OECD Washington Center, 2001 L Street, NW, Suite 650, Washington, DC 20036-4922, 202-785-6323 or 800-456-6323 (www.oecdwash.org):

OECD Guidance Manual. "Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, as Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations_T", 2009 (also called "Guidance Manual for the Control of Transboundary Movements of Recoverable Materials" in OECD documents), but only the following segments, which set forth the substantive requirements of OECD decision C(2001)107/FINAL (June 14, 2001), as amended by C(2001)107/ADD1 (February 28, 2002), C(2004)20 (March 9, 2004), C(2005)141 (December 2, 2005), and C(2008)156 (December 4, 2008):

~~"Annex A: OECD Decision C(2001)107/FINAL, as Amended by C(2004)20, C(2005)141 and C(2008)156" (also called "Revision of Council Decision C(92)39/FINAL on the Control of Transboundary Movements of Wastes Destined for Recovery Operations" within the text of Annex A, and "Decision of the Council Concerning the Control of Transboundary Movements of Wastes Destined for Recovery Operations" in the original OECD decision source document, C(2001)107/FINAL (June 14, 2001), as amended by C(2001)107/ADD1 (February 28, 2002), C(2004)20 (March 9, 2004), C(2005)141 (December 2, 2005), and C(2008)156 (December 4, 2008)).~~

"Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedure" (individually referred to as "Annex B to OECD Guidance Manual" in 35 Ill. Adm. Code 722), combining Appendix 3 to OECD decision C(2001)107/FINAL, as amended as described above, together with the text of Annex IX ("List B") to the "Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal" ("Basel Convention").

"Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure" (individually referred to as "Annex C to OECD Guidance Manual" in 35 Ill. Adm. Code 722), combining Appendix 4 to OECD decision C(2001)107/FINAL, as amended, together with the text of Annexes II ("Categories of Wastes Requiring Special Consideration") and VIII ("List A") to the Basel Convention.

BOARD NOTE: The OECD Guidance Manual is available online from OECD at www.oecd.org/dataoecd/57/1/42262259.pdf. The OECD and the Basel Convention consider the OECD Guidance Manual unofficial text of these documents. Despite this unofficial status, the Board has chosen to follow USEPA's lead and incorporate the OECD Guidance Manual by reference, instead of separately incorporating the OECD decision C(2001)107/FINAL (with its subsequent amendments: OECD decisions C(2001)107/ADD1, C(2004)20, C(2005)141, and C(2008)156) and the Basel Convention by reference. Use of the OECD Guidance Manual eases reference to the documents, increases access to the documents, and facilitates future updates to this incorporation by reference. All references to "OECD C(2001)107/FINAL" in the text of 35 Ill. Adm. Code 722 refer to both the OECD decision and the Basel Convention that the OECD decision references. The OECD Guidance Manual includes as Annex A the full text of OECD document C(2001)107/FINAL, with amendments, and Annexes B and C set forth lists of wastes subject to Green control procedures and wastes subject to Amber control procedures, respectively, which consolidate the wastes from C(2001)107/FINAL together with those from the Basel Convention.

OECD Guideline for Testing of Chemicals, "Ready Biodegradability_T", Method 301B (July 17, 1992), "CO₂ Evolution (Modified Sturm Test)_T", referenced in 35 Ill. Adm. Code 724.414.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986), referenced in 35 Ill. Adm. Code 724.293.

USDOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosives Safety Standards" (DOD 6055.09-~~STD~~), as in effect on February 29, 2008 and revised December 15, 2017, December 18, 2017, December 29, 2017, and January 24, 2018, referenced in 35 Ill. Adm. Code 726.305.

"The Motor Vehicle Inspection Report" (DD Form 626), as in effect in October ~~2011-March-2007,2011~~, referenced in 35 Ill. Adm. Code 726.303.

"Requisition Tracking Form" (DD Form 1348), as in effect in July 1991, referenced in 35 Ill. Adm. Code 726.303.

"The Signature and Tally Record" (DD Form 1907), as in effect in October ~~2011-November-2006,2011~~, referenced in 35 Ill. Adm. Code 726.303.

"DOD Multimodal Dangerous Goods Declaration" (DD Form 2890), (Sep. 2015) ~~"Dangerous Goods Shipping Paper/Declaration and Emergency Response Information for Hazardous Materials Transported by Government Vehicles"-(DD Form 836)_T~~, as in effect in September ~~2015-December-2007,2015~~, referenced in 35 Ill. Adm. Code 726.303.

BOARD NOTE: DOD 6055.09, DD Form 626, ~~STD is available on line for download in pdf format from <http://www.ddesb.pentagon.mil>~~. DD Form 1348, DD Form 1907, ~~DD Form 836~~, and DD Form 2890 ~~DOD 6055.09 STD~~ are available on-line for download in pdf format from www.esd.whs.mil/DD/ ~~<http://www.dtic.mil/whs/directives/?infomgt/forms/formsprogram.htm>~~.

USEPA, Office of Ground Water and Drinking Water. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Inventory of Injection Wells_T", USEPA Form 7520-16 (Revised 8-01), referenced in 35 Ill. Adm. Code 704.148 and 704.283.

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells_T", USEPA publication number EPA-570/9-87-002, August 1987, referenced in 35 Ill. Adm. Code 730.165.

USEPA, Receptor Analysis Branch. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised_T", October 1992, USEPA publication number EPA-450/R-92-019, USEPA-approved for Appendix I to 35 Ill. Adm. Code 726.

BOARD NOTE: Also available for purchase from NTIS (see above) and on the Internet for free download as a WordPerfect document from the USEPA website at following Internet address:
www.epa.gov/scram001/guidance/guide/scrng.wpd.

USEPA Region 6. Available from United States Environmental Protection Agency, Region 6, Multimedia Permitting and Planning Division, 1445 Ross Avenue, Dallas, TX 75202 (phone: 214-665-7430):

"EPA RCRA Delisting Program - Guidance Manual for the Petitioner_T", March 23, 2000, referenced in Section 720.122.

USGSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1103, rev 9/2003, supplemented as necessary with GSA Standard Form 1109, rev 09/1998), referenced in Section 726.303.

BOARD NOTE: Available on-line for download in various formats from www.gsa.gov/forms/forms.htm.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20.2006 (2018)—(2015) (Transfer for Disposal and Manifests), referenced in 35 Ill. Adm. Code 726.425 and 726.450.

Table II, column 2 in appendix B to 10 CFR 20 (2018)—(2015) (Water Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110, 730.103, and 730.151.

Appendix G to 10 CFR 20 (2018)—(2015) (Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests), referenced in 35 Ill. Adm. Code 726.440.

10 CFR 71 (2018)—(2015) (Packaging and Transportation of Radioactive Material), referenced generally in 35 Ill. Adm. Code 726.430.

10 CFR 71.5 (2018)—(2015) (Transportation of Licensed Material), referenced in 35 Ill. Adm. Code 726.425.

15 CFR 30.4(b) (2018) (Electronic Export Information Filing, Procedures, Deadlines, and Certification Statements), referenced in 35 Ill. Adm. Code 721.139.

15 CFR 30.6 (2018) (Electronic Export Information Data Elements), referenced in 35 Ill. Adm. Code 721.139.

29 CFR 1910.1200 (2017) (Hazard Communication), referenced in 35 Ill. Adm. Code 722.115.

33 CFR 153.203 (2017)—(2015) (Procedure for the Notice of Discharge), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

40 CFR 3.3 (2017) (2015)—(What Definitions Are Applicable to This Part?), referenced in Section 720.104.

40 CFR 3.10 (2017) (2015)—(What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 720.104.

40 CFR 3.2000 (2017)—(2015) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 720.104.

40 CFR 51.100(ii) (2017)—(2015) (Definitions), referenced in 35 Ill. Adm. Code 726.200.

Appendix W to 40 CFR 51 (2017)—(2015) (Guideline on Air Quality Models), referenced in 35 Ill. Adm. Code 726.204.

BOARD NOTE: Also available from NTIS (see above for contact information) as "Guideline on Air Quality Models⁷", Revised 1986, USEPA publication number EPA-450/12-78-027R, NTIS document numbers PB86-245248 (Guideline) and PB88-150958 (Supplement).

Appendix B to 40 CFR 52.741 (2017)—(2015) (VOM Measurement Techniques for Capture Efficiency), referenced in 35 Ill. Adm. Code 703.213, 703.352, 721.984, 721.986, 721.989, 724.982, 724.984, 724.986, 724.989, 725.983, 725.985, 725.987, and 725.990.

40 CFR 60 (2017)—(2015) (Standards of Performance for New Stationary Sources), referenced generally in 35 Ill. Adm. Code 721.104, 721.950, 721.964, 721.980, 724.964, 724.980, 725.964, and 725.980.

Subpart VV of 40 CFR 60 (2017)—(2015) (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry), referenced in 35 Ill. Adm. Code 721.989, 724.989, and 725.990.

Appendix A to 40 CFR 60 (2017)—(2015) (Test Methods), referenced generally in 35 Ill. Adm. Code 726.205 (in addition to the references cited below for specific methods):

Method 1 (Sample and Velocity Traverses for Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)), referenced in 35 Ill. Adm. Code 721.934, 724.933, 724.934, 725.933, 725.934, and 726.205.

Method 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), referenced in 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205.

Method 2B (Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators), referenced in 35 Ill. Adm. Code 726.205.

Method 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), referenced in 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205.

Method 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts), referenced in 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205.

Method 2E (Determination of Landfill Gas Production Flow Rate), referenced in 35 Ill. Adm. Code 726.205.

Method 2F (Determination of Stack Gas Velocity and Volumetric Flow Rate with Three-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

Method 2G (Determination of Stack Gas Velocity and Volumetric Flow Rate with Two-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

Method 2H (Determination of Stack Gas Velocity Taking into Account Velocity Decay Near the Stack Wall), referenced in 35 Ill. Adm. Code 726.205.

Method 3 (Gas Analysis for the Determination of Dry Molecular Weight), referenced in 35 Ill. Adm. Code 724.443 and 726.205.

Method 3A (Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure)), referenced in 35 Ill. Adm. Code 726.205.

Method 3B (Gas Analysis for the Determination of Emission Rate Correction Factor or Excess Air), referenced in 35 Ill. Adm. Code 726.205.

Method 3C (Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 4 (Determination of Moisture Content in Stack Gases), referenced in 35 Ill. Adm. Code 726.205.

Method 5 (Determination of Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5A (Determination of Particulate Matter Emissions from the Asphalt Processing and Asphalt Roofing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5B (Determination of Nonsulfuric Acid Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5D (Determination of Particulate Matter Emissions from Positive Pressure Fabric Filters), referenced in 35 Ill. Adm. Code 726.205.

Method 5E (Determination of Particulate Matter Emissions from the Wool Fiberglass Insulation Manufacturing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5F (Determination of Nonsulfate Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5G (Determination of Particulate Matter Emissions from Wood Heaters (Dilution Tunnel Sampling Location)), referenced in 35 Ill. Adm. Code 726.205.

Method 5H (Determination of Particulate Emissions from Wood Heaters from a Stack Location), referenced in 35 Ill. Adm. Code 726.205.

Method 5I (Determination of Low Level Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography), referenced in 35 Ill. Adm. Code 721.933, 721.934, 724.933, 724.934, 725.933, and 725.934.

Method 21 (Determination of Volatile Organic Compound Leaks), referenced in 35 Ill. Adm. Code 703.213, 721.934, 721.935, 721.963, 721.983, 724.934, 724.935, 724.963, 725.934, 725.935, 725.963, and 725.984.

Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares), referenced in 35 Ill. Adm. Code 721.933, 724.933, 724.1101, 725.933, 725.1101, and 727.900.

Method 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer), referenced in 35 Ill. Adm. Code 721.934, 724.934, and 725.985.

Method 25D (Determination of the Volatile Organic Concentration of Waste Samples), referenced in 35 Ill. Adm. Code 721.983, 724.982, 725.983, and 725.984.

Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test), referenced in 35 Ill. Adm. Code 721.986, 724.986, and 725.987.

40 CFR 61 (2017)—(2015) (National Emission Standards for Hazardous Air Pollutants), referenced generally in 35 Ill. Adm. Code 721.104, 721.933, 721.950, 721.964, 721.980, 724.933, 724.964, 725.933, 725.964, and 725.980.

Subpart V of 40 CFR 61 (2017)—(2015) (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm. Code 721.989, 724.989, and 725.990.

Subpart FF of 40 CFR 61 (2017)—(2015) (National Emission Standard for Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and 725.983.

40 CFR 63 (2017)—(2015) (National Emission Standards for Hazardous Air Pollutants for Source Categories), referenced generally in 35 Ill. Adm. Code 721.293, 721.933, 721.950, 721.964, 721.980, 724.933, 724.964, 724.980, 725.933, 725.964, 725.980, and 726.200.

Subpart RR of 40 CFR 63 (2017)—(2015) (National Emission Standards for Individual Drain Systems), referenced in 35 Ill. Adm. Code 721.984, 724.984, 724.985, 725.985, and 725.986.

Subpart EEE of 40 CFR 63 (2000) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), referenced in 35 Ill. Adm. Code 703.280.

Subpart EEE of 40 CFR 63 (2017) (2015) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (includes 40 CFR 63.1206 (When and How Must You Comply with the Standards and Operating Requirements?), 63.1215 (What are the Health-Based Compliance Alternatives for Total Chlorine?), 63.1216 (What are the Standards for Solid-Fuel Boilers that Burn Hazardous Waste?), 63.1217 (What are the Standards for Liquid-Fuel Boilers that Burn Hazardous Waste?), 63.1218 (What are the Standards for Hydrochloric Acid Production Furnaces that Burn Hazardous Waste?), 63.1219 (What are the Replacement Standards for Hazardous Waste Incinerators?), 63.1220 (What are the Replacement Standards for Hazardous Waste-Burning Cement Kilns?), and 63.1221 (What are the Replacement Standards for Hazardous Waste-Burning Lightweight Aggregate Kilns?)), referenced in Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 703.155, 703.205, 703.208, 703.221, 703.232, 703.320, 703.280, 724.440, 724.701, 724.950, 725.440, and 726.200.

Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (2017)—(2015) (Test Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

Appendix C to 40 CFR 63 (2017)—(2015) (Determination of the Fraction Biodegraded (Fbio) in a Biological Treatment Unit), referenced in 35 Ill. Adm. Code 725.984.

Appendix D to 40 CFR 63 (2017)—(2015) (Test Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

40 CFR 136.3 (Identification of Test Procedures) (2017)—(2015), referenced in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.

40 CFR 144.70 (2017)—(2015) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 704.240.

40 CFR 232.2 (2017)—(2015) (Definitions), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 257 (2017)—(2015) (Criteria for Classification of Solid Waste Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code 739.181.

~~Subpart B of 40 CFR 257 (2015) (Disposal Standards for the Receipt of Conditionally Exempt Small Quantity Generator (CESQG) Wastes at Non-Municipal Non-Hazardous Waste Disposal Units) (40 CFR 257.5 through 257.30), referenced in 35 Ill. Adm. Code 721.105.~~

40 CFR 258 (2017) (2015)—(Criteria for Municipal Solid Waste Landfills), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 260.21(b) (2017)—(2015) (Alternative Equivalent Testing Methods), referenced in Section 720.121.

40 CFR 261.151 (2017)–(2015) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 721.251.

Appendix III to 40 CFR 261 (2017)–(2015) (Chemical Analysis Test Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.

~~40 CFR 262.53 (2015) (Notification of Intent to Export), referenced in 35 Ill. Adm. Code 722.153.~~

~~40 CFR 262.54 (2015) (Special Manifest Requirements), referenced in 35 Ill. Adm. Code 722.154.~~

~~40 CFR 262.55 (2015) (Exception Reports), referenced in 35 Ill. Adm. Code 722.155.~~

~~40 CFR 262.56 (2015) (Annual Reports), referenced in 35 Ill. Adm. Code 722.156.~~

~~40 CFR 262.57 (2015) (Recordkeeping), referenced in 35 Ill. Adm. Code 722.157.~~

Appendix to 40 CFR 262 (2017)–(2015) (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), referenced in Appendix A to 35 Ill. Adm. Code 722 and 35 Ill. Adm. Code 724.986 and 725.987.

40 CFR 264.151 (2017)–(2015) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 724.251 and 727.240.

Appendix I to 40 CFR 264 (2017)–(2015) (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 724.

Appendix IV to 40 CFR 264 (2017)–(2015) (Cochran's Approximation to the Behrens-Fisher Students' T-Test), referenced in Appendix D to 35 Ill. Adm. Code 724.

Appendix V to 40 CFR 264 (2017)–(2015) (Examples of Potentially Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724 and 35 Ill. Adm. Code 727.270.

Appendix VI to 40 CFR 264 (2017)–(2015) (Political Jurisdictions in Which Compliance with § 264.18(a) Must Be Demonstrated), referenced in 35 Ill. Adm. Code 703.306, 724.118, and 727.110.

Appendix I to 40 CFR 265 (2017)–(2015) (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 725.

Appendix III to 40 CFR 265 (2017)–(2015) (EPA Interim Primary Drinking Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.

Appendix IV to 40 CFR 265 (2017)–(2015) (Tests for Significance), referenced in Appendix D to 35 Ill. Adm. Code 725.

Appendix V to 40 CFR 265 (2017)–(2015) (Examples of Potentially Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.301, 725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm. Code 725.

Appendix IX to 40 CFR 266 (2017)—(2015) (Methods Manual for Compliance with the BIF Regulations), referenced generally in Appendix I to 35 Ill. Adm. Code 726.

Section 4.0 (Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners), referenced in 35 Ill. Adm. Code 726.200 and 726.204.

Section 5.0 (Hazardous Waste Combustion Air Quality Screening Procedure), referenced in 35 Ill. Adm. Code 726.204 and 726.206.

Section 7.0 (Statistical Methodology for Bevill Residue Determinations), referenced in 35 Ill. Adm. Code 726.212.

BOARD NOTE: Also available from NTIS (see above for contact information) as "Methods Manual for Compliance with BIF Regulations: Burning Hazardous Waste in Boilers and Industrial Furnaces", December 1990, USEPA publication number EPA-530/SW-91-010, NTIS document number PB91-120006.

40 CFR 267.151 (2017)—(2015) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 727.240.

40 CFR 270.5 (2017)—(2015) (Noncompliance and Program Reporting by the Director), referenced in 35 Ill. Adm. Code 703.305.

40 CFR 302 (2017)—(2015) (Designation, Reportable Quantities, and Notification), referenced in 35 Ill. Adm. Code 721.293.

40 CFR 711.15(a)(4)(i)(C) (2017)—(2015) (Designation, Reportable Quantities, and Notification), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 761 (2017)—(2015) (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.

40 CFR 761.3 (2017)—(2015) (Definitions), referenced in 35 Ill. Adm. Code 728.102 and 739.110.

40 CFR 761.60 (2017)—(2015) (Disposal Requirements), referenced in 35 Ill. Adm. Code 728.142.

40 CFR 761.65 (2017)—(2015) (Storage for Disposal), referenced in 35 Ill. Adm. Code 728.150.

40 CFR 761.70 (2017)—(2015) (Incineration), referenced in 35 Ill. Adm. Code 728.142.

Subpart B of 49 CFR 107 (2017)—(2014) (Exemptions), referenced generally in 35 Ill. Adm. Code 724.986 and 725.987.

49 CFR 171 (2017) ~~(2014)~~ (General Information, Regulations, and Definitions), referenced generally in 35 Ill. Adm. Code 721.104, 733.118, 733.138, 733.152, and 739.143.

49 CFR 171.3 (2017) ~~(2014)~~ (Hazardous Waste), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 171.8 (2017) ~~(2014)~~ (Definitions and Abbreviations), referenced in 35 Ill. Adm. Code 733.118, 733.138, 733.152, 733.155, and 739.143.

49 CFR 171.15 (2017) ~~(2014)~~ (Immediate Notice of Certain Hazardous Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 171.16 (2017) ~~(2014)~~ (Detailed Hazardous Materials Incident Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 172 (2017) ~~(2014)~~ (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.131, 722.132, 724.986, 725.987, 733.114, 733.118, 733.134, 733.138, 733.152, 733.155, and 739.143.

49 CFR 172.304 (2017) ~~(2014)~~ (Marking Requirements), referenced in 35 Ill. Adm. Code 722.132.

Subpart C of 49 CFR 172 (2017) ~~(2014)~~ (Shipping Papers), referenced in 35 Ill. Adm. Code 722.124.

Subpart E of 49 CFR 172 (2017) (Labeling), referenced in 35 Ill. Adm. Code 722.114 and 722.115.

Subpart F of 49 CFR 172 (2017) ~~(2014)~~ (Placarding), referenced in 35 Ill. Adm. Code 722.114, 722.115, and 722.133.

49 CFR 173 (2017) ~~(2014)~~ (Shippers - General Requirements for Shipments and Packages), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 173.2 (2017) ~~(2014)~~ (Hazardous Materials Classes and Index to Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.

49 CFR 173.12 (2017) ~~(2014)~~ (Exceptions for Shipments of Waste Materials), referenced in 35 Ill. Adm. Code 724.416, 724.986, 725.416, and 725.987.

49 CFR 173.28 (2017) ~~(2014)~~ (Reuse, Reconditioning, and Remanufacture of Packagings), referenced in 35 Ill. Adm. Code 725.273.

49 CFR 173.50 (2017) ~~(2014)~~ (Class 1 - Definitions), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.54 (2017) (~~2014~~-(Forbidden Explosives), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.115 (2017) (~~2014~~-(Class 2, Divisions 2.1, 2.2, and 2.3 - Definitions), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 173.127 (2017) (~~2014~~-(Class 2, Divisions 2.1, 2.2, and 2.3 - Definition and Assignment of Packaging Groups), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 174 (2017) (~~2014~~-(Carriage by Rail), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 175 (2017) (~~2014~~-(Carriage by Aircraft), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 176 (2017) (~~2014~~-(Carriage by Vessel), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 177 (2017) (~~2014~~-(Carriage by Public Highway), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 177.817 (2017)-(~~2014~~) (Shipping Papers), referenced in 35 Ill. Adm. Code 722.124.

49 CFR 178 (2017)-(~~2014~~) (Specifications for Packagings), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 179 (2017)-(~~2014~~) (Specifications for Tank Cars), referenced in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 180 (2017)-(~~2014~~) (Continuing Qualification and Maintenance of Packagings), referenced generally in 35 Ill. Adm. Code 721.986, 724.986, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 190 (2017)-(~~2014~~) (Pipeline Safety Programs and Rulemaking Procedures), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 191 (2017)-(~~2014~~) (Transportation of Natural and Other Gas by Pipeline: Annual Reports, Incident Reports, and Safety-Related Condition Reports), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 192 (2017) (~~2014~~-(Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 193 (2017) (~~2014~~-(Liquefied Natural Gas Facilities: Federal Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 194 (2017) (~~2014~~)—(Response Plans for Onshore Oil Pipelines), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 195 (2017) (~~2014~~)—(Transportation of Hazardous Liquids by Pipeline), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 196 (2017) (~~2014~~)—(Protection of Underground Pipelines from Excavation Activity), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 198 (2017) (~~2014~~)—(Regulations for Grants to Aid State Pipeline Safety Programs), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 199 (2017) (~~2014~~)—(Drug and Alcohol Testing), referenced generally in 35 Ill. Adm. Code 721.104.

c) Federal Statutes:

Section 11 of the Atomic Energy Act of 1954 (42 USC 2014 (2016)—(~~2013~~)), referenced in 35 Ill. Adm. Code 721.104 and 726.310.

Sections 301, 304, 307, and 402 of the Clean Water Act (33 USC 1311, 1314, 1337, and 1342 (2016)—(~~2013~~)), referenced in 35 Ill. Adm. Code 721.293.

Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 360b(j) (2016)—(~~2013~~)), referenced in Section 720.110 and 35 Ill. Adm. Code 733.109.

Section 1004 of the Resource Conservation and Recovery Act (42 USC 6903 (2016)—(~~2013~~)), referenced in 35 Ill. Adm. Code 721.931, 721.951, and 721.981, 724.931, 724.981, 725.931, 725.951, and 725.981.

Chapter 601 of subtitle VIII of 49 USC (49 USC 60101 through 60140 (2016)—(~~2013~~)), referenced in 35 Ill. Adm. Code 721.104.

Section 1412 of the Department of Defense Authorization Act of 1986 (50 USC 1521(j)(1)† (2015)—(~~2012~~)), referenced in 35 Ill. Adm. Code 726.301.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 42 Ill. Reg. —, effective _____)

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section 720.120 Rulemaking

a) Any person may petition the Board to adopt as State regulations rules that are identical in substance with newly-adopted federal amendments or regulations. The petition must take the form of a proposal for rulemaking pursuant to 35 Ill. Adm. Code 102. The proposal must include a listing of all amendments to 40 CFR 260 through 268,

a) Any person seeking to exclude a waste from a particular generating facility from the lists in Subpart D of 35 Ill. Adm. Code 721 may file a petition, as specified in subsection (n) ~~of this Section~~. The Board will grant the petition if the following occur:

1) The petitioner demonstrates that the waste produced by a particular generating facility does not meet any of the criteria under which the waste was listed as a hazardous or acute hazardous waste; and

2) The Board determines that there is a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, "EPA RCRA Delisting Program - Guidance Manual for the Petitioner₇", incorporated by reference in Section 720.111(a). A waste that is so excluded, however, still may be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.

b) Listed wastes and mixtures. A person may also petition the Board to exclude from 35 Ill. Adm. Code 721.103(a)(2)(B) or (c), a waste that is described in these Sections and is either a waste listed in Subpart D of 35 Ill. Adm. Code 721, or is derived from a waste listed in that Subpart. This exclusion may only be granted for a particular generating, storage, treatment, or disposal facility. The petitioner must make the same demonstration as required by subsection (a) of this Section. Where the waste is a mixture of a solid waste and one or more listed hazardous wastes or is derived from one or more listed hazardous wastes, the demonstration must be made with respect to the waste mixture as a whole; analyses must be conducted for not only those constituents for which the listed waste contained in the mixture was listed as hazardous, but also for factors (including additional constituents) that could cause the waste mixture to be a hazardous waste. A waste that is so excluded may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.

c) Ignitable, corrosive, reactive and toxicity characteristic wastes. If the waste is listed in codes "I₇", "C₇", "R₇", or "E" in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:

1) The petitioner must demonstrate that the waste does not exhibit the relevant characteristic for which the waste was listed, as defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections. The petitioner must also show that the waste does not exhibit any of the other characteristics, defined in those Sections, using any applicable methods prescribed in those Sections; and

2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional

constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, "EPA RCRA Delisting Program - Guidance Manual for the Petitioner", incorporated by reference in Section 720.111(a). A waste that is so excluded, however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.

d) Toxic waste. If the waste is listed in code "T" in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:

1) The petitioner must demonstrate that the waste fulfills the following criteria:

A) It does not contain the constituent or constituents (as defined in Appendix G of 35 Ill. Adm. Code 721) that caused USEPA to list the waste; or

B) Although containing one or more of the hazardous constituents (as defined in Appendix G of 35 Ill. Adm. Code 721) that caused USEPA to list the waste, the waste does not meet the criterion of 35 Ill. Adm. Code 721.111(a)(3) when considering the factors used in 35 Ill. Adm. Code 721.111(a)(3)(A) through (a)(3)(K) under which the waste was listed as hazardous.

2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste.

3) The petitioner must demonstrate that the waste does not exhibit any of the characteristics, defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections.

4) A waste that is so excluded, however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.

e) Acute hazardous waste. If the waste is listed with the code "H" in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:

1) The petitioner must demonstrate that the waste does not meet the criterion of 35 Ill. Adm. Code 721.111(a)(2); and

2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner

consistent with, "EPA RCRA Delisting Program - Guidance Manual for the Petitioner~~7~~", incorporated by reference in Section 720.111(a).

3) The petitioner must demonstrate that the waste does not exhibit any of the characteristics, defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections.

4) A waste that is so excluded, however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.

f) This subsection (f) corresponds with 40 CFR 260.22(f), which USEPA has marked "reserved~~7~~". This statement maintains structural consistency with the federal regulations.

g) This subsection (g) corresponds with 40 CFR 260.22(g), which USEPA has marked "reserved~~7~~". This statement maintains structural consistency with the federal regulations.

h) Demonstration samples must consist of enough representative samples, but in no case less than four samples, taken over a period of time sufficient to represent the variability or the uniformity of the waste.

i) Each petition must include, in addition to the information required by subsection (n) ~~of this Section~~:

1) The name and address of the laboratory facility performing the sampling or tests of the waste;

2) The names and qualifications of the persons sampling and testing the waste;

3) The dates of sampling and testing;

4) The location of the generating facility;

5) A description of the manufacturing processes or other operations and feed materials producing the waste and an assessment of whether such processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;

6) A description of the waste and an estimate of the average and maximum monthly and annual quantities of waste covered by the demonstration;

7) Pertinent data on and discussion of the factors delineated in the respective criterion for listing a hazardous waste, where the demonstration is based on the factors in 35 Ill. Adm. Code 721.111(a)(3);

1) After USEPA has authorized Illinois to administer this segment of the hazardous waste regulations, the determination is effective upon issuance of the Board order that grants the non-waste determination; or

2) Before USEPA has granted such authorization, the non-waste determination becomes effective upon fulfillment of all of the following conditions:

A) The Board has granted an adjusted standard which determines that the hazardous secondary material meets the criteria in either subsection (b) or (c), as applicable;

B) The Agency has requested that USEPA review the Board's non-waste determination; and

C) USEPA has approved the Board's non-waste determination.

b) The Board will grant a non-waste determination for hazardous secondary material that is reclaimed in a continuous industrial process if the Board determines that the applicant has demonstrated that the hazardous secondary material is a part of the production process and the material is not discarded. The determination will be based on whether the hazardous secondary material is legitimately recycled, as determined pursuant to Section 720.143, and on the following criteria:

1) The extent to which the management of the hazardous secondary material is part of the continuous primary production process and is not waste treatment;

2) Whether the capacity of the production process would use the hazardous secondary material in a reasonable time frame and ensure that the hazardous secondary material will not be abandoned (for example, based on past practices, market factors, the nature of the hazardous secondary material, or any contractual arrangements);

3) Whether the hazardous constituents in the hazardous secondary material are reclaimed, rather than released to the air, water, or land, at significantly higher levels, from either a statistical or from a health and environmental risk perspective, than would otherwise be released by the production process; and

4) Other relevant factors which demonstrate that the hazardous secondary material is not discarded, including why the hazardous secondary material cannot meet, or should not have to meet, the conditions of an exclusion under 35 Ill. Adm. Code 721.102 or 721.104.

c) The Board will grant a non-waste determination for a hazardous secondary material that is indistinguishable in all relevant aspects from a product or intermediate if the petitioner demonstrates that the hazardous secondary material is comparable to a product or intermediate and is not discarded. The Board's determination will be based on

whether the hazardous secondary material is legitimately recycled, as determined pursuant to Section 720.143, and on the following criteria:

- 1) Whether market participants treat the hazardous secondary material as a product or intermediate, rather than as a waste (for example, based on the current positive value of the hazardous secondary material, stability of demand, or any contractual arrangements);
- 2) Whether the chemical and physical identity of the hazardous secondary material is comparable to commercial products or intermediates;
- 3) Whether the capacity of the market would use the hazardous secondary material in a reasonable time frame and ensure that the hazardous secondary material will not be abandoned (for example, based on past practices, market factors, the nature of the hazardous secondary material, or any contractual arrangements);
- 4) Whether the hazardous constituents in the hazardous secondary material are reclaimed, rather than released to the air, water, or land, at significantly higher levels, from either a statistical or from a health and environmental risk perspective, than would otherwise be released by the production process; and
- 5) Other relevant factors which demonstrate that the hazardous secondary material is not discarded, including why the hazardous secondary material cannot meet, or should not have to meet, the conditions of an exclusion under 35 Ill. Adm. Code 721.102 or 721.104.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 720.142 Notification Requirement for Hazardous Secondary Materials

a) A facility that manages hazardous secondary materials which are excluded from regulation under 35 Ill. Adm. Code 721.104(a)(23), (a)(24), or (a)(27) must send a notification to USEPA Region 5. The notification must occur prior to operating under the regulatory provision and before March 1 of every even-numbered calendar year thereafter using a copy of USEPA Form 8700-12 obtained from the Agency, Bureau of Land (217-782-6762). The notification must include the following information:

- 1) The name, address, and USEPA identification number (if applicable) of the facility;
- 2) The name and telephone number of a contact person for the facility;
- 3) The NAICS code of the facility;

BOARD NOTE: Determined using the "North American Industry Classification System", incorporated by reference in Section 720.111.

- 4) The regulation under which the facility will manage the hazardous secondary materials;
- 5) When the facility began or expects to begin managing the hazardous secondary materials in accordance with the regulation;
- 6) A list of hazardous secondary materials that the facility will manage according to the regulation (reported as the USEPA hazardous waste numbers that would apply if the hazardous secondary materials were managed as hazardous wastes);
- 7) For each hazardous secondary material, whether the hazardous secondary material, or any portion thereof, will be managed in a land-based unit;
- 8) The quantity of each hazardous secondary material to be managed annually; and
- 9) The certification (included in USEPA Form 8700-12) signed and dated by an authorized representative of the facility.

b) If a facility that manages hazardous secondary material has submitted a notification, but then subsequently ceases managing hazardous secondary materials in accordance with a regulation listed in subsection (a), the facility owner or operator must notify the Agency within 30 days after the cessation using a copy of USEPA Form 8700-12 obtained from the Agency, Bureau of Land (217-782-6762). For purposes of this Section, a facility has stopped managing hazardous secondary materials if the facility no longer generates, manages, or reclaims hazardous secondary materials under the regulation listed in subsection (a), and the facility owner or operator does not expect to manage any amount of hazardous secondary materials for at least one year.

BOARD NOTE: USEPA Form 8700-12 is the required instructions and forms for notification of regulated waste activity.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 720.143 Legitimate Recycling of Hazardous Secondary Materials

a) Recycling of hazardous secondary materials for the purpose of the exclusions or exemptions from the hazardous waste regulations must be legitimate. Hazardous secondary material that is not the subject of legitimate recycling is discarded material and is a solid waste. A determination that an activity is legitimate recycling must address all the requirements of this subsection (a).

1) Legitimate recycling must involve a hazardous secondary material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process. The hazardous secondary material provides a useful contribution if it fulfills one of the following criteria:

A) The material contributes valuable ingredients to a product or intermediate;

B) The material replaces a catalyst or carrier in the recycling process;

C) The material is the source of a valuable constituent recovered in the recycling process;

D) The material is recovered or regenerated by the recycling process; or

E) The material is used as an effective substitute for a commercial product.

2) The recycling process must produce a valuable product or intermediate. The product or intermediate is valuable if either of the following is true:

A) The product or intermediate is sold to a third party; or

B) The product or intermediate is used by the recycler or the generator as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process.

3) The generator and the recycler must manage the hazardous secondary material as a valuable commodity when it is under their control. Where there is an analogous raw material, the hazardous secondary material must be managed, at a minimum, in a manner consistent with the management of the raw material or in an equally protective manner. Where there is no analogous raw material, the hazardous secondary material must be contained. Hazardous secondary materials that are released to the environment and which are not recovered immediately are discarded material.

4) The product of the recycling process must be comparable to a legitimate product or intermediate as follows:

A) Where there is an analogous product or intermediate, the product of the recycling process is comparable to a legitimate product or intermediate if both of the following conditions are true:

i) The product of the recycling process does not exhibit a hazardous characteristic (as defined in Subpart C of 35 Ill. Adm. Code 721) that analogous products do not exhibit; and

ii) The concentrations of any hazardous constituents found in Appendix H of 35 Ill. Adm. Code 721 that are in the product or intermediate are at levels that are comparable to or lower than those found in analogous products or at levels that meet widely recognized commodity standards and specifications, where the commodity standards and specifications include levels that specifically address those hazardous constituents.

B) Where there is no analogous product, the product of the recycling process is comparable to a legitimate product or intermediate if either of the following conditions is true:

i) The product of the recycling process is a commodity that meets widely recognized commodity standards and specifications (e.g., commodity specification grades for common metals); or

ii) The hazardous secondary materials being recycled are returned to the original process or processes from which they were generated to be reused (e.g., closed loop recycling).

C) If the product of the recycling process has levels of hazardous constituents that are not comparable to or unable to be compared to a legitimate product or intermediate as provided in subsection (a)(4)(A) or (a)(4)(B), the recycling still may be shown to be legitimate if the person performing the recycling fulfills the following requirements:

i) The person performing the recycling must conduct the necessary assessment and prepare documentation which demonstrates that the recycling is, in fact, still legitimate;

ii) The assessment and documentation demonstrate that the recycling is legitimate based on lack of exposure from toxics in the product, lack of the bioavailability of the toxics in the product, or other relevant considerations which show that the recycled product does not contain levels of hazardous constituents that pose a significant human health or environmental risk;

iii) The documentation must include a certification statement that the recycling is legitimate, and the assessment and documentation must be maintained on-site for three years after the recycling operation has ceased; and

iv) The person performing the recycling must notify USEPA and the Agency of the recycling activity using USEPA Form 8700-12.

b) This subsection (b) corresponds with 40 CFR 260.43(b), which USEPA has removed and marked "reserved-". This statement maintains structural consistency with the corresponding federal rules.

c) This subsection (c) corresponds with 40 CFR 260.43(c), which USEPA has removed and marked "reserved-". This statement maintains structural consistency with the corresponding federal rules.

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