

ILLINOIS POLLUTION CONTROL BOARD  
September 23, 1993

IN THE MATTER OF: )  
 )  
RCRA UPDATE, USEPA REGULATIONS ) R93-4  
(7/1/92 - 12/31/92) ) (Identical in Substance  
 ) Rules)

Adopted Rule. Final Order.

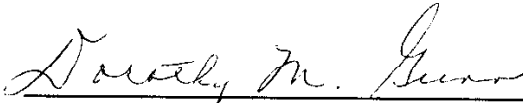
ORDER OF THE BOARD (by J. Anderson):

Pursuant to Sections 7.2 and 22.4(a) of the Environmental Protection Act (Act), the Board is hereby amending the RCRA hazardous waste regulations. The amendments involve 35 Ill. Adm. Code 703, 720, 721, 722, 724, 725, 726, 728 and 739.

The complete text of the regulations is attached to the Order. This Order is supported by an Opinion adopted this same day. As explained in the opinion, the Board will not file the adopted regulations until 30 days after the date of this order.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 23<sup>rd</sup> day of September, 1993, by a vote of 7-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

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

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RCRA PERMIT PROGRAM

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

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1987; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

#### SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

##### Section 703.155 Changes During Interim Status

- a) Except as provided in subsection (b), below, the owner or operator of an interim status facility may make the following changes at the facility:
  - 1) Treatment, storage or disposal of new hazardous wastes not previously identified in Part A of the permit application (and, in the case of newly listed or identified wastes, addition of the units being used to treat, store or dispose of the hazardous wastes on the date of the listing or identification) if the owner or operator submits a revised Part A permit application prior to such treatment, storage or disposal;
  - 2) Increases in the design capacity of processes used at the facility if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Agency approves the change because:
    - A) There is a lack of available treatment, storage or disposal capacity at other hazardous waste management facilities; or
    - B) The change is necessary to comply with a

federal, State or local requirement, including  
35 Ill. Adm. Code 725, 728 or 729.

- 3) Changes in the processes for the treatment, storage or disposal of hazardous waste may be made at a facility or addition of processes may be added if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for change) and the Agency approves the change because:
  - A) The change is necessary to prevent a threat to human health or the environment because of an emergency situation; or
  - B) The change is necessary to comply with a Federal, State or local requirement, including 35 Ill. Adm. Code 725, 728 or 729;
- 4) Changes in the ownership or operational control of a facility if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of 35 Ill. Adm. Code 725.Subpart H (financial requirements), until the new owner or operator has demonstrated to the Agency that it is complying with the requirements of that Subpart. The new owner or operator shall demonstrate compliance with the financial assurance requirements within six months after the date of the change in the ownership or operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with the financial assurance requirements, the Agency shall notify the old owner or operator in writing that the old owner or operator no longer needs to comply with 35 Ill. Adm. Code 725.Subpart H as of the date of demonstration. All other interim status duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility;
- 5) Changes made in accordance with an interim status corrective action order issued by: USEPA under Section 3008(h) of the Resource Conservation and Recovery Act or other federal authority; a court pursuant to a judicial action brought USEPA; a court pursuant to the Environmental Protection Act; or, the Board. Changes under this subsection are limited to the treatment, storage or disposal of solid waste from releases that originate within the boundary of the facility.

- 6) Addition of newly regulated units for the treatment, storage or disposal of hazardous waste if the owner or operator submits a revised Part A permit application on or before the date on which the unit becomes subject to the new requirements.
- b) Except as specifically allowed under this subsection, changes listed under subsection (a), above, must not be made if they amount to reconstruction of the HWM facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new HWM facility. If all other requirements are met, the following changes may be made even if they amount to a reconstruction:
- 1) Changes made solely for the purposes of complying with requirements of 35 Ill. Adm. Code 725.293 for tanks and ancillary equipment.
  - 2) If necessary to comply with federal, State or local requirements, including 35 Ill. Adm. Code 725, 728 or 729, changes to an existing unit, changes solely involving tanks or containers, or addition of replacement surface impoundments that satisfy the statutory standards of Section 35 Ill. Adm. Code 728.139.
  - 3) Changes that are necessary to allow owners or operators to continue handling newly listed or identified hazardous wastes that have been treated, stored or disposed of at the facility prior to the effective date of the rule establishing the new listing or identification.
  - 4) Changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan.
  - 5) Changes necessary to comply with an interim status corrective action order issued by: USEPA under Section 3008(h) of the Resource Conservation and Recovery Act or other federal authority; a court pursuant to a judicial action brought by USEPA; a court pursuant to the Environmental Protection Act; or, the Board. Changes under this subsection are limited to the treatment, storage or disposal of solid waste from releases that originate within the boundary of the facility.
  - 6) Changes to treat or store, in tanks, ~~or~~ containment buildings, hazardous wastes subject to land disposal restrictions imposed in 35 Ill. Adm. Code 728, provided that such changes are made

solely for the purpose of complying with 35 Ill. Adm. Code 728.

- 7) Addition of newly regulated units under subsection (a)(6), above.

(Board Note: Derived from 40 CFR 270.72 (1990, as amended ~~56 Fed. Reg. 7206, February 21, 1991~~ 57 Fed. Reg. 37281, August 18, 1992.)

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

#### SUBPART D: APPLICATIONS

##### Section 703.181 Contents of Part A

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

- a) The latitude and longitude of the facility;  
(BOARD NOTE: Derived from 40 CFR 270.13(b).)
- b) The name, address and telephone number of the owner of the facility;  
(BOARD NOTE: Derived from 40 CFR 270.13(e).)
- c) An indication of whether the facility is new or existing and whether it is a first or revised application;  
(BOARD NOTE: Derived from 40 CFR 270.13(g).)
- d) For existing facilities, a scale drawing of the facility showing the location of all past, present and future treatment, storage and disposal areas;  
(BOARD NOTE: Derived from 40 CFR 270.13(h)(1).)
- e) For existing facilities, photographs of the facility clearly delineating all existing structures; existing treatment, storage and disposal areas; and sites of future treatment, storage and disposal areas;  
(BOARD NOTE: Derived from 40 CFR 270.13(h)(2).)
- f) A description of the processes to be used for treating, storing and disposing of hazardous waste, and the design capacity of these items;  
(BOARD NOTE: Derived from 40 CFR 270.13(i).)

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

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

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

(BOARD NOTE: Derived from 40 CFR 270.13(n).) See 40 CFR 122.24)

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

Section 703.183

General Information

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

- a) A general description of the facility;
- b) Chemical and physical analyses of the hazardous wastes and hazardous debris to be handled at the facility. At a minimum, these analyses must contain all the information which must be known to treat, store or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724;
- c) A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);
- d) A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;
- e) A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b). Include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), 724.295, 724.326, 724.354, 724.373, 724.403, 724.702, 724.933, 724.952, 924.953 and 724.958;
- f) A justification of any request for a waiver of the preparedness and prevention requirements of 35 Ill. Adm. Code 724.Subpart C;



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

BOARD NOTE: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.327 and 724.355. 35 Ill. Adm. Code 724.355 has not yet been adopted.

- h) A description of procedures, structures or equipment used at the facility to:
- 1) Prevent hazards in unloading operations (for example, ramps, special forklifts);
  - 2) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);
  - 3) Prevent contamination of water supplies;
  - 4) Mitigate effects of equipment failure and power outages;
  - 5) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and
  - 6) Prevent releases to the atmosphere.
- i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive or incompatible wastes as required to demonstrate compliance with 35 Ill. Adm. Code 724.117 including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);
- j) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes and stacking lanes (if appropriate); describe access road surfacing and load bearing capacity; show traffic control signals);
- k) Facility location information as required by Section 703.184;
- l) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the HWM facility in a safe manner as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);
- m) A copy of the closure plan and, where applicable, the

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

- n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm Code 724.219 have been filed;
- o) The most recent closure cost estimate for the facility prepared in accordance with 35 Ill. Adm. Code 724.242 and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B;
- p) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with 35 Ill. Adm. Code 724.244 plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245; For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B;
- q) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b), that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage or disposal. A request for an alternative level of required coverage, for a new or existing facility, may be submitted as specified in 35 Ill. Adm. Code 724.247(c);
- sr) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM facilities located in mountainous areas shall use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:

- 1) Map scale and date;
- 2) 100-year floodplain area;
- 3) Surface waters including intermittent streams;
- 4) Surrounding land uses (residential, commercial, agricultural, recreational);
- 5) A wind rose (i.e., prevailing windspeed and direction);
- 6) Orientation of the map (north arrow);
- 7) Legal boundaries of the HWM facility site;
- 8) Access control (fences, gates);
- 9) Injection and withdrawal wells both on-site and off-site;
- 10) Buildings; treatment, storage or disposal operations; or other structures (recreation areas, runoff control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.);
- 11) Barriers for drainage or flood control;
- 12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored or disposed (include equipment cleanup areas);

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

- es) Applicants shall submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued.
- ut) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Adm. Code 728.105, or if a petition has been approved under 35 Ill. Adm. Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required.

BOARD NOTE: Derived from 40 CFR 270.14(b) (1988), as amended at ~~54 Fed. Reg. 617, January 9, 1989~~ 57 Fed. Reg. 37281, August 18, 1992.

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

SUBPART G: CHANGES TO PERMITS

Section 703.280 Permit Modification at the Request of the Permittee

- a) Class 1 modifications. See Section 703.281.
- b) Class 2 modifications. See Section 703.282.
- c) Class 3 modifications. See Section 703.283.
- d) Other modifications.
  - 1) In the case of modifications not explicitly listed in Appendix A, the permittee may submit a Class 3 modification request to the Agency, or the permittee may request a determination by the Agency that the modification be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee shall provide the Agency with the necessary information to support the requested classification.
  - 2) The Agency shall make the determination described in subsection (d)(1), above, as promptly as practicable. In determining the appropriate class for a specific modification, the Agency shall consider the similarity of the modification to other modifications codified in Appendix A and the following criteria:
    - A) Class 1 modification apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. In the case of Class 1 modifications, the Agency may require prior approval.
    - B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to
      - i) Common variations in the types and quantities of the wastes managed under the facility permit,

- ii) Technological advances, and
      - iii) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.
    - C) Class 3 modifications substantially alter the facility or its operation.
  - e) Temporary authorizations.
    - 1) Upon request of the permittee, the Agency shall, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection. Temporary authorizations have a term of not more than 180 days.
    - 2) Procedures.
      - A) The permittee may request a temporary authorization for:
        - i) Any Class 2 modification meeting the criteria in subsection (e)(3)(B), below, and
        - ii) Any Class 3 modification that meets the criteria in subsection (e)(3)(B)(i), below; or that meets the criteria in subsection (e)(3)(B)(iii) through (v), below, and provides improved management or treatment of a hazardous waste already listed in the facility permit.
      - B) The temporary authorization request must include:
        - i) A description of the activities to be conducted under the temporary authorization;
        - ii) An explanation of why the temporary authorization is necessary; and
        - iii) Sufficient information to ensure compliance with 35 Ill. Adm. Code 724 standards.
      - C) The permittee shall send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Agency and to appropriate units of State and

local governments as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within seven days after submission of the authorization request.

- 3) The Agency shall approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Agency shall find:
  - A) The authorized activities are in compliance with the standards of 35 Ill. Adm. Code 724.
  - B) The temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:
    - i) To facilitate timely implementation of closure or corrective action activities;
    - ii) To allow treatment or storage in tanks or containers or in containment building ~~of restricted wastes~~ in accordance with 35 Ill. Adm. Code 728;
    - iii) To prevent disruption of ongoing waste management activities;
    - iv) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or
    - v) To facilitate other changes to protect human health and the environment.
- 4) A temporary authorization shall be reissued for one additional term of up to 180 days provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and:
  - A) The reissued temporary authorization constitutes the Agency's decision on a Class 2 permit modification in accordance with Section 703.282(f)(1)(D) or (f)(2)(D), or
  - B) The Agency determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of 35 Ill. Adm. Code 703.283 are conducted.

f) Public notice and appeals of permit modification decisions.

- 1) The Agency shall notify persons on the facility mailing list and appropriate units of State and local government within 10 days of any decision to grant or deny a Class 2 or 3 permit modification request. The Agency shall also notify such persons within 10 days after an automatic authorization for a Class 2 modification goes into effect under Section 703.282(f)(3) or (f)(5).
- 2) The Agency's decision to grant or deny a Class 2 or 3 permit modification request may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212.
- 3) An automatic authorization that goes into effect under Section 703.282(f)(3) or (f)(5) may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the Board enters a final order on the appeal notwithstanding the provisions of 35 Ill. Adm. Code 705.204.

g) Newly regulated wastes and units.

- 1) The permittee is authorized to continue to manage wastes listed or identified as hazardous under 35 Ill. Adm. Code 721, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if:
  - A) The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;
  - B) The permittee submits a Class 1 modification request on or before the date on which the waste becomes subject to the new requirements;
  - C) The permittee is in compliance with the applicable standards of 35 Ill. Adm. Code 725 and 726;
  - D) The permittee also submits a complete class 2 or 3 modification request within 180 days after the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards under 35 Ill.

Adm. Code 724, 725 or 726; and

- E) In the case of land disposal units, the permittee certifies that such unit is in compliance with all applicable requirements of 35 Ill. Adm. Code 725 for groundwater monitoring and financial responsibility requirements on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with all these requirements, the owner or operator loses authority to operate under this Section.
- 2) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.
- h) Permit modification list. The Agency shall maintain a list of all approved permit modifications and shall publish a notice once a year in a State-wide newspaper that an updated list is available for review.

Board Note: Derived from 40 CFR 270.42(d) through (h) (1990), as amended at 56 Fed. Reg. 7206, February 21, 1991, and at 56 Fed. Reg. 32688, July 17, 1991.

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

#### Section 703.Appendix A Classification of Permit Modifications

Class	Modifications
	A. General Permit Provisions
1	1. Administrative and informational changes.
1	2. Correction of typographical errors.
1	3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).
	4. Changes in the frequency of or procedures for monitoring, reporting, sampling or maintenance activities by the permittee:
1	a. To provide for more frequent monitoring, reporting or maintenance.



- 2                   b. Other changes.
- 5. Schedule of compliance:
  - 1\*               a. Changes in interim compliance dates, with prior approval of the Agency.  
  
BOARD NOTE: "\*" indicates that prior Agency approval is required.
  - 3                   b. Extension of final compliance date.
  - 1\*               6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.
  - 1\*               7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.

B. General Facility Standards

- 1. Changes to waste sampling or analysis methods:
  - 1               a. To conform with Agency guidance or Board regulations.
  - 1               b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.
  - 2               c. Other changes.
- 2. Changes to analytical quality assurance/control plan:
  - 1               a. To conform with agency guidance or regulations.
  - 2               b. Other changes.
- 1               3. Changes in procedures for maintaining the operating record.
- 2               4. Changes in frequency or content of inspection schedules.
- 5. Changes in the training plan:
  - 2               a. That affect the type or decrease the amount of training given to employees.
  - 1               b. Other changes.

6. Contingency plan:

- 2 a. Changes in emergency procedures (i.e., spill or release response procedures).
- 1 b. Replacement with functionally equivalent equipment, upgrade or relocate emergency equipment listed.
- 2 c. Removal of equipment from emergency equipment list.
- 1 d. Changes in name, address or phone number of coordinators or other persons or agencies identified in the plan.

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

7. CQA plan:

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

C. Groundwater Protection

- 1. Changes to wells:
  - 2 a. Changes in the number, location, depth or design of upgradient or downgradient wells of permitted groundwater monitoring system.
  - 1 b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design or depth of the well.
- 1\* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.
- 1\* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.

- 2\* 4. Changes in point of compliance.
- 5. Changes in indicator parameters, hazardous constituents or concentration limits (including ACLs (Alternate Concentration Limits)):
  - 3 a. As specified in the groundwater protection standard.
  - 2 b. As specified in the detection monitoring program.
- 2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.
- 7. Compliance monitoring program:
  - 3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.
  - 2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.
- 8. Corrective action program:
  - 3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(1)(2) and 724.200.
  - 2 b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.

D. Closure

- 1. Changes to the closure plan:
  - 1\* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
  - 1\* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.
  - 1\* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.

- 1\* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.
- 2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
- 2 f. Extension of the closure period to allow a landfill, surface impoundment or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).
- 3 2. Creation of a new landfill unit as part of closure.
- 3 3. Addition of the following new units to be used temporarily for closure activities:
  - 3 a. Surface impoundments.
  - 3 b. Incinerators.
  - 3 c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).
  - 2 d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c).
  - 2 e. Tanks or containers (other than specified below).
  - 1\* f. Tanks used for neutralization, dewatering, phase separation or component separation, with prior approval of the Agency.

E. Post-Closure

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

F. Containers

1. Modification or addition of container units:
  - 3 a. Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
  - 2 b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
  - 1 c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

2.

- 2 a. Modification of a container unit without increasing the capacity of the unit.
- 1 b. Addition of a roof to a container unit without alteration of the containment system.

3. Storage of different wastes in containers, except as provided in F(4):

- 3 a. That require additional or different management practices from those authorized in the permit.
- 2 b. That do not require additional or different management practices from those authorized in the permit.

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

4. Storage or treatment of different wastes in containers:

- 2 a. That require addition of units or change in treatment process or management standards,

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

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

G.    Tanks

1.

- 3            a.    Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d) and G(1)(e).
- 2            b.    Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).
- 2            c.    Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.
- 1\*          d.    After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.
- 1            e.    Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of

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

- 2           2.   Modification of a tank unit or secondary containment system without increasing the capacity of the unit.
- 1           3.   Replacement of a tank with a tank that meets the same design standards and has a capacity within +/- 10% of the replaced tank provided:
  - a.   The capacity difference is no more than 1500 gallons,
  - b.   The facility's permitted tank capacity is not increased and
  - c.   The replacement tank meets the same conditions in the permit.
- 2           4.   Modification of a tank management practice.
5.   Management of different wastes in tanks:
  - 3           a.   That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).
  - 2           b.   That do not require additional or different management practices, tank design, different fire protection specification or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
- 1           c.   That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment

standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

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

H.    Surface Impoundments

- 3           1.    Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.
- 3           2.    Replacement of a surface impoundment unit.
- 2           3.    Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system or leachate collection system.
- 2           4.    Modification of a surface impoundment management practice.
5.    Treatment, storage or disposal of different wastes in surface impoundments:
- 3           a.    That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
- 2           b.    That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

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

- 1           c.    That are wastes restricted from land disposal



that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
  
- 1\* 6. Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323 and 724.326(d).
  
- 7. Changes in response action plan:
  - 3 a. Increase in action leakage rate.
  - 3 b. Change in a specific response reducing its frequency or effectiveness.
  - 2 c. Other changes.
  
- I. Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).
  - 1. Modification or addition of waste pile units:
    - 3 a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity.
    - 2 b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity.

- 2 2. Modification of waste pile unit without increasing the capacity of the unit.
  - 1 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.
  - 2 4. Modification of a waste pile management practice.
  5. Storage or treatment of different wastes in waste piles:
    - 3 a. That require additional or different management practices or different design of the unit.
    - 2 b. That do not require additional or different management practices or different design of the unit.
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
- 2 6. Conversion of an enclosed waste pile to a containment building unit.

J. Landfills and Unenclosed Waste Piles

- 3 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.
- 3 2. Replacement of a landfill.
- 3 3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control or final cover system.
- 2 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control or final cover system.
- 2 5. Modification of a landfill management practice.
6. Landfill different wastes:
  - 3 a. That require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.
  - 2 b. That do not require additional or different

management practices, different design of the liner, leachate collection system or leachate detection system.

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

1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

1\* 7. Modification of unconstructed units to comply with 35 Ill. Adm. Code 724.351(c), 724.352, 724.353, 724.354(c), 724.401(c), 724.402, 724.403(c) and 724.404.

8. Changes in response action plan:

3 a. Increase in action leakage rate.

3 b. Change in a specific response reducing its frequency or effectiveness.

2 c. Other changes.

K. Land Treatment

3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.

- 2 2. Modification of run-on control system.
- 3 3. Modify run-off control system.
- 2 4. Other modification of land treatment unit component specifications or standards required in permit.
5. Management of different wastes in land treatment units:
  - 3 a. That require a change in permit operating conditions or unit design specifications.
  - 2 b. That do not require a change in permit operating conditions or unit design specifications.
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
6. Modification of a land treatment unit management practice to:
  - 3 a. Increase rate or change method of waste application.
  - 1 b. Decrease rate of waste application.
- 2 7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.
- 3 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.
- 3 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).
- 3 10. Changes in the unsaturated zone monitoring system resulting in a change to the location, depth, number of sampling points or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.
- 2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location,

depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.

- 2           12. Changes in background values for hazardous constituents in soil and soil-pore liquid.
- 2           13. Changes in sampling, analysis or statistical procedure.
- 2           14. Changes in land treatment demonstration program prior to or during the demonstration.
- 1\*          15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.
- 1\*          16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.
- 3           17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.
- 2           18. Changes in vegetative cover requirements for closure.

L. Incinerators, Boilers and Industrial Furnaces

- 3           1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 2           2. Changes to increase by up to 25% any of the following limits authorized in the permit: A

thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

- 3            3.    Modification of an incinerator, boiler or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl/Cl<sub>2</sub>, metals or particulate from the combustion gases or by changing other features of the incinerator, boiler or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
  
- 2            4.    Modification of an incinerator, boiler or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.
  
5.    Operating requirements:
  - 3            a.    Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control system or operating parameters for the air pollution control system. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
  
  - 3            b.    Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.

2 c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.

6. Burning different wastes:

3 a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

2 b. If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.

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

7. Shakedown and trial burn:

2 a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.

1\* b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.

1\* c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.

1\* d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.

1           8.    Substitution of an alternate type of nonhazardous  
            waste fuel that is not specified in the permit.

M.    Containment Buildings.

1.    Modification or addition of containment building  
            units:

3           a.    Resulting in greater than 25% increase in the  
            facility's containment building storage or  
            treatment capacity.

2           b.    Resulting in up to 25% increase in the  
            facility's containment building storage or  
            treatment capacity.

2           2.    Modification of a containment building unit or  
            secondary containment system without increasing the  
            capacity of the unit.

3.    Replacement of a containment building with a  
            containment building that meets the same design  
            standards provided:

1           a.    The unit capacity is not increased.

1           b.    The replacement containment building meets the  
            same conditions in the permit.

2           4.    Modification of a containment building management  
            practice.

5.    Storage or treatment of different wastes in  
            containment buildings:

3           a.    That require additional or different  
            management practices.

2           b.    That do not require additional or different  
            management practices

BOARD NOTE: Derived from 40 CFR 270.42, Appendix I  
(1990), as amended at ~~56 Fed. Reg. 7206, February~~  
~~21, 1991~~ Fed. Reg. 37281, August 18, 1992.

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



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

PART 720  
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

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720.102	Availability of Information; Confidentiality of Information
720.103	Use of Number and Gender

SUBPART B: DEFINITIONS

Section	
720.110	Definitions
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SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

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720.120	Rulemaking
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720.133	Procedures for Determinations
720.140	Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis
720.141	Procedures for case-by-case regulation of hazardous waste Recycling Activities

720.Appendix A Overview of 40 CFR, Subtitle C Regulations

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

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26

at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: DEFINITIONS

### Section 720.110 Definitions

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

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

"Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.)

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

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

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

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves and pumps, that is used to distribute, meter or control the flow of hazardous waste from its point of generation to storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of

disposal onsite, or to a point of shipment for disposal off-site.

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

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

"Board" means the Illinois Pollution Control Board.

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

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

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

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

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

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

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

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

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

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

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

"Containment Building" means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of 35 Ill. Adm. Code 724.Subpart DD and 35 Ill. Adm. Code 725.Subpart DD.

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

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

"Designated facility" means a hazardous waste treatment,

storage or disposal facility,

Which:

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

Has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270 (1991);

Has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271 (1991); or

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

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

If a waste is destined to a facility in a state, other than Illinois, which has been authorized by 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.

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

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

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

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

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure.

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

"Elementary neutralization unit" means a device which:

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

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

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

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

"EPA identification number" or "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" means the states and territories found in any one of the following ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island

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

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia and the District of Columbia

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina and Florida

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana and Ohio

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana and Texas

Region VII: Nebraska, Kansas, Missouri and Iowa

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah and Colorado

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

Region X: Washington, Oregon, Idaho and Alaska

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

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

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

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

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

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

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

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

time.

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

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

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

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

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

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

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

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

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

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

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



Adm. Code 721.124.

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

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

"Incinerator" means any enclosed device that:

Uses controlled flame combustion and neither:

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

Is listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

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

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

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

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

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

Cement kilns

Lime kilns

Aggregate kilns

Phosphate kilns

Coke ovens

Blast furnaces

Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces)

Titanium dioxide chloride process oxidation reactors

Methane reforming furnaces

Pulping liquor recovery furnaces

Combustion devices used in the recovery of sulfur values from spent sulfuric acid

Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least 3%, the acid product is used in a manufacturing process and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20%, as generated.

Any other such device as the Agency determines to be an "Industrial Furnace" on the basis of one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

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

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

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

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

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

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

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

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

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a

surface impoundment, an underground injection well, a salt dome formation, an underground mine or a cave.

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

"LDS" means leak detection system.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous waste.

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

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

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

"Miscellaneous unit" means a hazardous waste management

unit where hazardous waste is treated, stored or disposed of and which is not a container, tank, tank system, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730, containment building, or a unit eligible for a research, development and demonstration permit under 35 Ill. Adm. Code 703.231.

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

"New hazardous waste management facility" or "new facility" means a facility which began operation, or for which construction commenced, after November 19, 1980. (See also "Existing hazardous waste management facility".)

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

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

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

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

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

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

Control of emission of the gaseous combustion

products.

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

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

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

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

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

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

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

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

"Point source" means any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

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

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or 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 fate and transport.

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

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

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

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

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

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

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

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

"Sludge" means any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

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

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

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

"Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both.

"Sorb" means to either adsorb or absorb, or both.

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

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

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

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

"Tank" means a stationary device, designed to contain an



accumulation of hazardous waste which is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

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

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

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

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

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

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

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

"Treatability study" means:

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

Whether the waste is amenable to the treatment process.

What pretreatment (if any) is required.

The optimal process conditions needed to

achieve the desired treatment.

The efficiency of a treatment process for a specific waste or wastes. Or,

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

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

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

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

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

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

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

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

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

of the Northern Mariana Islands.

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

"USEPA" means United States Environmental Protection Agency.

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

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

"Wastewater treatment unit" means a device which:

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

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

Meets the definition of tank or tank system in this Section.

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

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

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

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

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective

Section 720.111      References

a)    The following publications are incorporated by reference:

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

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

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

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

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

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

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

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November, 1987.

APTI.    Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, (412) 232-3444:

APTI Course 415:      Control of Gaseous Emissions, EPA Publication EPA-450/2-81-005, December, 1981.

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.      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. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

ASTM C94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January, 1987.

ASTM D93-85, Standard Test Methods for Flash Point by Pensky-Martens Closed Tester, approved October 25, 1985.

ASTM D1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, Approved March 30, 1990.

ASTM D2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

ASTM D2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D2879-86, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved October 31, 1986.

ASTM D3828-87, Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester, approved December 14, 1988.

ASTM E168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E169-87, Standard Practices for General

Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM Method G21-70 (1984a) -- Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi

ASTM Method G22-76 (1984b) -- Standard Practice for Determining Resistance of Plastics to Bacteria.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983

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 Systems", NACE Recommended Practice RP0285-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, (617) 770-3000 or (800) 344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600:

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.)

"Guidance on Air Quality Models", Revised 1986. (Document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement)).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677).

"Methods Manual for Compliance with BIF Regulations", December, 1990. (Document number PB91-120-006).

"Petitions to Delist Hazardous Wastes -- A Guidance Manual", EPA/530-SW-85-003, April, 1985. (Document Number PB 85-194488).

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", EPA-530/SW-611, 1977. (Document number PB 84-174820).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", August, 1988 (Document number PB89-159396).

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update II (April, 1985)) (Document number PB 87-120291).

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10 CFR 20, Appendix B (199±2)

40 CFR 51.100(ii) (199±2)

40 CFR 60 (199±2)

40 CFR 61, Subpart V (199±2)

40 CFR 136 (199±2)

40 CFR 142 (199±2)

40 CFR 220 (199±2)

40 CFR 260.20 (199±2)

40 CFR 264 (199±2)

40 CFR 268. Appendix IX (1992)

40 CFR 302.4, 302.5 and 302.6 (199±2)

40 CFR 761 (1991)

- c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery  
Act (42 U.S.C. 6901 et seq.), as amended through December  
31, 1987.

- d) This Section incorporates no later editions or  
amendments.

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



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

PART 721  
IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

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- 721.Appendix G Basis for Listing Hazardous Wastes
- 721.Appendix H Hazardous Constituents
- 721.Appendix I Wastes Excluded under Section 720.120 and 720.122
  - Table A Wastes Excluded from Non-Specific Sources
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- 721.Appendix Z Table to Section 721.102

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

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL PROVISIONS

Section 721.102      Definition of Solid Waste

- a) Solid waste.
  - 1) A solid waste is any discarded material that is not excluded by Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131.
  - 2) A discarded material is any material which is:
    - A) Abandoned, as explained in subsection (b), below; or
    - B) Recycled, as explained in subsection (c), below; or
    - C) Considered inherently waste-like, as explained in subsection (d), below.
- b) Materials are solid waste if they are abandoned by being:
  - 1) Disposed of; or
  - 2) Burned or incinerated; or
  - 3) Accumulated, stored or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated.
- c) Materials are solid wastes if they are recycled -- or accumulated, stored or treated before recycling -- as specified in subsections (c)(1) through (4), below, if they are:
  - 1) Used in a manner constituting disposal.
    - A) Materials noted with a "yes" in column 1 of table in Section 721.Appendix Z are solid wastes when they are:
      - i) Applied to or placed on the land in a manner that constitutes disposal; or
      - ii) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).
    - B) However, commercial chemical products listed in Section 721.133 are not solid wastes if they are applied to the land and that is their ordinary manner of use.

- 2) Burned for energy recovery.
    - A) Materials noted with a "yes" in column 2 of table in Section 721. Appendix Z are solid wastes when they are:
      - i) burned to recover energy;
      - ii) Used to produce a fuel or are otherwise contained in fuels (in which case the fuel itself remains a solid waste);
      - iii) Contained in fuels (in which case the fuel itself remains a solid waste).
    - B) However, commercial chemical products listed in Section 721.133 are not solid wastes if they are themselves fuels.
  - 3) Reclaimed. Materials noted with a "yes" in column 3 of table in Section 721. Appendix Z are solid wastes when reclaimed.
  - 4) Accumulated speculatively. Materials noted with "yes" in column 4 of table in Section 721. Appendix Z are solid wastes when accumulated speculatively.
- d) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:
- 1) Hazardous waste numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026 and F028.
  - 2) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste as defined in Subparts C or D, except for brominated material which meets the following criteria:
    - A) The material must contain a bromine concentration of at least 45%; and
    - B) The material must contain less than a total of 1% of toxic organic compounds listed in Section 721. Appendix H; and
    - C) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).
  - 3) The following criteria are used to add wastes to the list:

- A) Disposal method or toxicity.
    - i) The materials are ordinarily disposed of, burned or incinerated; or
    - ii) The materials contain toxic constituents listed in Section 721. Appendix H and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and
  - B) The material may pose a substantial hazard to human health and the environment when recycled.
- e) Materials that are not solid waste when recycled.
- 1) Materials are not solid wastes when they can be shown to be recycled by being:
    - A) Used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or
    - B) Used or reused as effective substitutes for commercial products; or
    - C) Returned to the original process from which they are generated, without first being reclaimed. The materials must be returned as a substitute for raw materials feedstock, and the process must use raw materials as principal feedstocks.
  - 2) The following materials are solid wastes, even if the recycling involves use, reuse or return to the original process (described in subsections (e) (1) (A) - (C) , above:
    - A) Materials used in a manner constituting disposal, or used to produce products that are applied to the land; or
    - B) Materials burned for energy recovery, used to produce a fuel or contained in fuels; or
    - C) Materials accumulated speculatively; or
    - D) Materials listed in subsections (d)(1) and (d)(2), above.

- f) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing Subtitle C of the Resource Conservation Recovery Act or Section 21 of the Environmental Protection Act who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

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

Section 721.103 Definition of Hazardous Waste

- a) A solid waste, as defined in Section 721.102, is a hazardous waste if:
- 1) It is not excluded from regulation as a hazardous waste under Section 721.104(b); and
  - 2) It meets any of the following criteria:
    - A) It exhibits any of the characteristics of hazardous waste identified in 721.Subpart C. Except that any mixture of a waste from the extraction, beneficiation or processing of ores or minerals excluded under Section 721.104(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste under 721.Subpart C is a hazardous waste only: if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred; or, if it continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the toxicity characteristic to such mixtures, the mixture is also a hazardous waste: if it exceeds the maximum concentration for any contaminant listed in Section 721.124 that would not have been exceeded by the excluded waste alone if the mixture had not occurred; or, if it continues to exceed the maximum concentration

for any contaminant exceeded by the nonexempt waste prior to mixture.

- B) It is listed in 721.Subpart D and has not been excluded from the lists in 721.Subpart under 35 Ill. Adm. Code 720.120 and 720.122.
- C) It is a mixture of a solid waste and a hazardous waste that is listed in 721.Subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in 721.Subpart C, unless the resultant mixture no longer exhibits any characteristic of hazardous waste identified in 721.Subpart C, or unless the solid waste: is excluded from regulation under Section 721.104(b)(7); and, the resultant mixture no longer exhibits any characteristic of hazardous waste identified in 721.Subpart C for which the hazardous waste listed in 721.Subpart D was listed. (However, nonwastewater mixtures are still subject to the requirements of 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal).
- D) It is a mixture of solid waste and one or more hazardous wastes listed in 721.Subpart D and has not been excluded from this subsection (a)(2) under 35 Ill. Adm. Code 720.120 and 720.122; however, the following mixtures of solid wastes and hazardous wastes listed in 721.Subpart D are not hazardous wastes (except by application of subsection (a)(2)(A) or (B) above) if the generator demonstrates that the mixture consists of wastewater the discharge of which is subject to regulation under either 35 Ill. Adm. Code 309 or 310 (including wastewater at facilities which have eliminated the discharge of wastewater) and:
  - i) One or more of the following solvents listed in Section 721.131 - carbon tetrachloride, tetrachloroethylene, trichloroethylene - provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million; or

- ii) One or more of the following spent solvents listed in Section 721.131 - methylene chloride, 1,1,1 - trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents - provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million; or
- iii) One of the following wastes listed in Section 721.132 - heat exchanger bundle cleaning sludge from the petroleum refining industry (EPA Hazardous Waste No. K050); or
- iv) A discarded commercial chemical product, or chemical intermediate listed in Section 721.133, arising from de minimis losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this subsection, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing; or
- v) Wastewater resulting from laboratory operations containing toxic (T) wastes listed in Subpart D of this Part, provided that the annualized average flow of laboratory wastewater does not exceed



one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system, or provided that the wastes combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation.

E) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 721.Subpart D. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 721.Appendix H). USEPA Publication SW-846, Third Edition, is available for the cost of \$110.00 from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, (202) 783-3238 (document number 955-001-00000-1).

i) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in 35 Ill. Adm. Code 739.124(c), to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner, or disposed.

ii) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

b) A solid waste which is not excluded from regulation under

subsection (a)(1) above becomes a hazardous waste when any of the following events occur:

- 1) In the case of a waste listed in Subpart D of this Part, when the waste first meets the listing description set forth in Subpart D of this Part.
  - 2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in Subpart D of this Part is first added to the solid waste.
  - 3) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in Subpart C of this Part.
- c) Unless and until it meets the criteria of subsection (d) below:
- 1) A hazardous waste will remain a hazardous waste.
  - 2) Specific inclusions and exclusions.
    - A) Except as otherwise provided in subsection (c)(2)(B) below, any solid waste generated from the treatment, storage or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust or leachate (but not including precipitation run-off), is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)
    - B) The following solid wastes are not hazardous even though they are generated from the treatment, storage or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste:
      - i) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332) (Standard Industrial Codes, as defined and incorporated by reference in 35 Ill. Adm. Code 720.110 and 720.111).
      - ii) Wastes from burning any of the materials exempted from regulation by Section

721.106(a)(3)(E), (F), (G) or (H).

iii) Nonwastewater residues, such as slag, resulting from high temperature metal recovery (HTMR) processing of K061, K062 or F006 waste, in units identified, that are disposed of in non-hazardous waste units, provided that these residues meet the generic exclusion levels identified below in the tables in this subsection for all constituents, and exhibit no characteristics of hazardous waste. The types of units are: rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations or the following types of industrial furnaces (as defined in 35 Ill. Adm. Code 720.110): blast furnaces, smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces), and other furnaces designated by the Agency pursuant to that definition. Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and when the process or operation generating the waste changes. Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements. The generic exclusion levels are:

Constituent            Maximum for any single  
   composite sample (mg/L)

Generic exclusion levels for K061 and K062 nonwastewater HTMR residues.

Antimony . . . . .	0.10
Arsenic . . . . .	0.50
Barium . . . . .	7.6
Beryllium . . . . .	0.010
Cadmium . . . . .	0.050
Chromium (total) . . . . .	0.33
Lead . . . . .	0.15
Mercury . . . . .	0.009
Nickel . . . . .	1.0

Selenium . . . . .	0.16
Silver . . . . .	0.30
Thallium . . . . .	<u>0.020</u>
Vanadium . . . . .	1.26
Zinc . . . . .	<u>70.</u>

Generic exclusion levels for F006 nonwastewater HTMR residues

<u>Antimony</u> . . . . .	<u>0.10</u>
<u>Arsenic</u> . . . . .	<u>0.50</u>
<u>Barium</u> . . . . .	<u>7.6</u>
<u>Beryllium</u> . . . . .	<u>0.010</u>
<u>Cadmium</u> . . . . .	<u>0.050</u>
<u>Chromium (total)</u> . . . . .	<u>0.33</u>
<u>Cyanide (total) (mg/kg)</u> . . . . .	<u>1.8</u>
<u>Lead</u> . . . . .	<u>0.15</u>
<u>Mercury</u> . . . . .	<u>0.009</u>
<u>Nickel</u> . . . . .	<u>1.0</u>
<u>Selenium</u> . . . . .	<u>0.16</u>
<u>Silver</u> . . . . .	<u>0.30</u>
<u>Thallium</u> . . . . .	<u>0.020</u>
<u>Zinc</u> . . . . .	<u>70</u>

For each shipment of K061 HTMR residues sent to a nonhazardous waste management unit, a notification and certification must be sent to \*the Agency (or, for out-of-State shipments, to the appropriate Regional Administrator of USEPA or state agency authorized to implement 40 CFR 268 requirements). A one-time notification and certification must be placed in the facility's files and sent to the Agency (or, for out-of-State shipments, to the appropriate Regional Administrator of USEPA or state agency authorized to implement 40 CFR 268 requirements) for K061, K062 or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics that are sent to RCRA Subtitle D units. The notification and certification that is placed in the generators or treaters files must be updated if the process or operation generating the waste changes or if the RCRA Subtitle D unit receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the calendar year, but no later than December

31. The notification must include the following information: The name and address of the nonhazardous waste management unit receiving the waste shipment; The USEPA hazardous waste number and treatability group at the initial point of generation; The treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows:

"I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

BOARD NOTE. The generic exclusion levels for arsenic and zinc are higher than the HTMR based alternative treatment standards for K062 and F006, and HTMR based treatment standards for K061, specified in 35 Ill. Adm. Code 728.141. However, the HTMR residues must meet the applicable treatment standards prior to generic exclusion. Therefore, to be eligible for a generic exclusion, the treated residues must meet the lower of either the treatment standards or the generic exclusion levels for each constituent.

- d) Any solid waste described in subsection (c) above is not a hazardous waste if it meets the following criteria:
- 1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in Subpart C of this Part. (However, wastes which exhibit a characteristic at the point of generation may still be subject to the requirements of 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.)
  - 2) In the case of a waste which is a listed waste under Subpart D of this Part, contains a waste listed under Subpart D of this Part or is derived from a waste listed in Subpart D of this Part, it

also has been excluded from subsection (c) above under 35 Ill. Adm. Code 720.120 and 720.122.

- e) This subsection corresponds with 40 CFR 261.3(e), a subsection which has been deleted from the federal regulations. This statement maintains structural consistency with USEPA rules.
- f) Notwithstanding subsections (a) through (d) above and provided the debris as defined in 35 Ill. Adm. Code 728 does not exhibit a characteristic identified at 721.Subpart C, the following materials are not subject to regulation under 35 Ill. Adm. Code 720, 721 to 726, 728, or 730:
  - 1) Hazardous debris as defined in 35 Ill. Adm. Code 728 that has been treated using one of the required extraction or destruction technologies specified in Table A of 35 Ill. Adm. Code 728.145; persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or
  - 2) Debris as defined in 35 Ill. Adm. Code 728 that the Agency, considering the extent of contamination, has determined is no longer contaminated with hazardous waste.

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

Section 721.104 Exclusions

- a) Materials which are not solid wastes. The following materials are not solid wastes for the purpose of this Part:
  - 1) Sewage:
    - A) Domestic sewage; and
    - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.
  - 2) Industrial wastewater discharges that are point source discharges with NPDES permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.

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

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

original intended purpose; and

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



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

managed in non-oxidizing environments.

- B) Specific wastes which meet the standard in subsections (b)(6)(A)(i), (ii) and (iii), above, (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic) are:
- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
  - ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
  - iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue.
  - iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
  - v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
  - vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.

- vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.
  - viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.
- 7) Solid waste from the extraction, beneficiation and processing of ores and minerals (including coal, phosphate rock and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste. For purposes of this subsection, beneficiation of ores and minerals is restricted to the following activities: crushing, grinding, washing, dissolution, crystallization, filtration, sorting, sizing, drying, sintering, pelletizing, briquetting, calcining to remove water or carbon dioxide, roasting, autoclaving or chlorination in preparation for leaching (except where the roasting or autoclaving or chlorination)/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing), gravity concentration, magnetic separation, electrostatic separation, floatation, ion exchange, solvent extraction, electrowinning, precipitation, amalgamation, and heap, dump, vat tank and in situ leaching. For the purposes of this subsection, solid waste from the processing of ores and minerals includes only the following wastes:
- A) Slag from primary copper processing;
  - B) Slag from primary lead processing;
  - C) Red and brown muds from bauxite refining;
  - D) Phosphogypsum from phosphoric acid production;
  - E) Slag from elemental phosphorus production;
  - F) Gasifier ash from coal gasification;
  - G) Process wastewater from coal gasification;
  - H) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
  - I) Slag tailings from primary copper processing;
  - J) Fluorogypsum from hydrofluoric acid

- production;
- K) Process wastewater from hydrofluoric acid production;
  - L) Air pollution control dust/sludge from iron blast furnaces;
  - M) Iron blast furnace slag;
  - N) Treated residue from roasting/leaching of chrome ore;
  - O) Process wastewater from primary magnesium processing by the anhydrous process;
  - P) Process wastewater from phosphoric acid production;
  - Q) Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production;
  - R) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
  - S) Chloride processing waste solids from titanium tetrachloride production; and,
  - T) Slag from primary zinc smelting.
- 8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
  - 9) Solid waste which consists of discarded arsenical-treated wood or wood products which fails the test for the toxicity characteristic for hazardous waste codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.
  - 10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only) and are subject to corrective action regulations under 35 Ill. Adm. Code 731.
  - 11) Injected groundwater that is hazardous only because it exhibits the toxicity characteristic (USEPA hazardous waste codes D018 through D024 only) in Section 721.124 that is reinjected through an

underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals petroleum bulk plants, petroleum pipelines and petroleum spill sites until January 25, 1993. This extension applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991. For groundwater returned through infiltration galleries from such at petroleum refineries, marketing terminals and bulk plants, until October 2, 1991. New operations involving injection wells (beginning after March 25, 1991) will qualify for this compliance date extension (until January 25, 1993) only if:

- A) Operations are performed pursuant to a "free product removal report" pursuant to 35 Ill. Adm. Code 731.164; and
- B) A copy of the "free product removal report" has been submitted to:

Characteristics Section (OS-333)  
USEPA  
401 M Street, SW  
Washington, D.C. 20460

- 12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems, which use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.
- 13) This subsection should contain the equivalent of 40 CFR 261.4(b)(13), which USEPA has not yet adopted.
- 14) This subsection should contain the equivalent of 40 CFR 261.4(b)(14), which USEPA has not yet adopted.
- 15) Non-terne plated used oil filters which are not mixed with wastes listed in Subpart D of this Part, if these oil filters have been gravity hot-drained using one of the following methods:
  - A) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
  - B) Hot-draining and crushing;

- C) Dismantling and hot-draining; or,
  - D) Any other equivalent hot-draining method which will remove used oil.
- c) Hazardous wastes which are exempted from certain regulations. A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 725 and 728 or to the notification requirements of Section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.
- d) Samples
- 1) Except as provided in subsection (d)(2) below, a sample of solid waste or a sample of water, soil or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 728. The sample qualifies when:
    - A) The sample is being transported to a laboratory for the purpose of testing; or
    - B) The sample is being transported back to the sample collector after testing; or
    - C) The sample is being stored by the sample collector before transport to a laboratory for testing; or
    - D) The sample is being stored in a laboratory before testing; or
    - E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
    - F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).
  - 2) In order to qualify for the exemption in subsection

(d)(1)(A) and (B) above, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:

- A) Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS) or any other applicable shipping requirements; or
  - B) Comply with the following requirements if the sample collector determines that DOT, USPS or other shipping requirements do not apply to the shipment of the sample:
    - i) Assure that the following information accompanies the sample: The sample collector's name, mailing address and telephone number; the laboratory's name, mailing address and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample.
    - ii) Package the sample so that it does not leak, spill or vaporize from its packaging.
- 3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1) above.
- e) Treatability study samples.
- 1) Except as is provided in subsection (e)(2) below, persons who generate or collect samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:
    - A) The sample is being collected and prepared for transportation by the generator or sample collector; or,
    - B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
    - C) The sample is being transported to the

laboratory or testing facility for the purpose of conducting a treatability study.

- 2) The exemption in subsection (e)(1) above is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:
  - A) The generator or sample collector uses (in "treatability studies") no more than 1000 kg of any non-acute hazardous waste, 1 kg of acute hazardous waste or 250 kg of soils, water or debris contaminated with acute hazardous waste for each process being evaluated for each generated wastestream; and
  - B) The mass of each shipment does not exceed 1000 kg of non-acute hazardous waste, 1 kg of acute hazardous waste or 250 kg of soils, water or debris contaminated with acute hazardous waste; and
  - C) The sample must be packaged so that it does not leak, spill or vaporize from its packaging during shipment and the requirements of subsections (e)(2)(C)(i) or (ii), below, are met.
    - i) The transportation of each sample shipment complies with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS) or any other applicable shipping requirements; or
    - ii) If the DOT, USPS or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address and telephone number of the originator of the sample; the name, address and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number.
  - D) The sample is shipped to a laboratory or testing facility which is exempt under subsection (f) below, or has an appropriate RCRA permit or interim status.
  - E) The generator or sample collector maintains the following records for a period ending 3



years after completion of the treatability study:

- i) Copies of the shipping documents;
  - ii) A copy of the contract with the facility conducting the treatability study;
  - iii) Documentation showing: The amount of waste shipped under this exemption; the name, address and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and, whether or not unused samples and residues were returned to the generator.
- F) The generator reports the information required in subsection (e)(2)(E)(iii) above in its report under 35 Ill. Adm. Code 722.141.
- 3) The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsection (e)(2)(A) above, for up to an additional 500 kg of any non-acute hazardous waste, 1 kg of acute hazardous waste and 250 kg of soils, water or debris contaminated with acute hazardous waste, to conduct further treatability study evaluation when: There has been an equipment or mechanical failure during the conduct of the treatability study; there is need to verify the results of a previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or, there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment. The additional quantities allowed are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (F), above. The generator or sample collector must apply to the Agency and provide in writing the following information:
- A) The reason why the generator or sample collector requires additional quantity of sample for the treatability study evaluation and the additional quantity needed;
  - B) Documentation accounting for all samples of hazardous waste from the wastestream which have been sent for or undergone treatability studies, including the date each previous sample was shipped, the quantity of each previous shipment, the laboratory or testing

facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

- C) A description of the technical modifications or change in specifications which will be evaluated and the expected results;
  - D) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment have been made to protect against further breakdowns; and,
  - E) Such other information as the Agency determines is necessary.
- 4) Final Agency determinations pursuant to this subsection may be appealed to the Board.
- f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 705, 722 through 726, and 728, or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11), below, are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11), below. Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11), below, apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.
- 1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection.
  - 2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.
  - 3) No more than a total of 250 kg of "as received" hazardous waste is subjected to initiation of treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample

collector.

- 4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 1000 kg, the total of which can include 500 kg of soils, water or debris contaminated with acute hazardous waste or 1 kg of acute hazardous waste. This quantity limitation does not include:
  - A) Treatability study residues; and,
  - B) Treatment materials (including nonhazardous solid waste) added to "as received" hazardous waste.
- 5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs.
- 6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.
- 7) The facility maintains records for 3 years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:
  - A) The name, address and USEPA identification number of the generator or sample collector of each waste sample;
  - B) The date the shipment was received;
  - C) The quantity of waste accepted;
  - D) The quantity of "as received" waste in storage each day;
  - E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
  - F) The date the treatability study was concluded;
  - G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector

or, if sent to a designated facility, the name of the facility and the USEPA identification number.

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

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

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

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

listed in Sections 721.131, 721.132, or 721.133(e);  
or

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

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

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

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

to manage municipal or industrial solid waste;  
or

E) A facility which:

i) Beneficially uses or reuses or legitimately recycles or reclaims its waste; or

ii) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation.

g) In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of less than 100 kilograms of hazardous waste during a calendar month to be excluded from full regulation under this Section, the generator must comply with the following requirements:

1) 35 Ill. Adm. Code 722.111;

2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If it accumulates at any time more than a total of 1000 kilograms of the generator's hazardous waste, all of those accumulated wastes are subject to regulation under the special provisions of 35 Ill. Adm. Code 722 applicable to generators of between 100 kg and 1000 kg of hazardous waste in a calendar month as well as the requirements of 35 Ill. Adm. Code 702, 703, 705 and 723 through 726 and 728, and the applicable notification requirements of Section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(d) for accumulation of wastes on-site begins for a small quantity generator when the accumulated wastes exceed 1000 kilograms;

3) A conditionally exempt small quantity generator may either treat or dispose of its hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment or disposal facility, either of which, if located in the United States, is:

A) Permitted under 35 Ill. Adm. Code 702 and 703;

B) In interim status under 35 Ill. Adm. Code 703 and 725;

C) Authorized to manage hazardous waste by a State with a hazardous waste management program approved by USEPA under 40 CFR 271

(1986);

- D) Permitted, licensed or registered by a State to manage municipal or industrial solid waste; or
- E) A facility which:
  - i) Beneficially uses or re-uses, or legitimately recycles or reclaims the small quantity generator's waste; or
  - ii) Treats its waste prior to beneficial use or re-use, or legitimate recycling or reclamation.
- h) Hazardous waste subject to the reduced requirements of this Section may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this Section, unless the mixture meets any of the characteristics of hazardous wastes identified in Subpart C.
- i) If a small quantity generator mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this Section, the mixture is subject to full regulation.
- j) If a conditionally exempt small quantity generator's hazardous wastes are mixed with used oil, the mixture is subject to 35 Ill. Adm. Code ~~726. Subpart E~~ 739. Subpart G, if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending or other treatment is also so regulated if it is destined to be burned for energy recovery.

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

Section 721.106 Requirements for Recyclable Materials

- a) Recyclable materials:
  - 1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters and storage facilities of subsections (b) and (c), below, except for the materials listed in subsections (a)(2) and (3), below. Hazardous wastes that are recycled will be known as "recyclable materials".
  - 2) The following recyclable materials are not subject to the requirements of this Section but are



regulated under 35 Ill. Adm. Code 726.Subparts C through H and all applicable provisions in 35 Ill. Adm. Code 702, 703 and 705.

- A) Recyclable materials used in a manner constituting disposal (35 Ill. Adm. Code 726.Subpart C);
  - B) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under 35 Ill. Adm. Code 724 or 725.Subpart O (35 Ill. Adm. Code 726.Subpart H.)
  - ~~C) Used oil that exhibits one or more of the characteristics of hazardous waste and is burned for energy recovery in boilers or industrial furnaces that are not regulated under 35 Ill. Adm. Code 724 or 725.Subpart O. (35 Ill. Adm. Code 726.Subpart E);~~
  - CD) Recyclable materials from which precious metals are reclaimed (35 Ill. Adm. Code 726.Subpart F);
  - DE) Spent lead-acid batteries that are being reclaimed (35 Ill. Adm. Code 726.Subpart G).
- 3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 726, 728, or 702, 703 or 705 and are not subject to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act:
- A) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in 35 Ill. Adm. Code 722.158:
    - i) A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, shall comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153, 722.156(a)(1) through (a)(4), (a)(6) and (b), and 722.157, shall export such materials only upon consent of the receiving country and in conformance with the USEPA Acknowledgement of Consent as defined in 35 Ill. Adm. Code 722.Subpart E, and shall provide a copy of the USEPA Acknowledgement of Consent to the shipment to the transporter transporting

the shipment for export;

- ii) Transporters transporting a shipment for export shall not accept a shipment if the transporter knows the shipment does not conform to the USEPA Acknowledgement of Consent, shall ensure that a copy of the USEPA Acknowledgement of Consent accompanies the shipment and shall ensure that it is delivered to the facility designated by the person initiating the shipment.

B) Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;

~~C) Used oil that exhibits one or more of the characteristics of hazardous waste but is recycled in some other manner than being burned for energy recovery;~~

CD) Scrap metal;

DE) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production and transportation practices;

EF) Oil reclaimed from hazardous waste resulting from normal petroleum refining, production and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility;

EG) Petroleum refining wastes.

- i) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production or transportation practices, or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 726.140(e) and so long as no other hazardous wastes are used to produce the hazardous waste fuel;

ii) Hazardous waste fuel produced from oil-

bearing hazardous waste from petroleum refining production and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

GH) Petroleum coke produced from petroleum refinery hazardous wastes containing oil at the same facility at which such wastes were generated, unless the resulting coke product exceeds one or more of the characteristics of hazardous waste in Subpart C.

4) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the requirements of 35 Ill. Adm. Code 720 through 728, but is regulated under 35 Ill. Adm. Code 739. Used oil that is recycled includes any used oil which is reused, following its original use, for any purpose (including the purpose for which the oil was originally used. Such term includes, but is not limited to, oil which is re-refined, reclaimed, burned for energy recovery, or reprocessed.

b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a), above.

c) Storage and recycling:

1) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of 35 Ill. Adm. Code 724.Subparts A through L, AA and BB and 725.Subparts A through L, AA and BB, 726, 728, 702, 703 and 705 and the notification requirement under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a), above. (The recycling process itself is exempt

from regulation, except as provided in subsection (d), below.)

- 2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (a), above.
  - A) Notification requirements under Section 3010 of the Resource Conservation and Recovery Act.
  - B) 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies)
  - C) subsection (d), below.
- d) Owners or operators of facilities required to have a RCRA permit pursuant to 35 Ill. Adm. Code 703 with hazardous waste management units which recycle hazardous wastes are subject to 35 Ill. Adm. Code 724.Subpart AA and BB and 725.Subpart AA and BB.

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

#### SUBPART D: LISTS OF HAZARDOUS WASTE

##### Section 721.131 Hazardous Wastes From Nonspecific Sources

- a) The following solid wastes are listed hazardous wastes from non-specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Section 721.Appendix I.

E P A  
Hazardous  
Waste No. Industry and Hazardous Waste

Haz -  
ard  
Code

- F001           The following spent halogenated (T)  
solvents used in degreasing: tetra-  
chloroethylene, trichloroethylene,  
methylene chloride, 1,1,1-trichloro-  
ethane, carbon tetrachloride and  
chlorinated fluorocarbons; all spent  
solvent mixtures and blends used in  
degreasing containing, before use, a  
total of ten percent or more (by  
volume) of one or more of the above  
halogenated solvents or those solvents  
listed in F002, F004 or F005; and still  
bottoms from the recovery of these  
spent solvents and spent solvent  
mixtures.
- F002           The following spent halogenated (T)  
solvents: tetrachloroethylene,  
methylene chloride, trichloroethylene,  
1,1,1-trichloroethane, chlorobenzene,  
1,1,2-trichloro-1,2,2-trifluoroethane,  
orthodichlorobenzene, trichloro-  
fluoromethane and 1,1,2-trichloro-  
ethane; all spent solvent mixtures and  
blends containing, before use, a total  
of ten percent or more (by volume) of  
one or more of the above halogenated  
solvents or those solvents listed in  
F001, F004 or F005; and still bottoms  
from the recovery of these spent  
solvents and spent solvent mixtures.
- F003           The following spent non-halogenated (I)  
solvents: xylene, acetone, ethyl  
acetate, ethyl benzene, ethyl ether,  
methyl isobutyl ketone, n-butyl  
alcohol, cyclohexanone and methanol;  
all spent solvent mixtures and blends  
containing, before use, only the above  
spent non-halogenated solvents; and all  
spent solvent mixtures and blends  
containing, before use, one or more of  
the above non-halogenated solvents and  
a total of ten percent or more (by  
volume) of one or more of those  
solvents listed in F001, F002, F004 or  
F005; and still bottoms from the  
recovery of these spent solvents and  
spent solvent mixtures.

- F004           The following spent non-halogenated (T)  
solvents: cresols and cresylic acid  
and nitrobenzene; all spent solvent  
mixtures and blends containing, before  
use, a total of ten percent or more (by  
volume) of one or more of the above  
non-halogenated solvents or those  
solvents listed in F001, F002 or F005;  
and still bottoms from the recovery of  
these spent solvents and spent solvent  
mixtures.
- F005           The following spent non-halogenated ( I ,  
solvents: toluene, methyl ethyl T)  
ketone, carbon disulfide, isobutanol,  
pyridine, benzene, 2-ethoxyethanol and  
2-nitropropane; all spent solvent  
mixtures and blends, containing, before  
use, a total of ten percent or more (by  
volume) of one or more of the above  
non-halogenated solvents or those  
solvents listed in F001, F002 or F004;  
and still bottoms from the recovery of  
these spent solvents and spent solvent  
mixtures.
- F006           Wastewater treatment sludges from (T)  
electroplating operations except from  
the following processes: (1) sulfuric  
acid anodizing of aluminum; (2) tin  
plating on carbon steel; (3) zinc  
plating (segregated basis) on carbon  
steel; (4) aluminum or zinc-aluminum  
plating on carbon steel; (5)  
cleaning/stripping associated with tin,  
zinc and aluminum plating on carbon  
steel; and (6) chemical etching and  
milling of aluminum.
- F019           See Below
- F007           Spent cyanide plating bath solutions ( R ,  
from electroplating operations.           T)
- F008           Plating bath residues from the bottom ( R ,  
of plating baths from electroplating T)  
operations where cyanides are used in  
the process.
- F009           Spent stripping and cleaning bath ( R ,  
solutions from electroplating T)  
operations where cyanides are used in  
the process.

- F010 Quenching bath residues from oil baths ( R ,  
from metal heat treating operations T)  
where cyanides are used in the process.
- F011 Spent cyanide solutions from salt bath ( R ,  
pot cleaning from metal heat treating T)  
operations.
- F012 Quenching wastewater treatment sludges (T)  
from metal heat treating operations  
where cyanides are used in the process.
- F019 Wastewater treatment sludges from the (T)  
chemical conversion coating of aluminum  
except from zirconium phosphating in  
aluminum can washing when such  
phosphating is an exclusive conversion  
coating process.
- F020 Wastes (except wastewater and spent (H)  
carbon from hydrogen chloride  
purification) from the production or  
manufacturing use (as a reactant,  
chemical intermediate or component in a  
formulating process) of tri- or tetra-  
chlorophenol, or of intermediates used  
to produce their pesticide derivatives.  
(This listing does not include wastes  
from the production of hexachlorophene  
from highly purified 2,4,5-trichloro-  
phenol.)
- F021 Wastes (except wastewater and spent (H)  
carbon from hydrogen chloride  
purification) from the production or  
manufacturing use (as a reactant,  
chemical intermediate or component in a  
formulating process) of pentachloro-  
phenol, or of intermediates used to  
produce its derivatives.
- F022 Wastes (except wastewater and spent (H)  
carbon from hydrogen chloride  
purification) from the manufacturing  
use (as a reactant, chemical  
intermediate or component in a  
formulating process) of tetra-, penta-  
or hexachlorobenzenes under alkaline  
conditions.

- F023 Wastes (except wastewater and spent (H)  
carbon from hydrogen chloride  
purification) from the production of  
materials on equipment previously used  
for the production or manufacturing use  
(as a reactant, chemical intermediate  
or component in a formulating process)  
of tri- and tetrachlorophenols. (This  
listing does not include wastes from  
equipment used only for the production  
or use of hexachlorophene from highly  
purified 2,4,5- trichlorophenol.
- F024 Process wastes including but not (T)  
limited to, distillation residues,  
heavy ends, tars, and reactor cleanout  
wastes, from the production of certain  
chlorinated aliphatic hydrocarbons by  
free radical catalyzed processes.  
These chlorinated aliphatic  
hydrocarbons are those having carbon  
chain lengths ranging from one to and  
including five, with varying amounts  
and positions of chlorine substitution.  
(This listing does not include  
wastewaters, wastewater treatment  
sludges, spent catalysts and wastes  
listed in this Section or Section  
721.132.)
- F025 Condensed light ends, spent filters and (T)  
filter aids, and spent desiccant wastes  
from the production of certain  
chlorinated aliphatic hydrocarbons by  
free radical catalyzed processes.  
These chlorinated aliphatic  
hydrocarbons are those having carbon  
chain lengths ranging from one to and  
including five, with varying amounts  
and positions of chlorine substitution.
- F026 Wastes (except wastewater and spent (H)  
carbon from hydrogen chloride  
purification) from the production of  
materials on equipment previously used  
for the manufacturing use (as a  
reactant, chemical intermediate or  
component in a formulating process) of  
tetra-, penta- or hexachlorobenzene  
under alkaline conditions.



- F027 Discarded unused formulations (H) containing tri-, tetra- or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component).
- F028 Residues resulting from the (T) incineration or thermal treatment of soil contaminated with hazardous waste numbers F020, F021, F022, F023, F026 and F027.
- F032 Wastewaters, (except those that have not come into contact with process contaminants), process residuals, preservative drippage and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with Section 721.135 and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol. (T)

~~BOARD NOTE: The listing of wastewaters that have not come into contact with process contaminants is stayed administratively. The listing for plants that have previously used chlorophenolic formulations is administratively stayed whenever these wastes are covered by the F034 or F035 listings. These stays will remain in effect until further administrative action is taken. Furthermore, the F032 listing is administratively stayed with respect to the process area receiving drippage of these wastes provided persons desiring to continue operating notify USEPA by August 6, 1991, of their intent to upgrade or install drip pads, and by November 6, 1991, provide evidence to USEPA that they have adequate financing to pay for drip pad upgrades or installation, as provided in the administrative stay. The stay of listings will remain in effect until February 6, 1992, for existing drip pads, and until May 6, 1992, for new drip pads.~~

F034

Wastewaters, (except those that have not come into contact with process contaminants), process residuals, preservative drippage and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol. (T)

~~BOARD NOTE: The listing of wastewaters that have not come into contact with process contaminants is stayed administratively. These stays will remain in effect until further administrative action is taken. Furthermore, the F034 and F035 listings are administratively stayed with respect to the process area receiving drippage of these wastes provided that, by February 6, 1992, persons desiring to continue operating notify the Agency of their intent to upgrade or install drip pads, and provide evidence to the Agency that they have adequate financing to pay for drip pad upgrades or installation, as provided in the administrative stay. The stay of listings will remain in effect until July 1, 1992.~~

F035

Wastewaters, (except those that have not come into contact with process contaminants), process residuals, preservative drippage and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol. (T)

~~BOARD NOTE: The listing of wastewaters that have not come into contact with process contaminants is stayed administratively. These stays will remain in effect until further administrative action is taken. Furthermore, the F034 and F035 listings are administratively stayed with respect to the process area receiving drippage of these wastes provided that, by February 6, 1992, persons desiring to continue operating notify the Agency of their intent to upgrade or install drip pads, and provide evidence to the Agency that they have adequate financing to pay for drip pad upgrades or installation, as provided in the administrative stay. The stay of listings will remain in effect until July 1, 1992.~~

F037

Petroleum refinery primary oil/water/ solids separation sludge -- Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in subsection (b)(2), below, (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing. (T)

F038 Petroleum refinery secondary (T)  
(emulsified) oil/water/solids  
separation sludge -- Any sludge or  
float generated from the physical or  
chemical separation of oil/water/solids  
in process wastewaters and oily cooling  
wastewaters from petroleum refineries.  
Such wastes include, but are not  
limited to, all sludges and floats  
generated in: induced air floatation  
(IAF) units, tanks and impoundments,  
and all sludges generated in DAF units.  
Sludges generated in stormwater units  
that do not receive dry weather flow,  
sludges generated from non-contact  
once-through cooling waters segregated  
for treatment from other process or  
oily cooling waters, sludges and floats  
generated in aggressive biological  
treatment units as defined in  
subsection (b)(2), below, (including  
sludges and floats generated in one or  
more additional units after wastewaters  
have been treated in aggressive  
biological treatment units), F037, K048  
and K051 wastes are not included in  
this listing.

F039 Leachate (liquids which have percolated (T)  
through land disposed wastes) resulting  
from the disposal of more than one  
restricted waste classified as  
hazardous under Subpart D. (Leachate  
resulting from the disposal of one or  
more of the following USEPA hazardous  
wastes and no other hazardous wastes  
retains its USEPA hazardous waste  
number(s): F020, F021, F022, F026,  
F027 or F028.)

BOARD NOTE: The primary hazardous properties of these  
materials have been indicated by the letters T  
(Toxicity), R (Reactivity), I (Ignitability), and C  
(Corrosivity). The letter H indicates Acute Hazardous  
Waste.

b) Listing specific definitions.

- 1) For the purpose of the F037 and F038 listings, oil/  
water/solids is defined as oil or water or solids.
- 2) For the purposes of the F037 and F038 listings:
  - A) Aggressive biological treatment units are

F038 Petroleum refinery secondary (T)  
(emulsified) oil/water/solids  
separation sludge -- Any sludge or  
float generated from the physical or  
chemical separation of oil/water/solids  
in process wastewaters and oily cooling  
wastewaters from petroleum refineries.  
Such wastes include, but are not  
limited to, all sludges and floats  
generated in: induced air floatation  
(IAF) units, tanks and impoundments,  
and all sludges generated in DAF units.  
Sludges generated in stormwater units  
that do not receive dry weather flow,  
sludges generated from non-contact  
once-through cooling waters segregated  
for treatment from other process or  
oily cooling waters, sludges and floats  
generated in aggressive biological  
treatment units as defined in  
subsection (b)(2), below, (including  
sludges and floats generated in one or  
more additional units after wastewaters  
have been treated in aggressive  
biological treatment units), F037, K048  
and K051 wastes are not included in  
this listing.

F039 Leachate (liquids which have percolated (T)  
through land disposed wastes) resulting  
from the disposal of more than one  
restricted waste classified as  
hazardous under Subpart D. (Leachate  
resulting from the disposal of one or  
more of the following USEPA hazardous  
wastes and no other hazardous wastes  
retains its USEPA hazardous waste  
number(s): F020, F021, F022, F026,  
F027 or F028.)

BOARD NOTE: The primary hazardous properties of these  
materials have been indicated by the letters T  
(Toxicity), R (Reactivity), I (Ignitability), and C  
(Corrosivity). The letter H indicates Acute Hazardous  
Waste.

b) Listing specific definitions.

- 1) For the purpose of the F037 and F038 listings, oil/  
water/solids is defined as oil or water or solids.
- 2) For the purposes of the F037 and F038 listings:
  - A) Aggressive biological treatment units are

defined as units which employ one of the following four treatment methods: activated sludge; trickling filter; rotating biological contactor for the continuous accelerated biological oxidation of wastewaters; or, high-rate aeration. High-rate aeration is a system of surface impoundments or tanks, in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and:

- i) The units employ a minimum of 6 horsepower per million gallons of treatment volume; and either
    - ii) The hydraulic retention time of the unit is no longer than 5 days; or
    - iii) The hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a hazardous waste by the toxicity characteristic.
  - B) Generators and treatment, storage or disposal (TSD) facilities have the burden of proving that their sludges are exempt from listing as F037 or F038 wastes under this definition. Generators and TSD facilities shall maintain, in their operating or other on site records, documents and data sufficient to prove that:
    - i) The unit is an aggressive biological treatment unit as defined in this subsection; and
    - ii) The sludges sought to be exempted from F037 or F038 were actually generated in the aggressive biological treatment unit.
- 3) Time of generation. For the purposes of:
- A) The F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.
  - B) The F038 listing:
    - i) Sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement; and

- ii) Floats are considered to be generated at the moment they are formed in the top of the unit.

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

Section 721.132 Hazardous Waste from Specific Sources

The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Section 721. Appendix I.

E P A Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
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Wood Preservation:

K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
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Inorganic Pigments:

K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)

Organic Chemicals:

K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
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K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)

K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R,T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C,T)
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I,T)
K109	Spent filter cartridges from the product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)

- K110 Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (T)
- K111 Product wastewaters from the production of dinitrotoluene via nitration of toluene. (C,T)
- K112 Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
- K113 Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
- K114 Vicinals from the purification of toluene-diamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
- K115 Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
- K116 Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine. (T)
- K117 Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene. (T)
- K118 Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. (T)
- K136 Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. (T)

Inorganic Chemicals:

- K071 Brine purification muds from the mercury cell process in chlorine production, where separately purified brine is not used. (T)
- K073 Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (T)

K106 Wastewater treatment sludge from the mercury cell process in chlorine production. (T)

Pesticides:

K031 By-product salts generated in the production of MSMA and cacodylic acid. (T)

K032 Wastewater treatment sludge from the production of chlordane. (T)

K033 Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. (T)

K034 Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. (T)

K097 Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. (T)

K035 Wastewater treatment sludges generated in the production of creosote. (T)

K036 Still bottoms from toluene reclamation distillation in the production of disulfoton. (T)

K037 Wastewater treatment sludges from the production of disulfoton. (T)

K038 Wastewater from the washing and stripping of phorate production. (T)

K039 Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate. (T)

K040 Wastewater treatment sludge from the production of phorate. (T)

K041 Wastewater treatment sludge from the production of toxaphene. (T)

K098 Untreated process wastewater from the production of toxaphene. (T)

K042 Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T. (T)

K043 2,6-Dichlorophenol waste from the production of 2,4-D. (T)

- K099 Untreated wastewater from the production of 2,4-D. (T)
- K123 Process wastewater (including supernates, filtrates and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts. (T)
- K124 Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts. (C,T)
- K125 Filtration, evaporation and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts. (T)
- K126 Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts. (T)
- K131 Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide. (C,T)
- K132 Spent absorbent and wastewater separator solids from the production of methyl bromide. (T)

Explosives:

- K044 Wastewater treatment sludges from the manufacturing and processing of explosives. (R)
- K045 Spent carbon from the treatment of wastewater containing explosives. (R)
- K046 Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds. (T)
- K047 Pink/red water from TNT operations. (R)

Petroleum Refining:

- K048 Dissolved air flotation (DAF) float from the petroleum refining industry. (T)
- K049 Slop oil emulsion solids from the petroleum refining industry. (T)
- K050 Heat exchanger bundle cleaning sludge from the petroleum refining industry. (T)

K051 API separator sludge from the petroleum (T)  
refining industry.

K052 Tank bottoms (leaded) from the petroleum (T)  
refining industry.

Iron and Steel:

K061 Emission control dust/sludge from the primary (T)  
production of steel in electric furnaces.

K062 Spent pickle liquor generated by steel (C,T)  
finishing operations of facilities within the  
iron and steel industry (SIC Codes 331 and  
332) (as defined in 35 Ill. Adm. Code  
720.110).

Primary Copper:

K064 Acid plant blowdown slurry or sludge (T)  
resulting from the thickening of blowdown  
slurry from primary copper production.

Primary Lead:

K065 Surface impoundment solids contained in and (T)  
dredged from surface impoundments at primary  
lead smelting facilities.

Primary Zinc:

K066 Sludge from treatment of process wastewater (T)  
or acid plant blowdown from primary zinc  
production.

BOARD NOTE: This waste listing is the  
subject of a judicial remand in American  
Mining Congress v. EPA, 907 F.2d 1179 (D.D.C.  
1990). The Board intends that this listing  
not become enforceable in Illinois until the  
first date upon which the Board RCRA program  
becomes "not equivalent to the Federal  
program," within the meaning of Section  
3006(b) of the RCRA Act, 42 U.S.C. 6926(b),  
the Board RCRA rules become "less stringent"  
than the USEPA rules, as this phrase is used  
in Section 3009, 42 U.S.C. 6929, or the Board  
RCRA rules are not "identical in substance"  
with the federal rules as that term is  
intended by Ill. Rev. Stat. 1989] ch. 111½,  
pars. 1007.2 and 1022.4 [415 ILCS 5/7.2 and  
5/22.4] as a result of some action by USEPA  
with regard to this listing in response to  
the American Mining Congress remand.

Primary Aluminum:

K088 Spent potliners from primary aluminum reduction. (T)

Ferroalloys:

K090 Emission control dust or sludge from ferrochromiumsilicon production. (T)

K091 Emission control dust or sludge from ferrochromium production. (T)

Secondary Lead:

K069 Emission control dust/sludge from secondary lead smelting. (T)  
BOARD NOTE: This listing is administratively stayed for sludge generated from secondary acid scrubber systems. The stay will remain in effect until this note is removed.

K100 Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. (T)

Veterinary Pharmaceuticals:

K084 Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organoarsenic compounds. (T)

K102 Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

Ink Formulation:

K086 Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps and stabilizers containing chromium and lead. (T)

Coking:

- K060 Ammonia still lime sludge from coking (T)  
operations.
- K087 Decanter tank tar sludge from coking (T)  
operations.
- K141 Process residues from the recovery of coal (T)  
tar, including, but not limited to,  
collecting sump residues from the production  
of coke from coal or the recovery of coke by-  
products produced from coal. This listing  
does not include K087 (decanter tank tar  
sludges from coking operations).
- K142 Tar storage tank residues from the production (T)  
of coke from coal or from the recovery of  
coke by-products produced from coal.
- K143 Process residues from the recovery of light (T)  
oil, including, but not limited to, those  
generated in stills, decanters, and wash oil  
recovery units from the recovery of coke by-  
products produced from coal.
- K144 Wastewater sump residues from light oil (T)  
refining, including, but not limited to,  
intercepting or contamination sump sludges  
from the recovery of coke by-products  
produced from coal.
- K145 Residues from naphthalene collection and (T)  
recovery operations from the recovery of coke  
by-products produced from coal.
- K147 Tar storage tank residues from coal tar (T)  
refining.
- K148 Residues from coal tar distillation, (T)  
including but not limited to, still bottoms.
- K149 Distillation bottoms from the production of (T)  
alpha- (or methyl-) chlorinated toluenes,  
ring-chlorinated toluenes, benzoyl chlorides,  
and compounds with mixtures of these  
functional groups. (This waste does not  
include still bottoms from the distillation  
of benzyl chloride.).



K150      Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.      (T)

K151      Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.      (T)

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

Section 721.Appendix B      Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)

The Board incorporates by reference 40 CFR 261, Appendix II, as amended at ~~55 Fed. Reg. 11798, March 29, 1990~~ 57 Fed. Reg. 55114-55117, November 24, 1992 and 58 Fed. Reg. 6854. This Section incorporates no future editions or modifications

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

Section 721.Appendix G      Basis for Listing Hazardous Wastes

EPA

hazardous

waste No. Hazardous constituents for which listed

F001 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons.

F002 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane.

F003 N.A.

F004 Cresols and cresylic acid, nitrobenzene.

F005 Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, 2-ethoxyethanol, benzene, 2-nitropropane

F006 Cadmium, hexavalent chromium, nickel, cyanide (complexed).

F007 Cyanide (salts).

F008 Cyanide (salts).

F009 Cyanide (salts).

F010 Cyanide (salts).

F011 Cyanide (salts).

F012 Cyanide (complexed).

- F019 Hexavalent chromium, cyanide (complexed).
- F020 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.
- F021 Penta- and hexachlorodibenzo-p-dioxins; penta- and hexachlorodibenzofurans; pentachlorophenol and its derivatives.
- F022 Tetra-, penta- and hexachlorodibenzo-p-dioxins; tetra-, penta- and hexachlorodibenzofurans.
- F023 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetra- chlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.
- F024 Chloromethane, dichloromethane, trichloromethane, carbon tetrachloride, chloroethylene, 1, 1-dichloroethane, 1, 2-dichloroethane, trans-1, 2-dichloroethylene, 1, 1-dichloroethylene, 1, 1, 1-trichloroethane, 1, 1, 2-trichloroethane, trichloroethylene, 1, 1, 1, 2-tetrachloroethane, 1,1, 2, 2-tetrachloroethane, tetrachloroethylene, pentachloroethane, hexachloroethane, allyl chloride (3-chloropropene), dichloropropane, dichloropropene, 2-chloro- 1, 3-butadiene, hexachloro-1, 3-butadiene, hexachlorocyclopentadiene, hexachlorocyclohexane, benzene, chlorobenzene, dichlorobenzenes, 1, 2, 4-trichlorobenzene, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, toluene, naphthalene.
- F025 Chloromethane, dichloromethane, trichloromethane; carbon tetrachloride; chloroethylene; 1,1-dichloroethane; 1,2-dichloroethane; trans-1,2-dichloroethylene; 1,1-dichloroethylene; 1,1,1-trichloroethane; 1,1,2-trichloroethane; trichloroethylene; 1,1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane; tetrachloroethylene; pentachloroethane; hexachloroethane; allyl chloride (3-chloropropene); dichloropropane; dichloropropene; 2-chloro-1,3-butadiene; hexachloro-1,3-butadiene; hexachlorocyclopentadiene; benzene; chlorobenzene; dichlorobenzene; 1,2,4-trichlorobenzene; tetrachlorobenzene; pentachlorobenzene; hexachlorobenzene; toluene; naphthalene.
- F026 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans.
- F027 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.
- F028 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.
- F032 Benz(a)anthracene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, pentachlorophenol, arsenic, chromium, tetra-, penta-, hexa-, heptachlorodibenzo-p-dioxins, tetra-, penta-, hexa-, heptachlorodibenzofurans.

- F034 Benz(a)anthracene, benzo(k)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, naphthalene, arsenic chromium.
- F035 Arsenic, chromium and lead.
- F037 Benzene, benzo(a)pyrene, chrysene, lead, chromium.
- F038 Benzene, benzo(a)pyrene, chrysene, lead, chromium.
- F039 All constituents for which treatment standards are specified for multi-source leachate (wastewaters and non-wastewaters) under 35 Ill. Adm. Code 728. Table B (Constituent Concentrations in Waste)
- K001 Pentachlorophenol, phenol, 2-chlorophenol, p-chloro-m-cresol, 2,4-dimethylphenol, 2,4-dinitrophenol, trichlorophenols, tetrachlorophenols, 2,4-dinitrophenol, cresosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benz(a)anthracene, dibenz(a)anthracene, acenaphthalene.
- K002 Hexavalent chromium, lead.
- K003 Hexavalent chromium, lead.
- K004 Hexavalent chromium.
- K005 Hexavalent chromium, lead.
- K006 Hexavalent chromium.
- K007 Cyanide (complexed), hexavalent chromium.
- K008 Hexavalent chromium.
- K009 Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid.
- K010 Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid, chloroacetaldehyde.
- K011 Acrylonitrile, acetonitrile, hydrocyanic acid.
- K013 Hydrocyanic acid, acrylonitrile, acetonitrile.
- K014 Acetonitrile, acrylamide.
- K015 Benzyl chloride, chlorobenzene, toluene, benzotrichloride.
- K016 Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride, hexachloroethane, perchloroethylene.
- K017 Epichlorohydrin, chloroethers [bis(chloromethyl) ether and bis-(2-chloroethyl) ethers], trichloropropane, dichloropropanols.
- K018 1,2-dichloroethane, trichloroethylene, hexachlorobutadiene, hexachlorobenzene.
- K019 Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
- K020 Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloro-ethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
- K021 Antimony, carbon tetrachloride, chloroform.
- K022 Phenol, tars (polycyclic aromatic hydrocarbons).
- K023 Phthalic anhydride, maleic anhydride.
- K024 Phthalic anhydride, 1,4-naphthoquinone.
- K025 Meta-dinitrobenzene, 2,4-dinitrotoluene.
- K026 Paraldehyde, pyridines, 2-picoline.

K027 Toluene diisocyanate, toluene-2,4-diamine.  
K028 1,1,1-trichloroethane, vinyl chloride.  
K029 1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, vinylidene chloride, chloroform.  
K030 Hexachlorobenzene, hexachlorobutadiene, hexachloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, ethylene dichloride.  
K031 Arsenic.  
K032 Hexachlorocyclopentadiene.  
K033 Hexachlorocyclopentadiene.  
K034 Hexachlorocyclopentadiene.  
K035 Creosote, chrysene, naphthalene, fluoranthene, benzo(b) fluoranthene, benzo(a)-pyrene, indeno(1,2,3-cd) pyrene, benzo(a)anthracene, dibenzo(a)anthracene, acenaphthalene.  
K036 Toluene, phosphorodithioic and phosphorothioic acid esters.  
K037 Toluene, phosphorodithioic and phosphorothioic acid esters.  
K038 Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.  
K039 Phosphorodithioic and phosphorothioic acid esters.  
K040 Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.  
K041 Toxaphene.  
K042 Hexachlorobenzene, ortho-dichlorobenzene.  
K043 2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol.  
K044 N.A.  
K045 N.A.  
K046 Lead  
K047 N.A.  
K048 Hexavalent chromium, lead.  
K049 Hexavalent chromium, lead.  
K050 Hexavalent chromium.  
K051 Hexavalent chromium, lead.  
K052 Lead  
K060 Cyanide, naphthalene, phenolic compounds, arsenic.  
K061 Hexavalent chromium, lead, cadmium.  
K062 Hexavalent chromium, lead.  
K064 Lead, cadmium  
K065 Lead, cadmium  
K066 Lead, cadmium  
K069 Hexavalent chromium, lead, cadmium.  
K071 Mercury.  
K073 Chloroform, carbon tetrachloride, hexachloroethane, trichloroethane, tetrachloroethylene, dichloroethylene, 1,1,2,2-tetrachloroethane.  
K083 Aniline, diphenylamine, nitrobenzene, phenylenediamine.  
K084 Arsenic.  
K085 Benzene, dichlorobenzenes, trichlorobenzenes, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, benzyl chloride.  
K086 Lead, hexavalent chromium.  
K087 Phenol, naphthalene.  
K088 Cyanide (complexes)  
K090 Chromium  
K091 Chromium

K093 Phthalic anhydride, maleic anhydride.  
 K094 Phthalic anhydride.  
 K095 1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane,  
 1,1,2,2-tetrachloroethane.  
 K096 1,2-dichloroethane, 1,1,1-trichloroethane,  
 1,1,2-trichloroethane.  
 K097 Chlordane, heptachlor.  
 K098 Toxaphene.  
 K099 2,4-dichlorophenol, 2,4,6-trichlorophenol.  
 K100 Hexavalent chromium, lead, cadmium.  
 K101 Arsenic.  
 K102 Arsenic.  
 K103 Aniline, nitrobenzene, phenylenediamine.  
 K104 Aniline, benzene, diphenylamine, nitrobenzene,  
 phenylenediamine.  
 K105 Benzene, monochlorobenzene, dichlorobenzenes,  
 2,4,6-trichlorophenol.  
 K106 Mercury.  
 K111 2,4-Dinitrotoluene.  
 K112 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.  
 K113 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.  
 K114 2,4-Toluenediamine, o-toluidine, p-toluidine.  
 K115 2,4-Toluenediamine.  
 K116 Carbon Tetrachloride, tetrachloroethylene, chloroform,  
 phosgene.  
 K117 Ethylene dibromide  
 K118 Ethylene dibromide  
 K123 Ethylene thiourea  
 K124 Ethylene thiourea  
 K125 Ethylene thiourea  
 K126 Ethylene thiourea  
 K131 Dimethyl sulfite, methyl bromide  
 K132 Methyl bromide  
 K136 Ethylene dibromide  
 K141 Benzene, benz(a)anthracene, benzo(a)pyrene,  
benzo(b)fluoranthene, benzo(k)fluoranthene,  
dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.  
 K142 Benzene, benz(a)anthracene, benzo(a)pyrene,  
benzo(b)fluoranthene, benzo(k)fluoranthene,  
dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.  
 K143 Benzene, benz(a)anthracene, benzo(b)fluoranthene,  
benzo(k)fluoranthene.  
 K144 Benzene, benz(a)anthracene, benzo(a)pyrene,  
benzo(b)fluoranthene, benzo(k)fluoranthene,  
dibenz(a,h)anthracene.  
 K145 Benzene, benz(a)anthracene, benzo(a)pyrene,  
dibenz(a,h)anthracene, naphthalene.  
 K147 Benzene, benz(a)anthracene, benzo(a)pyrene,  
benzo(b)fluoranthene, benzo(k)fluoranthene,  
dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.  
 K148 Benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene,  
benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-  
cd)pyrene.  
 K149 Benzotrichloride, benzyl chloride, chloroform, chloromethane,

chlorobenzene, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, toluene.

K150 Carbon tetrachloride, chloroform, chloromethane, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, 1,1,2,2-tetrachloroethane, tetrachloroethylene, 1,2,4-trichlorobenzene.

K151 Benzene, carbon tetrachloride, chloroform, hexachlorobenzene, pentachlorobenzene, toluene, 1,2,4,5-tetrachlorobenzene, tetrachloroethylene.

N.A.--Waste is hazardous because it fails the test for the characteristic of ignitability, corrosivity or reactivity.

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

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

PART 722  
STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section  
722.110 Purpose, Scope and Applicability  
722.111 Hazardous Waste Determination  
722.112 USEPA Identification Numbers

SUBPART B: THE MANIFEST

Section  
722.120 General Requirements  
722.121 Acquisition of Manifests  
722.122 Number of Copies  
722.123 Use of the Manifest

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section  
722.130 Packaging  
722.131 Labeling  
722.132 Marking  
722.133 Placarding  
722.134 Accumulation Time

SUBPART D: RECORDKEEPING AND REPORTING

Section  
722.140 Recordkeeping  
722.141 Annual Reporting  
722.142 Exception Reporting  
722.143 Additional Reporting  
722.144 Special Requirements for Generators of between 100 and  
1000 kilograms per month

SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section  
722.150 Applicability  
722.151 Definitions  
722.152 General Requirements  
722.153 Notification of Intent to Export  
722.154 Special Manifest Requirements  
722.155 Exception Report  
722.156 Annual Reports  
722.157 Recordkeeping

SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section  
722.160 Imports of Hazardous Waste

SUBPART G: FARMERS

Section  
722.170 Farmers

722.Appendix A Hazardous Waste Manifest

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

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section 722.134 Accumulation Time

- a) Except as provided in subsections (d), (e) or (f), below, a generator is exempt from all the requirements in 35 Ill. Adm. Code 725.Subparts G and H, except for 35 Ill. Adm. Code 725.211 and 725.214 and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that:
  - 1) The waste is placed:
    - A) In containers and the generator complies with 35 Ill. Adm. Code 725.Subpart I; or
    - B) In tanks and the generator complies with 35 Ill. Adm. Code 725.Subpart J except 35 Ill. Adm. Code 725.297(c) and 725.300; or
    - C) On drip pads and the generator complies with 35 Ill. Adm. Code 725.Subpart W and maintains



the following records at the facility:

- i) A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and
- ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; or

D) In containment buildings and the generator complies with 35 Ill. Adm. Code 725.Subpart DD (has placed its Professional Engineer (PE) certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record no later than 60 days after the date of initial operation of the unit). After February 18, 1993, the PE certification will be required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:

- i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit, and documentation that the procedures are complied with; or
- ii) Documentation that the unit is emptied at least once every 90 days.

BOARD NOTE: The "in addition" hanging subsection which appears in the Federal rules after 40 CFR 262.34(a)(1)(iv)(B) is in the introduction to subsection (a), above.

- 2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
- 3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste", and

- 4) The generator complies with the requirements for owners or operators in 35 Ill. Adm. Code 725.Subparts C and D, with 35 Ill. Adm. Code 725.116 and 728.107(a)(4).
- b) A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703 and 705 unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Section 37 of the Environmental Protection Act.
- c) Accumulation near point of generation.
  - 1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with subsection (a), above, provided the generator:
    - A) Complies with 35 Ill. Adm. Code 725.271, 725.272 and 725.273(a); and
    - B) Marks the generator's containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.
  - 2) A generator who accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in excess of the amounts listed in subsection (c)(1), above, at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a), above, or other applicable provisions of this chapter. During the three day period the generator must continue to comply with subsection (c)(1), above. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.
- d) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days

or less without a permit or without having interim status provided that:

- 1) The quantity of waste accumulated on-site never exceeds 6000 kilograms;
- 2) The generator complies with the requirements of 35 Ill. Adm. Code 725.Subpart I, except the generator need not comply with 35 Ill. Adm. Code 725.276;
- 3) The generator complies with the requirements of 35 Ill. Adm. Code 725.301;
- 4) The generator complies with the requirements of subsections (a)(2) and (3), above, of 35 Ill. Adm. Code 725.Subpart C and of 35 Ill. Adm. Code 728.107(a)(4); and
- 5) The generator complies with the following requirements:
  - A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d)(5)(D), below. The employee is the emergency coordinator.
  - B) The generator shall post the following information next to the telephone:
    - i) The name and telephone number of the emergency coordinator:
    - ii) Location of fire extinguishers and spill control material, and if present, fire alarm: and
    - iii) The telephone number of the fire department, unless the facility has a direct alarm.
  - C) The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies:
  - D) The emergency coordinator or designee shall respond to any emergencies that arise. The applicable responses are as follows:

- i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher:
  - ii) In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil:
  - iii) In the event of a fire, explosion or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator shall immediately notify the National Response Center (using its 24-hour toll free number 800/424-8802). The report must include the following information: the name, address and USEPA identification number (35 Ill. Adm. Code 722.112) of the generator; date, time and type of incident (e.g., spill or fire); quantity and type of hazardous waste involved in the incident; extent of injuries, if any; and, estimated quantity and disposition of recoverable materials, if any.
- e) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who must transport the waste, or offer the waste for transportation, over a distance of 200 miles or more for off-site treatment, storage or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status provided that the generator complies with the requirements of subsection (d), above.
- f) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste, or offer the waste for transportation, over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 703 unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary and uncontrollable circumstances, the generator may seek an

extension of up to 30 days by means of variance or provisional variance pursuant to Section 37 of the Environmental Protection Act.

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

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

PART 724  
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**AUTHORITY:** Implementing Section 22.4 and authorized by Section 27  
of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch.  
111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27]).

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

#### SUBPART A: GENERAL PROVISIONS

##### Section 724.101 Purpose, Scope and Applicability

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

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

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

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

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

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

1) The owner or operator of a facility permitted by the Agency under Section 21 of the Environmental Protection Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105.

BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit under 35 Ill. Adm. Code 807.210.

2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) and (3) (except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, ~~D~~, F, or G, or H).

3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134.

4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.

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

6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728, Table D), or corrosive (D002) waste, to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b) of this part;

7) Immediate response:

- A) Except as provided in subsection (f)(8)(B), a person engaged in treatment or containment activities during immediate response to any of the following situations:
  - i) A discharge of a hazardous waste;
  - ii) An imminent and substantial threat of a discharge of hazardous waste;
  - iii) A discharge of a material which, when discharged, becomes a hazardous waste.
- B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D.
- C) Any person who is covered by subsection (f)(8)(A) and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703 and 705 for those activities. Or,
- 8) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.
- 9) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container; and Sections 724.117(b), 724.271 and 724.272 are complied with.
- h) This Part applies to owners and operators of facilities which treat, store or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.

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

#### SUBPART B: GENERAL FACILITY STANDARDS

##### Section 724.113 General Waste Analysis

- a) Analysis:
  - 1) Before an owner or operator treats, stores or disposes of any hazardous wastes, or non-hazardous

wastes if applicable under Section 724.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information which must be known to treat, store or dispose of the waste in accordance with this Part and 35 Ill. Adm. Code 728.

- 2) The analysis may include data developed under 35 Ill. Adm. Code 721, and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.

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

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

b) The owner or operator shall develop and follow a written waste analysis plan which describes the procedures which it will carry out to comply with subsection (a) above. The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:

- 1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a) above).
- 2) The test methods which will be used to test for these parameters.
- 3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:
  - A) One of the sampling methods described in 35 Ill. Adm. Code 721.Appendix A; or
  - B) An equivalent sampling method.

BOARD NOTE: See 35 Ill. Adm. Code 720.121 for related discussion.

- 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date.
- 5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.
- 6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 724.117, 724.414, 724.441, 724.934(d) and 724.963(d), and 35 Ill. Adm. Code 728.107. And,
- 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:
  - A) The sampling of impoundment contents;
  - B) The analysis of test data; and,
  - C) The annual removal of residues which are not delisted under 35 Ill. Adm. Code 720.122 or which exhibit a characteristic of hazardous

waste, and either:

- i) Do not meet applicable treatment standards of 35 Ill. Adm. Code 728.Subpart D; or
  - ii) Where no treatment standards have been established: Such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139; or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).
- c) For off-site facilities, the waste analysis plan required in subsection (b) above must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:
- 1) The procedures which will be used to determine the identity of each movement of waste managed at the facility; and
  - 2) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.
  - 3) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

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

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

#### SUBPART G: CLOSURE AND POST-CLOSURE

##### Section 724.210 Applicability

Except as Section 724.101 provides otherwise:

- a) Section 724.211 through 724.215 (which concern closure) apply to the owners and operators of all hazardous waste management facilities; and



- b) Sections 724.216 through 724.220 (which concern post-closure care) apply to the owners and operators of:
- 1) All hazardous waste disposal facilities; and/or
  - 2) Waste piles and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that these Sections are made applicable to such facilities in Sections 724.328 or 724.358; or
  - 3) Tank systems which are required under Section 724.297 to meet the requirements for landfills; or
  - 4) Containment buildings that are required under Section 724.1102 to meet the requirements for landfills.

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

Section 724.211 Closure Performance Standard

The owner or operator shall close the facility in a manner that:

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

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

Section 724.212 Closure Plan; Amendment of Plan

- a) Written Plan.
  - 1) The owner or operator of a hazardous waste management facility shall have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous waste at partial or final closure are required by Sections 724.328(c)(1)(A) and 724.358(c)(1)(A) to

have contingent closure plans. The plan must be submitted with the permit application, in accordance with 35 Ill. Adm. Code 703.183, and approved by the Agency as part of the permit issuance proceeding under 35 Ill. Adm. Code 705. In accordance with 35 Ill. Adm. Code 703.241, the approved closure plan will become a condition of any RCRA permit.

- 2) The Agency's approval of the plan must ensure that the approved closure plan is consistent with Sections 724.211 through 724.215 and the applicable requirements of Sections 724.190 et seq., 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451 and 724.701, and 724.1102. Until final closure is completed and certified in accordance with Section 724.515215, a copy of the approved plan and approved revisions must be furnished to the Agency upon request, including requests by mail.
- b) Content of plan. The plan must identify steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan must include, at least:
- 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 724.211;
  - 2) A description of how final closure of the facility will be conducted in accordance with Section 724.211. The description must identify the maximum extent of the operations which will be unclosed during the active life of the facility; and
  - 3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing or disposing of all hazardous wastes, and identification of the type(s) of off-site hazardous waste management units to be used, if applicable; and
  - 4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling

and testing surrounding soils and criteria for determining the extent of decontamination required to satisfy the closure performance standard; and

- 5) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control; and
  - 6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat and dispose of all hazardous waste inventory and of the time required to place a final cover must be included.)
  - 7) For facilities that use trust funds to establish financial assurance under Section 724.243 or 724.245 and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure.
- c) Amendment of the plan. The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design or the approved closure plan in accordance with the applicable procedures in 35 Ill. Adm. Code 702, 703 and 705. The written notification or request must include a copy of the amended closure plan for review or approval by the Agency.
- 1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the closure plan at any time prior to notification of partial or final closure of the facility.
  - 2) The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever:
    - A) Changes in operating plans or facility design affect the closure plan; or
    - B) There is a change in the expected year of

closure, if applicable, or

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

date on which the owner or operator expects to begin final closure of a facility with only treatment or storage tanks, container storage or incinerator units to be closed. The owner or operator shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.

- 2) The date when the owner or operator "expects to begin closure" must be either:
  - A) No later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency shall approve an extension to this one-year limit. Or,
  - B) For units meeting the requirements of Section 724.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the final known volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency shall approve an extension to this one-year limit.

3) If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or Board order to cease receiving hazardous wastes or to close, then the requirements of this subsection do not apply. However, the owner or operator shall close the facility in accordance with the deadlines established in Section 724.213.

e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section shall preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

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

#### SUBPART H: FINANCIAL REQUIREMENTS

##### Section 724.240 Applicability

- a) The requirements of Sections 724.242, 724.243 and 724.247 through 724.251 apply to owners and operators of all hazardous waste facilities, except as provided otherwise in this Section or in Section 724.101.
- b) The requirements of Sections 724.244 and 724.245 apply only to owners and operators of:
- 1) Disposal facilities; and/or
  - 2) Piles, and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that these Sections are made applicable to such facilities in Sections 724.328 and 724.358; and/or
  - 3) Tank systems which are required under Section 724.297 to meet the requirements for landfills; or
  - 4) Containment buildings that are required under Section 724.1102 to meet the requirements for landfills.
- c) States and Federal government are exempt from the requirements of this Subpart.

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

##### Section 724.242 Cost Estimate for Closure

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

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

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

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

Section 724.243 Financial Assurance For Closure

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

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



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

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

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

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

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

formula:

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

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

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

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

operator of a new facility shall submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

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

to begin final closure is issued by the Board or a U.S. district court or other court of competent jurisdiction; or

- C) Provide alternate financial assurance as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.
- 5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.
  - 6) The penal sum of the bond must be in an amount at least equal to the current closure cost estimate, except as provided in subsection (g).
  - 7) Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, shall either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the Agency.
  - 8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidence by the return receipts.
  - 9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of alternate financial assurance as specified in this Section.
- c) Surety bond guaranteeing performance of closure.
- 1) An owner or operator may satisfy the requirements of this by obtaining a surety bond which conforms to the requirements of this subsection and submitting the bond to the Agency. An owner or

operator of a new facility shall submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

- 2) The wording of the surety bond must be as specified in Section 724.251.
- 3) The owner or operator who uses a surety bond to satisfy the requirements of this Section shall also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust must meet the requirements specified in subsection (a), except that:
  - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and
  - B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:
    - i) Payments into the trust fund as specified in subsection (a);
    - ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current closure cost estimates;
    - iii) Annual valuations as required by the trust agreement; and
    - iv) Notices of nonpayment as required by the trust agreement.
- 4) The bond must guarantee that the owner or operator will:
  - A) Perform final closure in accordance with the closure plan and other requirements of the permit for the facility whenever required to do so; or

- B) Provide alternate financial assurance as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.
- 5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Following a final judicial determination or Board order finding that the owner or operator has failed to perform final closure in accordance with the approved closure plan and other permit requirements when required to do so, under the terms of the bond the surety will perform final closure as guaranteed by the bond or will deposit the amount of the penal sum into the standby trust fund.
  - 6) The penal sum of the bond must be in an amount at least equal to the current closure cost estimate.
  - 7) Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, shall either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance as specified in this Section. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the Agency.
  - 8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
  - 9) The owner or operator may cancel the bond if the Agency has given prior written consent. The Agency shall provide such written consent when:
    - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or

- B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).
- 10) The surety shall not be liable for deficiencies in the performance of closure by the owner or operator after the Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).
- d) Closure letter of credit.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this subsection and submitting the letter to the Agency. An owner or operator of a new facility shall submit the letter of credit to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The letter of credit must be effective before this initial receipt of hazardous waste. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a Federal or State agency.
  - 2) The wording of the letter of credit must be as specified in Section 724.251.
  - 3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section shall also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a), except that:
    - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the letter of credit; and
    - B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations.
      - i) Payments into the trust fund as specified in subsection (a);
      - ii) Updating of Schedule A of the trust



agreement (as specified in Section 724.251) to show current closure cost estimates;

- iii) Annual valuations as required by the trust agreement; and
  - iv) Notices of nonpayment as required by the trust agreement.
- 4) The letter or credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: the EPA Identification Number, name and address of the facility, and the amount of funds assured for closure of the facility by the letter of credit.
  - 5) The letter of credit must be irrevocable and issued for a period of at least 1 year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least 1 year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.
  - 6) The letter of credit must be issued in an amount at least equal to the current closure cost estimate, except as provided in subsection (g).
  - 7) Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within 60 days after the increase, shall either cause the amount of the credit to be increased so that it at least equals the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure cost estimate following written approval by the Agency.
  - 8) Following a final judicial determination or Board order finding that the owner or operator has failed to perform final closure in accordance with the closure plan and other permit requirements when

required to do so, the Agency may draw on the letter of credit.

- 9) If the owner or operator does not establish alternate financial assurance as specified in this Section and obtain written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency shall draw on the letter of credit. The Agency may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the Agency shall draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in this Section and obtain written approval of such assurance from the Agency.
  - 10) The Agency shall return the letter of credit to the issuing institution for termination when:
    - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
    - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).
- e) Closure insurance.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining closure insurance which conforms to the requirements of this subsection and submitting a certificate of such insurance to the Agency. An owner or operator of a new facility shall submit the certificate of insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste. At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.
  - 2) The wording of the certificate of insurance must be as specified in Section 724.251.
  - 3) The closure insurance policy must be issued for a face amount at least equal to the current closure cost estimate, except as provided in subsection

(g). The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

- 4) The closure insurance policy must guarantee that funds will be available to close the facility whenever final closure occurs. The policy must also guarantee that, once final closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties as the Agency specifies.
- 5) After beginning partial or final closure, an owner or operator or any other person authorized to conduct closure may request reimbursement for closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursements for partial closure only if the remaining value of the policy is sufficient to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for closure activities, the Agency shall instruct the insurer to make reimbursement in such amounts as the Agency specifies in writing if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan or otherwise justified. If the Agency determines that the maximum cost of closure over the remaining life of the facility will be significantly greater than the face amount of the policy, it shall withhold reimbursement of such amounts as it deems prudent until it determines, in accordance with subsection (i), that the owner or operator is no longer required to maintain financial assurance for closure of the facility. If the Agency does not instruct the insurer to make such reimbursements, the Agency shall provide the owner or operator with a detailed written statement of reasons.
- 6) The owner or operator shall maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator as specified in subsection (e)(10). Failure to pay the premium, without substitution of alternate financial assurance as specified in this Section, will constitute a significant violation of these regulations, warranting such remedy as the Board may impose pursuant to the Environmental Protection Act. Such violation will be deemed to begin upon

receipt by the Agency of a notice of future cancellation, termination or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.

- 7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.
- 8) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:
  - A) The Agency deems the facility abandoned; or
  - B) The permit is terminated or revoked or a new permit is denied; or
  - C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction; or
  - D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under 11 U.S.C. (Bankruptcy); or
  - E) The premium due is paid.
- 9) Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within 60 days after the increase, shall either cause the face amount to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the

current closure cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the Agency.

- 10) The Agency shall give written consent to the owner or operator that it may terminate the insurance policy when:
  - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
  - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).
- f) Financial test and corporate guarantee for closure.
  - 1) An owner or operator may satisfy the requirements of this Section by demonstrating that it passes a financial test as specified in this subsection. To pass this test the owner or operator shall meet the criteria of either subsection (f)(1)(A) or (f)(1)(B):
    - A) The owner or operator shall have:
      - i) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; and
      - ii) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates; and the current plugging and abandonment cost estimates; and
      - iii) Tangible net worth of at least \$10 million; and
      - iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.
    - B) The owner or operator shall have:

- i) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa as issued by Moody's; and
  - ii) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates; and
  - iii) Tangible net worth of at least \$10 million; and
  - iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure estimates and the current plugging and abandonment cost estimates.
- 2) The phrase "current closure and post-closure cost estimates" as used in subsection (f)(1) refers to the cost estimates required to be shown in subsections 1-4 of the letter from the owner's or operator's chief financial officer (40 CFR 264.151(f)) (incorporated by reference in Section 724.251). The phrase "current plugging and abandonment cost estimates" as used in subsection (f)(1) refers to the cost estimates required to be shown in subsections 1-4 of the letter from the owner's or operator's chief financial officer (40 CFR 144.70(f)), incorporated by reference in 35 Ill. Adm. Code 704.240).
- 3) To demonstrate that it meets this test, the owner or operator shall submit the following items to the Agency:
  - A) A letter signed by the owner's or operator's chief financial officer and worded as specified in Section 724.251; and
  - B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and
  - C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:
    - i) The accountant has compared the data

which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and

- ii) In connection with that procedure, no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.
- 4) An owner or operator of a new facility shall submit the items specified in subsection (f)(3) to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal.
- 5) After the initial submission of items specified in subsection (f)(3), the owner or operator shall send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3).
- 6) If the owner or operator no longer meets the requirements of subsection (f)(1) the owner or operator shall send notice to the Agency of intent to establish alternate financial assurance as specified in this Section. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator shall provide the alternate financial assurance within 120 days after the end of such fiscal year.
- 7) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (f)(1), require reports of financial condition at any time from the owner or operator in addition to those specified in subsection (f)(3). If the Agency finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of subsection (f)(1), the owner or operator shall provide alternate financial assurance as specified in this Section within 30 days after notification of such a finding.
- 8) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the

accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B)). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency shall evaluate other qualifications on an individual basis. The owner or operator shall provide alternate financial assurance as specified in this Section within 30 days after notification of the disallowance.

- 9) The owner or operator is no longer required to submit the items specified in subsection (f)(3) when:
  - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
  - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).
  
- 10) An owner or operator may meet the requirements of this Section by obtaining a written guarantee, hereafter referred to as "corporate guarantee." The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor shall meet the requirements for owners or operators in subsections (f)(1) through (f)(8), shall comply with the terms of the corporate guarantee and the wording of the corporate guarantee must be as specified in Section 724.251. The certified copy of the corporate guarantee must accompany the items sent to the Agency as specified in subsection (f)(3). One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the corporate guarantee must provide that:
  - A) If the owner or operator fails to perform final closure of a facility covered by the corporate guarantee in accordance with the closure plan and other permit requirements



whenever required to do so, the guarantor will do so or establish a trust fund as specified in subsection (a) in the name of the owner or operator.

- B) The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
  - C) If the owner or operator fails to provide alternate financial assurance as specified in this Section and obtain the written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide such alternative financial assurance in the name of the owner or operator.
- g) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit and insurance. The mechanisms must be as specified in subsections (a), (b), (d) and (e), respectively, except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, it may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for closure of the facility.
- h) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in this Section to meet the requirements of this Section for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, the EPA Identification Number, name, address and the amount of funds for closure assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had

been established and maintained for each facility. The amount of funds available to the Agency must be sufficient to close all of the owner or operator's facilities. In directing funds available through the mechanism for closure of any of the facilities covered by the mechanism, the Agency may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

- i) Release of the owner or operator from the requirements of this Section. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final approved closure has been accomplished in accordance with the closure plan, the Agency shall notify the owner or operator in writing that it is no longer required by this Section to maintain financial assurance for closure of the facility, unless the Agency determines that closure has not been in accordance with the approved closure plan. The Agency shall provide the owner or operator a detailed written statement of any such determination that closure has not been in accordance with the approved closure plan.
- j) Appeal. The following Agency actions are deemed to be permit modifications or refusals to modify for purposes of appeal to the Board (35 Ill. Adm. Code 702.184(e)(3)):
  - 1) An increase in, or a refusal to decrease the amount of, a bond, letter of credit or insurance;
  - 2) Requiring alternate assurance upon a finding that an owner or operator, or parent corporation, no longer meets a financial test.

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

#### Section 724.245 Financial Assurance For Post-closure Care

An owner or operator of a hazardous waste management unit subject to the requirements of Section 724.244 shall establish financial assurance for post-closure care in accordance with the approved post-closure plan for the facility 60 days prior to the initial receipt of hazardous waste or the effective date of the regulation, whichever is later. The owner or operator shall choose from the following options:

- a) Post-closure trust fund.
  - 1) An owner or operator may satisfy the requirements of this Section by establishing a post-closure trust fund which conforms to the requirements of

this subsection and submitting an original, signed duplicate of the trust agreement to the Agency. An owner or operator of a new facility shall submit the original, signed duplicate of the trust agreement to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.

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

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

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

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

- B) If an owner or operator establishes a trust fund as specified in 35 Ill. Adm. Code 725.245(a) and the value of that trust fund is

less than the current post-closure cost estimate when a permit is awarded for the facility, the amount of the current post-closure cost estimate still to be paid into the trust fund must be paid in over the pay-in period as defined in subsection (a)(3). Payments must continue to be made no later than 30 days after each anniversary date of the first payment made pursuant to 35 Ill. Adm. Code 725. The amount of each payment must be determined by this formula:

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

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

- 4) The owner or operator may accelerate payments into the trust fund or owner or operator shall maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in subsection (a)(3).
- 5) If the owner or operator establishes a post-closure trust fund after having used one or more alternate mechanisms specified in this Section or in 35 Ill. Adm. Code 725.245, its first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to specifications of this subsection and 35 Ill. Adm. Code 725.245, as applicable.
- 6) After the pay-in period is completed, whenever the current post-closure cost estimate changes during the operating life of the facility, the owner or operator shall compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, shall either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current post-closure cost estimate, or obtain other financial assurance as specified in this Section to cover the difference.
- 7) During the operating life of the facility, if the value of the trust fund is greater than the total amount of the current post-closure cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess

of the current post-closure cost estimate.

- 8) If an owner or operator substitutes other financial assurance as specified in this Section for all or part of the trust fund, it may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate covered by the trust fund.
  - 9) Within 60 days after receiving a request from the owner or operator for release of funds as specified in subsections (a)(7) or (8), the Agency shall instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.
  - 10) During the period of post-closure care, the Agency shall approve a release of funds if the owner or operator demonstrates to the Agency that the value of the trust fund exceeds the remaining cost of post-closure care.
  - 11) An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure care expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for post-closure activities, the Agency shall instruct the trustee to make requirements in those amounts as the Agency specifies in writing if the Agency determines that the post-closure care expenditures are in accordance with the approved post-closure plan or otherwise justified. If the Agency does not instruct the trustee to make such reimbursements, the Agency shall provide the owner or operator with a detailed written statement of reasons.
  - 12) The Agency shall agree to termination of the trust when:
    - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
    - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).
- b) Surety bond guaranteeing payment into a post-closure trust fund.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this subsection and

submitting the bond to the Agency. An owner or operator of a new facility shall submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

- 2) The wording of the surety bond must be as specified in Section 724.251.
- 3) The owner or operator who uses a surety bond to satisfy the requirements of this Section shall also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a), except that:
  - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and
  - B) Until the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:
    - i) Payments into the trust fund as specified in subsection (a);
    - ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current post-closure cost estimates;
    - iii) Annual valuations as required by the trust agreement; and
    - iv) Notices of nonpayment as required by the trust agreement.
- 4) The bond must guarantee that the owner or operator will:
  - A) Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility; or

- B) Fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin closure is issued by the Board or a U.S. district court or other court of competent jurisdiction; or
  - C) Provide alternate financial assurance as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.
- 5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.
  - 6) The penal sum of the bond must be in an amount at least equal to the current post-closure cost estimate, except as provided in subsection (g).
  - 7) Whenever the current post-closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, shall either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current post-closure cost estimate decreases, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.
  - 8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
  - 9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of alternate financial assurance as specified in this Section.
- c) Surety bond guaranteeing performance of post-closure care.

- 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this subsection and submitting the bond to the Agency. An owner or operator of a new facility shall submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.
- 2) The wording of the surety bond must be as specified in Section 724.251.
- 3) The owner or operator who uses a surety bond to satisfy the requirements of this Section shall also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust must meet the requirements specified in subsection (a), except that:
  - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and
  - B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:
    - i) Payments into the trust fund as specified in subsection (a);
    - ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current post-closure cost estimates;
    - iii) Annual valuations as required by the trust agreement; and
    - iv) Notices of nonpayment as required by the trust agreement.
- 4) The bond must guarantee that the owner or operator will:
  - A) Perform final post-closure care in accordance



with the post-closure plan and other requirements of the permit for the facility; or

- B) Provide alternate financial assurance as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days of receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.
- 5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Following a final judicial determination or Board order finding that the owner or operator has failed to perform post-closure care in accordance with the approved post-closure plan and other permit requirements, under the terms of the bond the surety will perform post-closure care in accordance with post-closure plan and other permit requirements or will deposit the amount of the penal sum into the standby trust fund.
- 6) The penal sum of the bond must be in an amount at least equal to the current post-closure cost estimate.
- 7) Whenever the current post-closure cost estimate increases to an amount greater than the penal sum during the operating life of the facility, the owner or operator, within 60 days after the increase, shall either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section. Whenever the current closure cost estimate decreases during the operating life of the facility, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.
- 8) During the period of post-closure care, the Agency shall approve a decrease in the penal sum if the owner or operator demonstrates to the Agency that the amount exceeds the remaining cost of post-closure care.
- 9) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however,

during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

- 10) The owner or operator may cancel the bond if the Agency has given prior written consent. The Agency shall provide such written consent when:
    - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
    - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).
  - 11) The surety will not be liable for deficiencies in the performance of post-closure care by the owner or operator after the Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).
- d) Post-closure letter of credit.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this subsection and submitting the letter to the Agency. An owner or operator of a new facility shall submit the letter of credit to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The letter of credit must be effective before this initial receipt of hazardous waste. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a Federal or State agency.
  - 2) The wording of the letter of credit must be as specified in Section 724.251.
  - 3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section shall also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a), except that:

- A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the letter of credit; and
- B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:
  - i) Payments into the trust fund as specified in subsection (a);
  - ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current post-closure cost estimates;
  - iii) Annual valuations as required by the trust agreement; and
  - iv) Notices of nonpayment as required by the trust agreement.
- 4) The letter or credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: the EPA Identification Number, name and address of the facility, and the amount of funds assured for post-closure care of the facility by the letter of credit.
- 5) The letter of credit must be irrevocable and issued for a period of at least 1 year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least 1 year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.
- 6) The letter of credit must be issued in an amount at least equal to the current post-closure cost estimate, except as provided in subsection (g).
- 7) Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, within 60 days

after the increase, shall either cause the amount of the credit to be increased so that it at least equals the current post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the amount of the credit may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.

- 8) During the period of post-closure care, the Agency shall approve a decrease in the amount of the letter of credit if the owner or operator demonstrates to the Agency that the amount exceeds the remaining cost of post-closure care.
- 9) Following a final judicial determination or Board order finding that the owner or operator has failed to perform post-closure care in accordance with the approved post-closure plan and other permit requirements, the Agency may draw on the letter of credit.
- 10) If the owner or operator does not establish alternate financial assurance as specified in this Section and obtain written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency shall draw on the letter of credit. The Agency may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the Agency shall draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in this Section and obtain written approval of such assurance from the Agency.
- 11) The Agency shall return the letter of credit to the issuing institution for termination when:
  - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
  - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).

e) Post-closure insurance.

- 1) An owner or operator may satisfy the requirements of this Section by obtaining post-closure insurance which conforms to the requirements of this subsection and submitting a certificate of such insurance to the Agency. An owner or operator of a new facility shall submit the certificate of insurance to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The insurance must be effective before this initial receipt of hazardous waste. At a minimum, the insurer shall be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.
- 2) The wording of the certificate of insurance must be as specified in Section 724.251.
- 3) The post-closure insurance policy must be issued for a face amount at least equal to the current post-closure cost estimate, except as provided in subsection (g). The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.
- 4) The post-closure insurance policy must guarantee that funds will be available to provide post-closure care of facility whenever the post-closure period begins. The policy must also guarantee that, once post-closure care begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties as the Agency specifies.
- 5) An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure care expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for post-closure activities, the Agency shall instruct the insurer to make reimbursement in such amounts as the Agency specifies in writing if the Agency determines that the post-closure care expenditures are in accordance with the approved post-closure plan or otherwise justified. If the Agency does not instruct the insurer to make such reimbursements, the Agency shall provide the owner or operator with a detailed written statement of reasons.

- 6) The owner or operator shall maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator as specified in subsection (e)(11). Failure to pay the premium, without substitution of alternate financial assurance as specified in this Section, will constitute a significant violation of these regulations, warranting such remedy as the Board may impose pursuant to the Environmental Protection Act. Such violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.
- 7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.
- 8) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:
  - A) The Agency deems the facility abandoned; or
  - B) The permit is terminated or revoked or a new permit is denied; or
  - C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction; or
  - D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under 11 U.S.C. (Bankruptcy); or
  - E) The premium due is paid.

- 9) Whenever the current post-closure cost estimate increases to an amount greater than the face amount of the policy during the life of the facility, the owner or operator, within 60 days after the increase, shall either cause the face amount to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the face amount may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.
- 10) Commencing on the date that liability to make payments pursuant to the policy accrues, the insurer shall thereafter annually increase the face amount of the policy. Such increase must be equivalent to the face amount of the policy, less any payments made, multiplied by an amount equivalent to 85 percent of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. Treasury for 26-week Treasury securities.
- 11) The Agency shall give written consent to the owner or operator that the owner or operator may terminate the insurance policy when:
  - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
  - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).
- f) Financial test and corporate guarantee for post-closure care.
  - 1) An owner or operator may satisfy the requirements of this Section by demonstrating that it passes a financial test as specified in this subsection. To pass this test the owner or operator shall meet the criteria of either subsection (f)(1)(A) or (f)(1)(B):
    - A) The owner or operator shall have:
      - i) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net

income plus depreciation, depletion and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; and

- ii) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates; and
- iii) Tangible net worth of at least \$10 million; and
- iv) Assets in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

B) The owner or operator shall have:

- i) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa as issued by Moody's; and
- ii) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates and current plugging and abandonment cost estimates; and
- iii) Tangible net worth of at least \$10 million; and
- iv) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

- 2) The phrase "current closure and post-closure cost estimates" as used in subsection (f)(1) refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner's or operator's chief financial officer (40 CFR 264.151(f)) (incorporated by reference in Section 724.251). The phrase "current plugging and abandonment cost estimates" as used in subsection



(f)(1) refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner's or operator's chief financial officer (40 CFR 144.70(f), incorporated by reference in 35 Ill. Adm. Code 704.240.

- 3) To demonstrate that it meets this test, the owner or operator shall submit the following items to the Agency:
  - A) A letter signed by the owner's or operator's chief financial officer and worded as specified in Section 724.251; and
  - B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and
  - C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:
    - i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
    - ii) In connection with that procedure, no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.
- 4) An owner or operator of a new facility shall submit the items specified in subsection (f)(3) to the Agency at least 60 days before the date on which hazardous waste is first received for disposal.
- 5) After the initial submission of items specified in subsection (f)(3), the owner or operator shall send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3).
- 6) If the owner or operator no longer meets the requirements of subsection (f)(1), the owner or operator shall send notice to the Agency of intent to establish alternate financial assurance as

specified in this Section. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements the owner or operator shall provide the alternate financial assurance within 120 days after the end of such fiscal year.

- 7) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (f)(1), require reports of financial condition at any time from the owner or operator in addition to those specified in subsection (f)(3). If the Agency finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of subsection (f)(1), the owner or operator shall provide alternate financial assurance as specified in this Section within 30 days after notification of such a finding.
- 8) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B)). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency shall evaluate other qualifications on an individual basis. The owner or operator shall provide alternate financial assurance as specified in this Section within 30 days after notification of the disallowance.
- 9) During the period of post-closure care, the Agency shall approve a decrease in the current post-closure cost estimate for which this test demonstrates financial assurance if the owner or operator demonstrates to the Agency that the amount of the cost estimate exceeds the remaining cost of post-closure care.
- 10) The owner or operator is no longer required to submit the items specified in subsection (f)(3) when:
  - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
  - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).

11) An owner or operator may meet the requirements of this Section by obtaining a written guarantee, hereafter referred to as "corporate guarantee." The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor shall meet the requirements for owners or operators in subsections (f)(1) through (f)(9), and shall comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be as specified in Section 724.251. TheA certified copy of the corporate guarantee must accompany the items sent to the Agency as specified in subsection (f)(3). One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the corporate guarantee must provide that:

- A) If the owner or operator fails to perform post-closure care of a facility covered by the corporate guarantee in accordance with the post-closure plan and other permit requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in subsection (a) in the name of the owner or operator.
- B) The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
- C) If the owner or operator fails to provide alternate financial assurance as specified in this Section and obtain the written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from

the guarantor, the guarantor will provide such alternate financial assurance in the name of the owner or operator.

- g) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this Section by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit and insurance. The mechanisms must be as specified in subsections (a), (b), (d) and (e), respectively, except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current post-closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, it may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for post-closure care of the facility.
- h) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in this Section to meet the requirements of this Section for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, the EPA Identification Number, name, address and the amount of funds for post-closure care assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. The amount of funds available to the Agency must be sufficient to close all of the owner or operator's facilities. In directing funds available through the mechanism for post-closure care of any of the facilities covered by the mechanism, the Agency may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.
- i) Release of the owner or operator from the requirements of this Section. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that the post-closure care period has been completed for a hazardous waste disposal unit in accordance with the approved plan, the Agency shall notify the owner or operator that it is no longer required to maintain financial assurance for post-closure care of that unit unless the Agency determines that post-closure care has not been in accordance with the approved post-closure

plan. The Agency shall provide the owner or operator with a detailed written statement of any such determination that post-closure care has not been in accordance with the approved post-closure plan.

- j) Appeal. The following Agency actions are deemed to be permit modifications or refusals to modify for purposes of appeal to the Board (35 Ill. Adm. Code 702.184(e)(3)):
- 1) An increase in, or a refusal to decrease the amount of, a bond, letter of credit or insurance;
  - 2) Requiring alternate assurance upon a finding that an owner or operator, or parent corporation, no longer meets a financial test.

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

Section 724.247 Liability Requirements

- a) Coverage for sudden accidental occurrences. An owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated as specified in subsections (a)(1), (2), (3), (4), (5) or (6) below:
- 1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this subsection.
    - A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be as specified in Section 724.251. The wording of the certificate of insurance must be as specified in Section 724.251. The owner or operator shall submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator shall provide a signed duplicate original of the insurance policy. An owner or operator of a new facility shall submit the signed duplicate

original of the Hazardous Waste Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste.

- B) Each insurance policy must be issued by an insurer which is licensed by the Illinois Department of Insurance.
- 2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage as specified in subsections (f) and (g) below.
  - 3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage as specified in subsection (h) below.
  - 4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage as specified in subsection (i) below.
  - 5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage as specified in subsection (j) below.
  - 6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under this subsection, the owner or operator shall specify at least one such assurance as "primary" coverage, and shall specify other such assurance as "excess" coverage.
  - 7) An owner or operator shall notify the Agency within 30 days whenever:

- ~~A) Whenever a claim for bodily injury or property damage caused by the operation of a hazardous waste treatment, storage or disposal facility is made against the owner or operator or an instrument providing financial assurance for liability coverage under this Section; or~~
  - ~~B) Whenever the amount of financial assurance for liability coverage under this Section provided by a financial instrument authorized by subsections (a)(1) through (a)(6) above is reduced.~~
  - A) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in subsections (a)(1) through (a)(6) above.
  - B) A Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage under subsections (a)(1) through (a)(6) above; or
  - C) A final court order establishing a judgement for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage under subsections (a)(1) through (a)(6) above.
- b) Coverage for nonsudden accidental occurrences. An owner or operator of a surface impoundment, landfill, land treatment facility or disposal miscellaneous unit which is used to manage hazardous waste, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least \$3 million per occurrence with an annual aggregate of at least \$6 million, exclusive of legal defense costs. An owner or operator meeting the requirements of this Section may combine the required per-occurrence coverage levels for sudden and nonsudden accidental occurrences into a single per-occurrence level, and combine the required annual aggregate coverage

levels for sudden and nonsudden accidental occurrences into a single annual aggregate level. Owners or operators who combine coverage levels for sudden and nonsudden accidental occurrences shall maintain liability coverage in the amount of at least \$4 million per occurrence and \$8 million annual aggregate. This liability coverage may be demonstrated as specified in subsections (b)(1), (2), (3), (4), (5) or (6) below:

- 1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this subsection.
  - A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be as specified in Section 724.251. The wording of the certificate of insurance must be as specified in Section 724.251. The owner or operator shall submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator shall provide a signed duplicate original of the insurance policy. An owner or operator of a new facility shall submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste.
  - B) Each insurance policy must be issued by an insurer which is licensed by the Illinois Department of Insurance.
- 2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage as specified in subsections (f) and (g) below.
- 3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage as specified in subsection (h) below.
- 4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage as specified in subsection (i)



below.

- 5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage as specified in subsection (j) below.
- 6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under this subsection, the owner or operator shall specify at least one such assurance as "primary" coverage, and shall specify other such assurance as "excess" coverage.
- 7) An owner or operator shall notify the Agency within 30 days whenever:
  - ~~A) Whenever a claim for bodily injury or property damage caused by the operation of a hazardous waste treatment, storage or disposal facility is made against the owner or operator or an instrument providing financial assurance for liability coverage under this Section; or~~
  - ~~B) Whenever the amount of financial assurance for liability coverage under this Section provided by a financial instrument authorized by subsections (a)(1) through (a)(6) above is reduced.~~
  - A) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in subsections (b)(1) through (b)(6) above.
  - B) A Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage under subsections (b)(1) through (b)(6) above; or

C) A final court order establishing a judgement for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage under subsections (b)(1) through (b)(6) above.

- c) Request for adjusted level of required liability coverage. If an owner or operator demonstrates to the Agency that the levels of financial responsibility required by subsections (a) or (b) above are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the owner or operator may obtain an adjusted level of required liability coverage from the Agency. The request for an adjusted level of required liability coverage must be submitted to the Agency as part of the application under 35 Ill. Adm. Code 703.182 for a facility that does not have a permit, or pursuant to the procedures for permit modification under 35 Ill. Adm. Code 705.128 for a facility that has a permit. If granted, the modification will take the form of an adjusted level of required liability coverage, such level to be based on the Agency assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The Agency may require an owner or operator who requests an adjusted level of required liability coverage to provide such technical and engineering information as is necessary to determine a level of financial responsibility other than that required by subsection (a) or (b) above. Any request for an adjusted level of required liability coverage for a permitted facility will be treated as a request for a permit modification under 35 Ill. Adm. Code 703.271(e)(3) and 705.128.
- d) Adjustments by the Agency. If the Agency determines that the levels of financial responsibility required by subsection (a) or (b) above are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the Agency shall adjust the level of financial responsibility required under subsection (a) or (b) above as may be necessary to protect human health and the environment. This adjusted level must be based on the Agency's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the Agency determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of

a facility that is not a surface impoundment, landfill or land treatment facility, the Agency may require that an owner or operator of the facility comply with subsection (b) above. An owner or operator shall furnish to the Agency, within a time specified by the Agency in the request, which must be not be less than 30 days, any information which the Agency requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustment of the level or type of coverage for a facility that has a permit will be treated as a permit modification under 35 Ill. Adm. Code 703.271(e)(3) and 705.128.

- e) Period of coverage. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency shall notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain liability coverage for that facility, unless the Agency determines that closure has not been in accordance with the approved closure plan.
- f) Financial test for liability coverage.
  - 1) An owner or operator may satisfy the requirements of this Section by demonstrating that it passes a financial test as specified in this subsection. To pass this test the owner or operator shall meet the criteria of subsection (f)(1)(A) or (B) below:
    - A) The owner or operator shall have:
      - i) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by this test; and
      - ii) Tangible net worth of at least \$10 million; and
      - iii) Assets in the United States amounting to either: at least 90 percent of the total assets; or at least six times the amount of liability coverage to be demonstrated by this test.
    - B) The owner or operator shall have:
      - i) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's, or Aaa, Aa, A or Baa as issued by Moody's; and

- ii) Tangible net worth of at least \$10 million; and
  - iii) Tangible net worth at least six times the amount of liability coverage to be demonstrated by this test; and
  - iv) Assets in the United States amounting to either: at least 90 percent of the total assets; or at least six times the amount of liability coverage to be demonstrated by this test.
- 2) The phrase "amount of liability coverage" as used in subsection (f)(1) above refers to the annual aggregate amounts for which coverage is required under subsections (a) and (b) above.
- 3) To demonstrate that it meets this test, the owner or operator shall submit the following three items to the Agency:
- A) A letter signed by the owner's or operator's chief financial officer and worded as specified in Section 724.251. If an owner or operator is using the financial test to demonstrate both assurance for closure or post-closure care, as specified by Sections 724.243(f) and 724.245(f) and 35 Ill. Adm. Code 725.243(e) and 725.245(e), and liability coverage, it shall submit the letter specified in Section 724.251 to cover both forms of financial responsibility; a separate letter as specified in Section 724.251 is not required.
  - B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year.
  - C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:
    - i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
    - ii) In connection with that procedure, no

matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.

- 4) An owner or operator of a new facility shall submit the items specified in subsection (f)(3) above to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal.
  - 5) After the initial submission of items specified in subsection (f)(3) above, the owner or operator shall send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3) above.
  - 6) If the owner or operator no longer meets the requirements of subsection (f)(1) above, the owner or operator shall obtain insurance, a letter of credit, a surety bond, a trust fund, or a guarantee for the entire amount of required liability coverage as specified in this Section. Evidence of insurance must be submitted to the Agency within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.
  - 7) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B) above). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency shall evaluate other qualifications on an individual basis. The owner or operator shall provide evidence of insurance for the entire amount of required liability coverage as specified in this Section within 30 days after notification of disallowance.
- g) Guarantee for liability coverage.
- 1) Subject to subsection (g)(2) below, an owner or operator may meet the requirements of this Section by obtaining a written guarantee, referred to as a "guarantee." The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor shall

meet the requirements for owners and operators in subsections (f)(1) through (f)(6) above. The wording of the guarantee must be as specified in Section 724.251. A certified copy of the guarantee must accompany the items sent to the Agency as specified in subsection (f)(3) above. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the guarantee must provide that:

- A) If the owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden or nonsudden accidental occurrences (or both as the case may be), arising from the operation of facilities covered by this guarantee, or fails to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage.
  - B) The guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. The guarantee must not be terminated unless and until the Agency approves alternate liability coverage complying with Section 724.247 or 35 Ill. Adm. Code 725.247.
- 2) The guarantor shall execute the guarantee in Illinois. The guarantee shall be accompanied by a letter signed by the guarantor which states that:
- A) The guarantee was signed in Illinois by an authorized agent of the guarantor;
  - B) The guarantee is governed by Illinois law; and
  - C) The name and address of the guarantor's registered agent for service of process.
- 3) The guarantor shall have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1983 (Ill. Rev. Stat. 1991, ch.

32, par. 5.05 [805 ILCS 5/5.05]) or Section 105.05 of the General Not-for-Profit Corporation Act of 1986 (Ill. Rev. Stat. 1991, ch. 32, par. 105.05 [805 ILCS 105/105.05]).

- h) Letter of credit for liability coverage.
  - 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this subsection, and submitting a copy of the letter of credit to the Agency.
  - 2) The financial institution issuing the letter of credit shall be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies.
  - 3) The wording of the letter of credit must be as specified in Section 724.251.
  - 4) An owner or operator who uses a letter of credit to satisfy the requirements of this Section may also establish a trust fund. Under the terms of such a letter of credit, all amounts paid pursuant to a draft by the trustee of the standby trust in accordance with instructions from the trustee. The trustee of the standby trust fund must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act (Ill. Rev. Stat. 1991, ch. 32, par. 1551-1 et seq. [205 ILCS 620/1-1 et seq.]
  - 5) The wording of the standby trust fund must be identical to the wording specified in Section 724.251(n).
- i) Surety bond for liability coverage.
  - 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this subsection and submitting a copy of the bond to the Agency.
  - 2) The surety company issuing the bond shall be licensed by the Illinois Department of Insurance.
  - 3) The wording of the surety bond must be as specified in Section 724.251.
- j) Trust fund for liability coverage.

- 1) An owner or operator may satisfy the requirements of this Section by establishing a trust fund which conforms to the requirements of this subsection and submitting a signed, duplicate original of the trust agreement to the Agency.
- 2) The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act. (Ill. Rev. Stat. 1991, ch. 32, par. 1551-1 et seq. [205 ILCS 620/1-1 et seq.] )
- 3) The trust fund for liability coverage must be funded for the full amount of the liability coverage to be provided by the trust fund before it may be relied upon to satisfy the requirements of this Section. If at any time after the trust fund is created the amount of funds in the trust fund is reduced below the full amount of liability coverage to be provided, the owner or operator, by the anniversary of the date of establishment of the fund, shall either add sufficient funds to the trust fund to cause its value to equal the full amount of liability coverage to be provided, or obtain other financial assurance as specified in this Section to cover the difference. For purposes of this subsection, "the full amount of the liability coverage to be provided" means the amount of coverage for sudden and nonsudden accidental occurrences required to be provided by the owner or operator by this Section, less the amount of financial assurance for liability coverage which is being provided by other financial assurance mechanisms being used to demonstrate financial assurance by the owner or operator.
- 4) The wording of the trust fund must be as specified in Section 724.251.

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

Section 724.251 Wording of the Instruments

The Board incorporates by reference 40 CFR 264.151 (1988), as amended at ~~53 Fed. Reg. 33950, September 1, 1988~~ 57 Fed. Reg. 42832, September 16, 1992. This Section incorporates no later amendments or editions. The Agency will promulgate standardized forms based on 40 CFR 264.151 with such changes in wording as are necessary under Illinois law. Any owner or operator required to establish financial assurance under this Subpart shall do so only upon the standardized forms promulgated by the Agency. The Agency shall



reject any financial assurance document which is not submitted on such standardized forms.

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

SUBPART N: LANDFILLS

Section 724.414 Special Requirements for Bulk and Containerized Liquids

- a) This subsection corresponds with 40 CFR 264.314(a), which pertains to pre May 8, 1985 actions, a date long since passed. This statement maintains structural consistency with USEPA rules.
- ab) The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not absorbents have been added) in any landfill is prohibited.
- bc) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods." (EPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 721.111.
- ed) Containers holding free liquids must not be placed in a landfill unless;
  - 1) All free-standing liquid:
    - A) has been removed by decanting or other methods;
    - B) has been mixed with absorbent or solidified so that free-standing liquid is no longer observed; or
    - C) has been otherwise eliminated; or
  - 2) The container is very small, such as an ampule; or
  - 3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or
  - 4) The container is a lab pack as defined in Section 724.416 and is disposed of in accordance with Section 724.416.

e) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are: materials listed or described in subsection (e)(1) below; materials that pass one of the tests in subsection (e)(2) below; or materials that are determined by the Board to be nonbiodegradable through the 35 Ill. Adm. Code 106 adjusted standard process.

1) Nonbiodegradable sorbents are:

A) Inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal (activated carbon)); or

B) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polycrylate, polynorborene, polyisobutylene, ground synthetic rubber, cross-linked allylstrene and tertiary butyl copolymers). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or

C) Mixtures of these nonbiodegradable materials.

2) Tests for nonbiodegradable sorbents:

A) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a) -- Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi; or

B) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b) -- Standard Practice for Determining Resistance of Plastics to Bacteria.

ef) The placement of any liquids which is not a hazardous waste in a landfill is prohibited (35 Ill. Adm. Code 729.311).

f) ~~Disposal of liquid wastes or wastes containing free liquids otherwise allowed under this Section must be~~

~~authorized pursuant to 35 Ill. Adm. Code 709.401(a). As required by 35 Ill. Adm. Code 709.520(e), the Agency must require the addition of absorbents to any such waste, any provision of this Section notwithstanding.~~

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

Section 724.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

Small containers of hazardous waste in overpacked drums (lab packs) may be placed in a landfill if the following requirements are met:

- a) Hazardous waste must be packaged in non-leaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by or be ignited by the contained waste. The inside containers must be tightly and securely sealed. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR 173, 178 and 179), if those regulations specify a particular inside container for the waste.
- b) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR 178 and 179) of no more than 416 liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of ~~absorbent~~ absorbent material, determined to be nonbiodegradable in accordance with Section 724.414(e), to completely absorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and absorbent material.
- c) In accordance with Section 724.117(b), the absorbent material used must not be capable of reacting dangerously with, being decomposed by or being ignited by the contents of the inside containers, in accordance with 724.117(b).
- d) Incompatible waste, as defined in 35 Ill. Adm. Code 720.110, must not be placed in the same outside container.
- e) Reactive wastes, other than cyanide- or sulfide-bearing waste as defined in 35 Ill. Adm. Code 721.123(a)(5), must be treated or rendered non-reactive prior to packaging in accordance with subsections (a) through (d). Cyanide- and sulfide-bearing reactive waste may be packed in accordance with subsections (a) through (d) without first being treated or rendered non-reactive.

- f) Such disposal is in compliance with 35 Ill. Adm. Code 728. Persons who incinerate lab packs according to 35 Ill. Adm. Code 728.142(c)(1) may use fiber drums in place of metal outer containers. Such fiber drums must meet the DOT specifications in 49 CFR 173.12 and be overpacked according to the requirements of subsection (b).
- g) Pursuant to 35 Ill. Adm. Code 729.312, the use of labpacks for disposal of liquid wastes or wastes containing free liquids allowed under this Section is restricted to labwaste and non-periodic waste, as those terms are defined in that Part.

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

#### SUBPART W: DRIP PADS

##### Section 724.670 Applicability

- a) The requirements of this Subpart apply to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation or surface water run-on to an associated collection system.
  - 1) "Existing drip pads" are:
    - A) Those constructed before December 6, 1990; and
    - B) Those for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to December 6, 1990.
  - 2) All other drip pads are "new drip pads".
  - 3) The requirements at Section 724.673(b)(3) to install a leak collection system applies only to those drip pads that are constructed after December 24, 1992 except for those constructed after December 24, 1992 for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to December 24, 1992.
- b) The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither run-off nor run-on is generated is not subject to regulation under Section 724.672(e) or (f).
- c) The requirements of this subsection are not applicable to the management of infrequent and incidental drippage in

storage yards provided that the owner or operator maintains and complies with a written contingency plan that describes how the owner or operator will respond immediately to the discharge of infrequent and incidental drippage. At a minimum, the contingency plan must describe how the owner or operator will do the following:

- 1) Clean up the drippage;
- 2) Document the clean-up of the drippage;
- 3) Retain documentation regarding the clean-up for three years; and
- 4) Manage the contaminated media in a manner consistent with State and Federal regulations.

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

Section 724.671 Assessment of existing drip pad integrity

- a) For each existing drip pad, the owner or operator shall evaluate the drip pad and determine that it meets all of the requirements of this Subpart, except the requirements for liners and leak detection systems of Section 724.673(b). No later than June 6, 1991, the owner or operator shall obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent, qualified registered professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and re-certified annually until all upgrades, repairs or modifications necessary to achieve compliance with all of the standards of Section 724.673 are complete. The evaluation must document the extent to which the drip pad meets each of the design and operating standards of Section 724.673, except the standards for liners and leak detection systems, specified in Section 724.673(b), ~~and must document the age of the drip pad to the extent possible, to document compliance with subsection (b).~~
- b) The owner or operator shall develop a written plan for upgrading, repairing and modifying the drip pad to meet the requirements of Section 724.673(b) and submit the plan to the Agency no later than 2 years before the date that all repairs, upgrades and modifications will be complete. This written plan must describe all changes to be made to the drip pad in sufficient detail to document compliance with all the requirements of Section 724.673 ~~and must document the age of the drip pad to the extent possible.~~ The plan must be reviewed and certified by an independent qualified, registered professional engineer. All upgrades, repairs and modifications must be completed

in accordance with the following:

- 1) For existing drip pads of known and documentable age, all upgrades, repairs and modifications must be completed by June 6, 1993, or when the drip pad has reached 15 years of age, whichever comes later.
- 2) For existing drip pads for which the age cannot be documented, by June 6, 1999; but, if the age of the facility is greater than 7 years, all upgrades, repairs and modifications must be completed by the time the facility reaches 15 years of age or by June 6, 1993, whichever comes later.
- 3) The owner or operator may petition the Board for an extension of the deadline in subsection (b)(1) or (2).
  - A) The owner or operator shall file a petition for a RCRA variance as specified in 35 Ill. Adm. Code 104.
  - B) The Board will grant the petition for extension if it finds that:
    - i) The drip pad meets all of the requirements of Section 724.673, except those for liners and leak detection systems specified in Section 724.673(b); and
    - ii) That it will continue to be protective of human health and the environment.
- c) Upon completion of all upgrades, repairs and modifications, the owner or operator shall submit to the Agency, the as-built drawings for the drip pad, together with a certification by an independent, qualified, registered professional engineer attesting that the drip pad conforms to the drawings.
- d) If the drip pad is found to be leaking or unfit for use, the owner or operator shall comply with the provisions of Section 724.672(m) or close the drip pad in accordance with Section 724.675.

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

Section 724.672 Design and installation of new drip pads

Owners and operators of new drip pads shall ensure that the pads are designed, installed and operated in accordance with all of the following: ~~applicable requirements of Sections 724.673, 724.674~~

and 724.675.

- a) All of the requirements of Sections 724.673 (except 724.673(a)(4)), 724.674 and 724.675; or
- b) All of the requirements of Sections 724.673 (except 724.673(b)), 724.674 and 724.675.

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

Section 724.673 Design and operating requirements

a) Drip pads must:

- 1) Not be constructed of earthen materials, wood or asphalt, unless the asphalt is structurally supported;
- 2) Be sloped to free-drain to the associated collection system treated wood drippage, rain, other waters, or solutions of drippage and water or other wastes;
- 3) Have a curb or berm around the perimeter;

4) ~~Be impermeable, e.g., concrete pads must be sealed, coated or covered with an impermeable material such that the entire surface where drippage occurs or may run across is capable of containing such drippage and mixtures of drippage and precipitation, materials or other wastes while being routed to an associated collection system; In addition, the drip pad must:~~

A) Have a hydraulic conductivity of less than or equal to  $1 \times 10^{-7}$  centimeters per second (cm/sec), e.g., existing concrete drip pads must be sealed, coated, or covered with a surface material with a hydraulic conductivity of less than or equal to  $1 \times 10^{-7}$  cm/sec such that the entire surface where drippage occurs or may run across is capable of containing such drippage and mixtures of drippage and precipitation, materials or other wastes while being routed to an associated collection system. This surface material must be maintained free of cracks and gaps that could adversely affect its hydraulic conductivity, and the material must be chemically compatible with the preservatives that contact the drip pad. The requirements of this provision apply only to the existing drip pads and those drip pads for which the owner or operator elects to

comply with Section 724.672(a) instead of Section 724.672(b).

- B) The owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent qualified registered professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and recertified annually. The evaluation must document the extent to which the drip pad meets the design and operating standards of this Section, except for in subsection (b) below.

~~BOARD NOTE: The requirement that new drip pads be impermeable, e.g., that new drip pads be sealed, coated or covered with an impermeable material, is administratively stayed. The requirement that existing drip pads be impermeable, e.g., that drip pads be sealed, coated or covered with an impermeable material, is administratively stayed. The stays will remain in effect until the Board removes this note by further regulatory action implementing USEPA amendments at 57 Fed. Reg. 61492, December 24, 1992, expected in Docket R93-4. The extended State stay will not be construed as excusing owners or operators from complying with any federal requirements already in effect in Illinois.~~

- 5) Be of sufficient structural strength and thickness to prevent failure due to physical contact, climatic conditions, the stress of installation and the stress of daily operations, e.g., variable and moving loads such as vehicle traffic, movement of wood, etc.

BOARD NOTE: In judging the structural integrity requirement of this subsection, the Agency should generally consider applicable standards established by professional organizations generally recognized by the industry, including ACI 318 or ASTM C94, incorporated by reference in 35 Ill. Adm. Code 720.111.

- b) A drip pad or an existing drip pad, after the deadline established in Section 724.671(b), If an owner or operator elects to comply with Section 724.672(b) instead of Section 724.672(a), the drip pad must have:

- 1) A synthetic liner installed below the drip pad that is designed, constructed and installed to prevent



leakage from the drip pad into the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the drip pad. The liner must be constructed of materials that will prevent waste from being absorbed into the liner and to prevent releases into the adjacent subsurface soil or groundwater or surface water during the active life of the facility. The liner must be:

- A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or drip pad leakage to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation (including stresses from vehicular traffic on the drip pad);
  - B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and
  - C) Installed to cover all surrounding earth that could come in contact with the waste or leakage; and
- 2) A leakage detection system immediately above the liner that is designed, constructed, maintained and operated to detect leakage from the drip pad. The leakage detection system must be:
- A) Constructed of materials that are:
    - i) Chemically resistant to the waste managed in the drip pad and the leakage that might be generated; and
    - ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying materials and by any equipment used at the drip pad; and
  - B) Designed and operated to function without clogging through the scheduled closure of the drip pad; and
  - C) Designed so that it will detect the failure of the drip pad or the presence of a release of hazardous waste or accumulated liquid at the

earliest practicable time.

- 3) A leaking collection system immediately above the liner that is designed, constructed, maintained and operated to collect leakage from the drip pad such that it can be removed from below the drip pad. The date, time, and quantity of any leakage collected in this system and removed must be documented in the operating log.
- A) The drip pad surface must be cleaned thoroughly in a manner and frequency such that accumulated residues of hazardous waste or other materials are removed, with residues being properly managed as to allow weekly inspections of the entire drip pad surface without interference of hindrance from accumulated residues of hazardous waste or other materials on the drip pad. The owner or operator must document the date and time of each cleaning and cleaning procedure used in the facility's operating log. The owner or operator must determine if the residues are hazardous as per 35 Ill. Adm. Code 722.111 and, if so, must manage them under 35 Ill. Adm. Code 721 through 728, and Section 3010 of RCRA.
- B) The Federal rules do not contain a 40 CFR 264.573(b)(3)(B). This subsection is added to conform to Illinois Administrative Code rules.
- c) Drip pads must be maintained such that they remain free of cracks, gaps, corrosion or other deterioration that could cause hazardous waste to be released from the drip pad.
- BOARD NOTE: See subsection (m) for remedial action required if deterioration or leakage is detected.
- d) The drip pad and associated collection system must be designed and operated to convey, drain and collect liquid resulting from drippage or precipitation in order to prevent run-off.
- e) Unless the drip pad is protected by a structure, as described in Section 724.670(b), the owner or operator shall design, construct, operate and maintain a run-on control system capable of preventing flow onto the drip pad during peak discharge from at least a 24-hour, 25-year storm, unless the system has sufficient excess capacity to contain any run-on that might enter the system.

- f) Unless the drip pad is protected by a structure or cover, as described in Section 724.670(b), the owner or operator shall design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.
- g) The drip pad must be evaluated to determine that it meets the requirements of subsections (a) through (f). The owner or operator shall obtain a statement from an independent, qualified, registered professional engineer certifying that the drip pad design meets the requirements of this Section,
- h) Drillage and accumulated precipitation must be removed from the associated collection system as necessary to prevent overflow onto the drip pad.
- i) The drip surface must be cleaned thoroughly at least once every seven days such that accumulated residues of hazardous waste or other materials are removed, using an appropriate and effective cleaning technique, including but not limited to, rinsing, washing with detergents or other appropriate solvents, or steam cleaning. The owner or operator shall document, in the facility's operating log; the date and time of each cleaning and the cleaning procedure used.
- j) Drip pads must be operated and maintained in a manner to minimize tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel or equipment.
- k) After being removed from the treatment vessel, treated wood from pressure and non-pressure processes must be held on the drip pad until drillage has ceased. The owner or operator shall maintain records sufficient to document that all treated wood is held on the pad, in accordance with this Section, following treatment.
- l) Collection and holding units associated with run-on and run-off control systems must be emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system.
- m) Throughout the active life of the drip pad and as specified in the permit, if the owner or operator detects a condition that could lead to or has caused a release of hazardous waste, the condition must be repaired within a reasonably prompt period of time following discovery, in accordance with the following procedures:
  - 1) Upon detection of a condition that may have caused or has caused a release of hazardous waste (e.g., upon detection of leakage in the leak detection

system), the owner or operator shall:

- A) Enter a record of the discovery in the facility operating log;
  - B) Immediately remove from service the portion of the drip pad affected by the condition;
  - C) Determine what steps must be taken to repair the drip pad, clean up any leakage from below the drip pad, and establish a schedule for accomplishing the clean up and repairs;
  - D) Within 24 hours after discovery of the condition, notify the Agency of the condition and, within 10 working days, provide written notice to the Agency with a description of the steps that will be taken to repair the drip pad and clean up any leakage, and the schedule for accomplishing this work.
- 2) The Agency shall: review the information submitted; make a determination regarding whether the pad must be removed from service completely or partially until repairs and clean up are complete; and notify the owner or operator of the determination and the underlying rationale in writing.
- 3) Upon completing all repairs and clean up, the owner or operator shall notify the Agency in writing and provide a certification, signed by an independent, qualified, registered professional engineer, that the repairs and clean up have been completed according to the written plan submitted in accordance with subsection (m)(1)(D).
- n) If a permit is necessary, the Agency shall specify in the permit all design and operating practices that are necessary to ensure that the requirements of this Section are satisfied.
- o) The owner or operator shall maintain, as part of the facility operating log, documentation of past operating and waste handling practices. This must include identification of preservative formulations used in the past, a description of drippage management practices and a description of treated wood storage and handling practices.

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

SUBPART DD: CONTAINMENT BUILDINGS

Section 724.1100 Applicability

The requirements of this Subpart apply to owners or operators who store or treat hazardous waste in units designed and operated under Section 724.1101. These provisions will become effective on February 18, 1993. The owner or operator is not subject to the definition of land disposal in 35 Ill. Adm. Code 728.102 provided that the unit:

- a) Is a completely enclosed, self-supporting structure that is designed and constructed of manmade materials of sufficient strength and thickness to support themselves, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to:
  - 1) pressure gradients;
  - 2) settlement, compression, or uplift;
  - 3) physical contact with the hazardous wastes to which they are exposed;
  - 4) climatic conditions; or
  - 5) the stresses of daily operation including the movement of heavy equipment within the unit and contact of such equipment within the unit and contact of such equipment with containment walls.
- b) Has a primary barrier that is designed to be sufficiently durable to withstand the movement of personnel wastes, and handling equipment within the unit.
- c) If used to manage liquids, the unit has:
  - 1) A primary barrier designed and constructed of materials to prevent migration of hazardous constituents into the barrier;
  - 2) A liquid collection system designed and constructed of materials to minimize the accumulation of liquid on the primary barrier; and
  - 3) A secondary containment system designed and constructed of materials to prevent migration of hazardous constituents into the barrier, with a leak detection and liquid collection system capable of detecting, collecting, and removing leaks of hazardous constituents at the earliest practicable time, unless the unit has been granted a variance

from the secondary containment system requirements under Section 724.1101(b)(4);

- d) Has controls sufficient to permit fugitive dust emissions to meet the no visible emission standard in Section 724.1101(c)(1)(A); and
- e) Is designed and operated to ensure containment and prevent the tracking of materials from the unit by personnel or equipment.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 724.1101 Design and operating standards

- a) All containment buildings must comply with the following design and operating standards:
  - 1) The containment building must be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements (e.g. precipitation, wind, run on) and to assure containment of managed wastes.
  - 2) The floor and containment walls of the unit, including the secondary containment system if required under subsection (b) of this Section, must be designed and constructed of materials of sufficient strength and thickness to support themselves, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to pressure gradients, settlement, compression, or uplift, physical contact with the hazardous wastes to which they are exposed; climatic conditions; and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls. The unit must be designed so that it has sufficient structural strength to prevent collapse or other failure. All surfaces to be in contact with hazardous wastes must be chemically compatible with those wastes. The containment building shall meet the structural integrity requirements established by professional organizations generally recognized by the industry such as the American Concrete Institute [ACI] and the American Society of Testing Materials [ASTM]. If appropriate to the nature of the waste management operation to take place in the unit, an exception to the structural strength requirement may be made for light-weight doors and windows that meet these criteria:

- A) They provide an effective barrier against fugitive dust emissions under subsection (c)(1)(C) below; and
  - B) The unit is designed and operated in a fashion that assures that wastes will not actually come in contact with these openings.
- 3) Incompatible hazardous wastes or treatment reagents must not be placed in the unit or its secondary containment system if they could cause the unit or secondary containment system to leak, corrode, or otherwise fail.
- 4) A containment building must have a primary barrier designed to withstand the movement of personnel, waste, and handling equipment in the unit during the operating life of the unit and appropriate for the physical and chemical characteristics of the waste to be managed.
- b) For a containment building used to manage hazardous wastes containing free liquids or treated with free liquids (the presence of which is determined by the paint filter test, a visual examination, or other appropriate means), the owner or operator must include:
- 1) A primary barrier designed and constructed of materials to prevent the migration of hazardous constituents into the barrier (e.g., a geomembrane covered by a concrete wear surface).
  - 2) A liquid collection and removal system to minimize the accumulation of liquid on the primary barrier of the containment building:
    - A) The primary barrier must be sloped to drain liquids to the associated collection system; and
    - B) Liquids and waste must be collected and removed to minimize hydraulic head on the containment system at the earliest practicable time.
  - 3) A secondary containment system including a secondary barrier designed and constructed to prevent migration of hazardous constituents into the barrier, and a leak detection system that is capable of detecting failure of the primary barrier and collecting accumulated hazardous wastes and liquids at the earliest practicable time.
    - A) The requirements of the leak detection

component of the secondary containment system are satisfied by installation of a system that is, at a minimum:

- i) Constructed with a bottom slope of 1 percent or more; and
  - ii) Constructed of a granular drainage material with a hydraulic conductivity of  $1 \times 10^{-2}$  cm/sec or more and a thickness of 12 inches (30.5 cm) or more, or constructed of synthetic or geonet drainage materials with a transmissivity of  $3 \times 10^{-5}$  m<sup>2</sup>/sec or more.
- B) If treatment is to be conducted in the building, an area in which such treatment will be conducted must be designed to prevent the release of liquids, wet materials, or liquid aerosols to other portions of the building.
- C) The secondary containment system must be constructed of materials that are chemically resistant to the waste and liquids managed in the containment building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used in the containment building. (Containment buildings can serve as secondary containment systems for tanks placed within the building under certain conditions. A containment building can serve as an external liner system for a tank, provided it meets the requirements of Section 724.193(d)(1). In addition, the containment building must meet the requirements of Section 724.193(b) and Sections 724.193(c)(1) and (c)(2) to be an acceptable secondary containment system for a tank.)
- 4) For existing units other than 90-day generator units, USEPA may delay the secondary containment requirement for up to two years, based on a demonstration by the owner or operator that the unit substantially meets the standards of this Subpart. In making this demonstration, the owner or operator must:
- A) Provide written notice to USEPA of their request by November 16, 1992. This notification must describe the unit and its operating practices with specific reference to the performance of existing systems, and specific plans for retrofitting the unit with



secondary containment;

- B) Respond to any comments from USEPA on these plans within 30 days; and
- C) Fulfill the terms of the revised plans, if such plans are approved by USEPA.

c) Owners or operators of all containment buildings must:

1) Use controls and practice to ensure containment of the hazardous waste within the unit, and at a minimum:

- A) Maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be release from the primary barrier;
- B) Maintain the level of the stored or treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded;
- C) Take measures to prevent the tracking of hazardous waste out of the unit by personnel or by equipment used in handling the waste. An area must be designated to decontaminate equipment and any rinsate must be collected and properly managed; and
- D) Take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions (see 40 CFR 60, Appendix A, Method 22 - Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares). In addition, all associated particulate collection devices (e.g., fabric filter, electrostatic precipitator) must be operated and maintained with sound air pollution control practices (see 40 CFR 60 for guidance). This state of no visible emissions must be maintained effectively at all times during routine operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

BOARD NOTE: At 40 CFR 264.1101(c)(1)(iv), as added as 57 Fed. Reg. 37266 (Aug. 18, 1992), USEPA cites "40 CFR part 60, subpart 292". At 57 Fed. Reg. 37217, USEPA repeats this citation in the preamble discussion of the

rules. No such provision exists in the Code of Federal Regulations. The Board has chosen to use the more general citation: "40 CFR 60".

- 2) Obtain certification by a qualified registered professional engineer (PE) that the containment building design meets the requirements of subsections (a) through (c) of this Section. For units placed into operation prior to February 18, 1993, this certification must be placed in the facility's operating record (on-site files for generators who are not formally required to have operating records) no later than 60 days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit.
- 3) Throughout the active life of the containment building, if the owner or operator detects a condition that could lead to or has caused a release of hazardous waste, must repair the condition promptly. In addition, however:
  - A) Upon detection of a condition that has caused to a release of hazardous wastes (e.g., upon detection of leakage from the primary barrier) the owner or operator must:
    - i) Enter a record of the discovery in the facility operating record;
    - ii) Immediately remove the portion of the containment building affected by the condition from service;
    - iii) Determine what steps must be taken to repair the containment building, remove any leakage from the secondary collection system, and establish a schedule for accomplishing the cleanup and repairs; and
    - iv) Within 7 days after the discovery of the condition, notify the Agency in writing of the condition, and within 14 working days, provide a written notice to the Agency with a description of the steps taken to repair the containment building, and the schedule for accomplishing the work.
  - B) The Agency shall review the information submitted, make a determination in accordance

with Section 34 of the Act, regarding whether the containment building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing.

- C) Upon completing all repairs and cleanup the owner and operator must notify the Agency in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with subsection (c)(3)(A)(iv) above.
- 4) Inspect and record in the facility's operating record, at least once every seven days, data gathered from monitoring equipment and leak detection equipment as well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste.
- d) For containment buildings that contain areas both with and without secondary containment, the owner or operator must:
- 1) Design and operate each area in accordance with the requirements enumerated in subsections (a) through (c) of this Section;
  - 2) Take measures to prevent the release of liquids or wet materials into areas without secondary containment; and
  - 3) Maintain in the facility's operating log a written description of the operating procedures used to maintain the integrity of areas without secondary containment.
- e) Notwithstanding any other provision of this Subpart the Agency shall not require secondary containment for a permitted containment building where the owner operator demonstrates that the only free liquids in the unit are limited amounts of dust suppression liquids required to meet occupational health and safety requirements, and where containment of managed wastes and liquids can be assured without a secondary containment system.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 724.1102 Closure and post closure care



- a) At closure of a containment building, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 35 Ill. Adm. Code 721.103(c) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for containment buildings must meet all of the requirements specified in 739.Subparts G and H.
- b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in subsection (a) above, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (35 Ill. Adm. Code 724.310). In addition, for the purposes of closure, post-closure, and financial responsibility, such a containment building is then considered to be a landfill, and the owner or operator must meet all the requirements for landfills specified in 739.Subparts G and H.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

PART 725  
INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS  
WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

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

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

codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

#### SUBPART A: GENERAL PROVISIONS

##### Section 725.101 Purpose, Scope and Applicability

- a) The purpose of this Part is to establish minimum standards which define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.
- b) The standards in this Part apply to owners and operators of facilities which treat, store or dispose of hazardous waste who have fully complied with the requirements for interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.) and 35 Ill. Adm. Code 703, until either a permit is issued under Section 3005 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure responsibilities under this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980, who have failed to provide timely notification as required by Section 3010(a) of RCRA, or failed to file Part A of the Permit Application as required by 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152. These standards apply to all treatment, storage or disposal of hazardous waste at these facilities after November 19, 1980, except

as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721;

BOARD NOTE: As stated in Section 3005(a) of RCRA, after the effective date of regulations under that Section, i.e., 40 CFR 270 and 124, the treatment, storage or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner's and operator's permit application is made. 35 Ill. Adm. Code 703.140 et seq. provide that a permit is deemed issued under Section 21(f)(1) of the Environmental Protection Act under conditions similar to federal interim status.

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

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

BOARD NOTE: This Part applies to the treatment or storage of hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in subsection (b) above.

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

BOARD NOTE: The owner or operator of a facility under subsections (c)(1) through (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person under 35 Ill. Adm. Code 702 and 703 or are required by 35 Ill. Adm. Code 704.Subpart F.

- 5) The owner or operator of a facility permitted, licensed or registered by Illinois to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105;

- 6) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) and (3) (except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, ~~D, F, or G,~~ or H;

- 7) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134, except to the extent the requirements are included in 35 Ill. Adm. Code 722.134;
- 8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;
- 9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
- 10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728.Table D), or corrosive (D002) waste, in order to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 725.117(b);
- 11) Immediate response:
  - A) Except as provided in subsection (c)(11)(B), below, a person engaged in treatment or containment activities during immediate response to any of the following situations:
    - i) A discharge of a hazardous waste;
    - ii) An imminent and substantial threat of a discharge of a hazardous waste;
    - iii) A discharge of a material which, when discharged, becomes a hazardous waste.
  - B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D.
  - C) Any person who is covered by subsection (c)(11)(A), above and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703 and 705 for those activities.
- 12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a

transfer facility for a period of ten days or less.

- 13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110), or the addition of waste to the absorbent material in a container, provided that these actions occur at the time waste is first placed in the containers; and Sections 725.117(b), 725.271 and 725.272 are complied with.
- d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: hazardous waste numbers F020, F021, F022, F023, F026 or F027 unless:
  - 1) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;
  - 2) The waste is stored in tanks or containers;
  - 3) The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) as well as all other applicable requirements of Subpart L;
  - 4) The waste is burned in incinerators that are certified pursuant to the standards and procedures in Section 725.452; or
  - 5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in Section 725.483.
- e) This Part applies to owners and operators of facilities which treat, store or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.
- f) 35 Ill. Adm. Code 700 contains rules concerning application of other Board regulations.

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

#### SUBPART B: GENERAL FACILITY STANDARDS

##### Section 725.113 General Waste Analysis

- a) Waste analysis:

- 1) Before an owner or operator treats, stores or disposes of any hazardous wastes, or non-hazardous wastes if applicable under Section 725.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information which must be known to treat, store or dispose of the waste in accordance with this Part and 35 Ill. Adm. Code 728.
- 2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on waste generated from similar processes.

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

- 3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:
  - A) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), has changed; and
  - B) For off-site facilities, when the results of the inspection required in subsection (a)(4), below, indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.
- 4) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous

waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

b) The owner or operator shall develop and follow a written waste analysis plan which describes the procedures which the owner or operator will carry out to comply with subsection (a), above. The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:

1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a), above.

2) The test methods which will be used to test for these parameters.

3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:

A) One of the sampling methods described in 35 Ill. Adm. Code 721.Appendix A or

B) An equivalent sampling method.

BOARD NOTE: See 35 Ill. Adm. Code 720.120(c) for related discussion.

4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date.

5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.

6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934(d) and 725.963(d), and 35 Ill. Adm. Code 728.107. And,

7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:



- A) The sampling of impoundment contents;
  - B) The analysis of test data; and,
  - C) The annual removal of residues which are not delisted under 35 Ill. Adm. Code 720.122 or which exhibit a characteristic of hazardous waste, and either:
    - i) Do not meet applicable treatment standards of 35 Ill. Adm. Code 728.Subpart D; or
    - ii) Where no treatment standards have been established: Such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139; or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).
- c) For off-site facilities, the waste analysis plan required in subsection (b), above, must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:
- 1) The procedures which will be used to determine the identity of each movement of waste managed at the facility; and
  - 2) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.
  - 3) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

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

#### SUBPART G: CLOSURE AND POST-CLOSURE

##### Section 725.210 Applicability

Except as Section 725.101 provides otherwise:

- a) Sections 725.211 through 725.215 (which concern closure) apply to the owners and operators of all hazardous waste management facilities; and
- b) Sections 725.216 through 725.220 (which concern post-closure care) apply to the owners and operators of:
  - 1) All hazardous waste disposal facilities; and/or
  - 2) Waste piles and surface impoundments from which the owner or operator intends to remove the wastes at closure to the extent that these Sections are made applicable to such facilities in Sections 725.328 or 725.358; and/or
  - 3) Tank systems which are required under Section 725.297 to meet requirements for landfills; or
  - 4) Containment buildings that are required under Section 725.1102 to meet the requirement for landfills.

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

#### Section 725.211 Closure Performance Standard

The owner or operator shall close the facility in a manner that:

- a) Minimizes the need for further maintenance; and
- b) Controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off or hazardous waste decomposition products to the ground or surface waters or to the atmosphere, and
- c) Complies with the closure requirements of this Part, including, but not limited to, the requirements of Sections 725.297, 725.328, 725.358, 725.380, 725.410, 725.451, 725.481 ~~and~~, 725.504 and 725.1102.

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

#### Section 725.212 Closure Plan; Amendment of Plan

- a) Written Plan. Within six months after the effective date of the rule that first subjects a facility to provisions of this Section, the owner or operator of a hazardous waste management facility shall have a written closure plan. Until final closure is completed and certified in accordance with Section 725.215, a copy of the most

current plan must be furnished to the Agency upon request including request by mail. In addition, for facilities without approved plans, it must also be provided during site inspections on the day of inspection to any officer, employee or representative of the Agency.

- b) Content of plan. The plan must identify the steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan must include, at least:
- 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 725.211; and
  - 2) A description of how final closure of the facility will be conducted in accordance with Section 725.211. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility; and
  - 3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial and final closure, including, but not limited to methods for removing, transporting, treating, storing or disposing of all hazardous waste, and identification of and the type(s) of off-site hazardous waste management unit(s) to be used, if applicable; and
  - 4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures and soils during partial and final closure including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils and criteria for determining the extent of decontamination necessary to satisfy the closure performance standard; and
  - 5) A detailed description of other activities necessary during the partial and final closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control; and
  - 6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous

waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover must be included.); and

- 7) An estimate of the expected year of final closure for facilities that use trust funds to demonstrate financial assurance under Sections 725.243 or 725.245 and whose remaining operating life is less than twenty years, and for facilities without approved closure plans.
- c) Amendment of plan. The owner or operator may amend the closure plan at any time prior to the notification of partial or final closure of the facility. An owner or operator with an approved closure plan shall submit a written request to the Agency to authorize a change to the approved closure plan. The written request must include a copy of the amended closure plan for approval by the Agency.
- 1) The owner or operator shall amend the closure plan, whenever:
    - A) Changes in the operating plans or facility design affect the closure plan, or
    - B) Whenever there is a change in the expected year of closure, if applicable, or
    - C) In conducting partial or final closure activities, unexpected events require a modification of the closure plan.
  - 2) The owner or operator shall amend the closure plan at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator shall amend the closure plan no later than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure, but are required to close as landfills in accordance with Section 725.410.
  - 3) An owner or operator with an approved closure plan shall submit the modified plan to the Agency at

least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event has occurred during the partial or final closure period, the owner or operator shall submit the modified plan no more than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with Section 725.410. If the amendment to the plan is a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 702.280, the modification to the plan shall be approved according to the procedures in subsection (d)(4), below.

- 4) The Agency may request modifications to the plan under the conditions described in subsection (c)(1), above. An owner or operator with an approved closure plan shall submit the modified plan within 60 days of the request from the Agency, or within 30 days if the unexpected event occurs during partial or final closure. If the amendment is considered a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 702.280, the modification to the plan must be approved in accordance with the procedures in subsection (d)(4), below.

d) Notification of partial closure and final closure.

1) When notice is required.

- A) The owner or operator shall submit the closure plan to the Agency at least 180 days prior to the date on which the owner or operator expects to begin closure of the first surface impoundment, waste pile, land treatment or landfill unit, or final closure if it involves such a unit, whichever is earlier.
- B) The owner or operator shall submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.
- C) The owner or operator shall submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage or

incinerator units.

- D) Owners or operators with approved closure plans shall notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, landfill or land treatment unit, or final closure of a facility involving such a unit.
  - E) Owners or operators with approved closure plans shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.
  - F) Owners and operators with approved closure plans shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage or incinerator units.
- 2) The date when the owner or operator "expects to begin closure" must be either:
- A) Within 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator has taken and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all interim status requirements, the Agency shall approve an extension to this one-year limit; or
  - B) For units meeting the requirements of Section 725.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the known final volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional

non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable interim status requirements, the Agency shall approve an extension to this one-year limit.

- 3) The owner or operator shall submit the closure plan to the Agency no later than 15 days after:
  - A) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or
  - B) Issuance of a judicial decree or Board order to cease receiving hazardous wastes or close.
- 4) The Agency shall provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the plan and request modifications of the plan no later than 30 days from the date of the notice. The Agency shall also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a closure plan. The Agency shall give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments and the two notices may be combined.) The Agency shall approve, modify or disapprove the plan within 90 days of its receipt. If the Agency does not approve the plan, the Agency shall provide the owner or operator with a detailed written statement of reasons for the refusal, and the owner or operator shall modify the plan or submit a new plan for approval within 30 days after receiving such written statement. The Agency shall approve or modify this plan in writing within 60 days. If the Agency modifies the plan, this modified plan becomes the approved closure plan. The Agency shall assure that the approved plan is consistent with Sections 725.211 through 725.215 and the applicable requirements of Sections 725.190 et seq., 725.297, 725.328, 725.358, 725.380, 725.410, 725.451, 725.481~~and~~, 725.504.

and 724.1102. A copy of this modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.

- e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section precludes the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

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

#### SUBPART H: FINANCIAL REQUIREMENTS

##### Section 725.240 Applicability

- a) The requirements of Sections 725.242, 725.243, and 725.247 through 725.250 apply to owners and operators of all hazardous waste facilities, except as provided otherwise in this Section or in Section 725.101.
- b) The requirements of Section 725.244 and 725.246 apply only to owners and operators of:
  - 1) Disposal facilities; or
  - 2) Tank systems that are required under Section 725.297 to meet the requirements for landfills; or
  - 3) Containment buildings that are required under 725.1102 to meet the requirements for landfills.
- c) States and the Federal Government are exempt from the requirements of this Subpart.

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

##### Section 725.242 Cost Estimate for Closure

- a) The owner or operator shall have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Sections 725.211 through 725.215 and applicable closure requirements of Sections 725.278, 725.297, 725.328, 725.358, 725.380, 725.410, 725.451, 725.481 and 725.504, and 725.1102.
  - 1) The estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make



closure the most expensive, as indicated by its closure plan (see Section 725.212(b)); and

- 2) The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of "parent corporation" in Section 725.241(d).) The owner or operator may use costs for on-site disposal if the owner or operator demonstrates that on-site disposal capacity will exist at all times over the life of the facility.
  - 3) The closure cost estimate must not incorporate any salvage value that may be realized by the sale of hazardous wastes, or non-hazardous wastes if applicable under Section 725.213(d), facility structures or equipment, land or other facility assets at the time of partial or final closure.
  - 4) The owner or operator shall not incorporate a zero cost for hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), which may have economic value.
- b) During the active life of the facility, the owner or operator shall adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with Section 725.243. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the Agency as specified in Section 725.243(e)(5). The adjustment may be made by recalculating the closure cost estimate in current dollars, or by using an inflation factor derived from the most recent annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business as specified in subsections (b)(1) and (b)(2), below. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.
- 1) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.
  - 2) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

- c) During the active life of the facility, the owner or operator shall revise the closure cost estimate no later than 30 days after a revision has been made to the closure plan which increases the cost of closure. If the owner or operator has an approved closure plan, the closure cost estimate must be revised no later than 30 days after the Agency has approved the request to modify the closure plan if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in subsection (b), above.
- d) The owner or operator shall keep the following at the facility during the operating life of the facility: The latest closure cost estimate prepared in accordance with subsections (a) and (c), above, and, when this estimate has been adjusted in accordance with subsection (b), above, the latest adjusted closure cost estimate.

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

Section 725.243 Financial Assurance for Closure

An owner or operator of each facility shall establish financial assurance for closure of the facility. The owner or operator shall choose from the options as specified in subsections (a) through (e), below.

- a) Closure trust fund.
  - 1) An owner or operator may satisfy the requirements of this Section by establishing a closure trust fund which conforms to the requirements of this subsection and submitting an original, signed duplicate of the trust agreement to the Agency. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.
  - 2) The wording of the trust agreement must be as specified in 35 Ill. Adm. Code 724.251 and the trust agreement must be accompanied by a formal certification of acknowledgment as specified in 35 Ill. Adm. Code 724.251. Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current closure cost estimate covered by the agreement.
  - 3) Payments into the trust fund must be made annually by the owner or operator over the 20 years beginning May 19, 1981, or over the remaining operating life of the facility as estimated in the

closure plan, whichever period is shorter; this period is hereafter referred to as the "pay-in period." The payments into the closure trust fund must be made as follows:

- A) The first payment must be made before May 19, 1981, except as provided in subsection (a)(5), below. The first payment must be at least equal to the current closure cost estimate, except as provided in subsection (f), below, divided by the number of years in the pay-in period.
- B) Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by this formula:

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

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

- 4) The owner or operator may accelerate payments into the trust fund or may deposit the full amount of the current closure cost estimate at the time the fund is established. However, the owner or operator shall maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in subsection (a)(3), above.
- 5) If the owner or operator establishes a closure trust fund after having used one or more alternate mechanisms specified in this Section, the owner or operator's first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made as specified in subsection (a)(3), above.
- 6) After the pay-in period is completed, whenever the current closure cost estimate changes, the owner or operator shall compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, shall either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or obtain other financial assurance as specified in this Section to cover the difference.

- 7) If the value of the trust fund is greater than the total amount of the current closure cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current closure cost estimate.
- 8) If an owner or operator substitutes other financial assurance as specified in this Section for all or part of the trust fund, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current closure cost estimate covered by the trust fund.
- 9) Within 60 days after receiving a request from the owner or operator for release of funds as specified in subsections (a)(7) or (a)(8), above, the Agency shall instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.
- 10) After beginning partial or final closure, an owner or operator or another person authorized to conduct partial or final closure may request reimbursement for closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursement for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for partial or final closure activities, the Agency shall instruct the trustee to make reimbursement in those amounts as the Agency specifies in writing if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan, or otherwise justified. If the Agency determines that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, it shall withhold reimbursement of such amounts as it deems prudent until it determines, in accordance with subsection (h), below, that the owner or operator is no longer required to maintain financial assurance for final closure of the facility. If the Agency does not instruct the trustee to make such reimbursements, the Agency shall provide the owner or operator a detailed written statement of reasons.
- 11) The Agency shall agree to termination of the trust when:
  - A) An owner or operator substitutes alternate financial assurance as specified in this

Section; or

- B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h), below.
- b) Surety bond guaranteeing payment into a closure trust fund.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this subsection and submitting the bond to the Agency. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.
  - 2) The wording of the surety bond must be as specified in 35 Ill. Adm. Code 724.251.
  - 3) The owner or operator who uses a surety bond to satisfy the requirements of this Section shall also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a), above except that:
    - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and
    - B) Until the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:
      - i) Payments into the trust fund as specified in subsection (a);
      - ii) Updating of Schedule A of the trust agreement (see 40 CFR 264.251(a)) to show current closure cost estimates;
      - iii) Annual valuations as required by the trust agreement; and
      - iv) Notices of nonpayment as required by the trust agreement.
  - 4) The bond must guarantee that the owner or operator

will:

- A) Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility; or
  - B) Fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin final closure is issued by the Board or a U.S. district court or other court of competent jurisdiction; or
  - C) Provide alternate financial assurance as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.
- 5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.
  - 6) The penal sum of the bond must be in an amount at least equal to the current closure cost estimate, except as provided in subsection (f), below.
  - 7) Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, shall either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the Agency.
  - 8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
  - 9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of alternate financial

assurance as specified in this Section.

- c) Closure letter of credit.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this subsection and submitting the letter to the Agency. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a Federal or State agency.
  - 2) The wording of the letter of credit must be as specified in 35 Ill. Adm. Code 724.251.
  - 3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section shall also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a), above, except that:
    - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the letter of credit; and
    - B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations.
      - i) Payments into the trust fund as specified in subsection (a), above;
      - ii) Updating of Schedule A of the trust agreement (as specified in 35 Ill. Adm. Code 724.251) to show current closure cost estimates;
      - iii) Annual valuations as required by the trust agreement; and
      - iv) Notices of nonpayment as required by the trust agreement.
  - 4) The letter of credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information:

the EPA Identification Number, name and address of the facility, and the amount of funds assured for closure of the facility by the letter of credit.

- 5) The letter of credit must be irrevocable and issued for a period of at least 1 year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least 1 year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.
- 6) The letter of credit must be issued in an amount at least equal to the current closure cost estimate, except as provided in subsection (f), below.
- 7) Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within 60 days after the increase, shall either cause the amount of the credit to be increased so that it at least equals the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure cost estimate following written approval by the Agency.
- 8) Following a final judicial determination or Board order finding that the owner or operator has failed to perform final closure in accordance with the approved closure plan when required to do so, the Agency may draw on the letter of credit.
- 9) If the owner or operator does not establish alternate financial assurance as specified in this Section and obtain written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency shall draw on the letter of credit. The Agency may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the Agency shall



draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in this Section and obtain written approval of such assurance from the Agency.

10) The Agency shall return the letter of credit to the issuing institution for termination when:

A) An owner or operator substitutes alternate financial assurance as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h), below.

d) Closure insurance.

1) An owner or operator may satisfy the requirements of this Section by obtaining closure insurance which conforms to the requirements of this subsection and submitting a certificate of such insurance to the Agency. At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.

2) The wording of the certificate of insurance must be as specified in 35 Ill. Adm. Code 724.251.

3) The closure insurance policy must be issued for a face amount at least equal to the current closure cost estimate, except as provided in subsection (f), below. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

4) The closure insurance policy must guarantee that funds will be available to close the facility whenever final closure occurs. The policy must also guarantee that, once final closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties as the Agency specifies.

5) After beginning partial or final closure, an owner or operator or any other person authorized to conduct closure may request reimbursement for closure expenditures by submitting itemized bills

to the Agency. The owner or operator may request reimbursement for partial closure only if the remaining value of the policy is sufficient to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for closure activities, the Agency shall instruct the insurer to make reimbursement in such amounts as the Agency specifies in writing if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan or otherwise justified. If the Agency determines that the maximum cost of closure over the remaining life of the facility will be significantly greater than the face amount of the policy, it shall withhold reimbursement of such amounts as it deems prudent until it determines, in accordance with subsection (h), below, that the owner or operator is no longer required to maintain financial assurance for final closure of the particular facility. If the Agency does not instruct the insurer to make such reimbursements, the Agency shall provide the owner or operator with a detailed written statement of reasons.

- 6) The owner or operator shall maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator as specified in subsection (d)(10), below. Failure to pay the premium, without substitution of alternate financial assurance as specified in this Section, will constitute a significant violation of these regulations, warranting such remedy as the Board may impose pursuant to the Environmental Protection Act. Such violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.
- 7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.
- 8) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the

policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:

- A) The Agency deems the facility abandoned; or
  - B) Interim status is terminated or revoked; or
  - C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction; or
  - D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under 11 U.S.C. (Bankruptcy); or
  - E) The premium due is paid.
- 9) Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within 60 days after the increase, shall either cause the face amount to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the Agency.
- 10) The Agency shall give written consent to the owner or operator that the owner or operator may terminate the insurance policy when:
- A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
  - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h) below.
- e) Financial test and corporate guarantee for closure.
- 1) An owner or operator may satisfy the requirements

of this Section by demonstrating that the owner or operator passes a financial test as specified in this subsection. To pass this test the owner or operator shall meet the criteria of either subsection (e)(1)(A) or (e)(1)(B), below:

A) The owner or operator shall have:

- i) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; and
- ii) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates; and
- iii) Tangible net worth of at least \$10 million; and
- iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

B) The owner or operator shall have:

- i) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa as issued by Moody's; and
- ii) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates; and
- iii) Tangible net worth of at least \$10 million; and
- iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and

abandonment cost estimates.

- 2) The phrase "current closure and post-closure cost estimates" as used in subsection (e)(1), above, refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner's or operator's chief financial officer (40 CFR 264.151(f)) (incorporated by reference in 35 Ill. Adm. Code 724.251). The phrase "current plugging and abandonment cost estimates" as used in subsection (e)(1), above, refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner's or operator's chief financial officer (40 CFR 144.70(f)), incorporated by reference in 35 Ill. Adm. Code 704.240.
- 3) To demonstrate that the owner or operator meets this test, the owner or operator shall submit the following items to the Agency:
  - A) A letter signed by the owner's or operator's chief financial officer and worded as specified in 35 Ill. Adm. Code 724.251; and
  - B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and
  - C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:
    - i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
    - ii) In connection with that procedure, no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.
- 5) After the initial submission of items specified in subsection (e)(3), above, the owner or operator shall send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three

items specified in subsection (e)(3), above.

- 6) If the owner or operator no longer meets the requirements of subsection (e)(1), above, the owner or operator shall send notice to the Agency of intent to establish alternate financial assurance as specified in this Section. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator shall provide the alternate financial assurance within 120 days after the end of such fiscal year.
- 7) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (e)(1), above, require reports or financial condition at any time from the owner or operator in addition to those specified in subsection (e)(3), above. If the Agency finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of subsection (e)(1), above, the owner or operator shall provide alternate financial assurance as specified in this Section within 30 days after notification of such a finding.
- 8) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (e)(3)(B), above). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency shall evaluate other qualifications on an individual basis. The owner or operator shall provide alternate financial assurance as specified in this Section within 30 days after notification of the disallowance.
- 9) The owner or operator is no longer required to submit the items specified in subsection (e)(3), above, when:
  - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
  - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h), below.
- 10) An owner or operator may meet the requirements of

this Section by obtaining a written guarantee, hereafter referred to as "corporate guarantee." The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor shall meet the requirements for owners or operators in subsections (e)(1) through (e)(8), above, and shall comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be identical to the wording as specified in 35 Ill. Adm. Code 724.251. The corporate guarantee must accompany the items sent to the Agency as specified in subsection (e)(3), above. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this substantial business relationship" and the value received in consideration of the guarantee. The terms of the corporate guarantee must provide that:

- A) If the owner or operator fails to perform final closure of a facility covered by the corporate guarantee in accordance with the closure plan and other interim status requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in subsection (a), above, in the name of the owner or operator.
- B) The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
- C) If the owner or operator fails to provide alternate financial assurance as specified in this Section and obtain the written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from

the guarantor, the guarantor will provide such alternate financial assurance in the name of the owner or operator.

- f) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this Section by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds, letters of credit and insurance. The mechanisms must be as specified in subsections (a) through (d), above, respectively, except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, the owner or operator may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for closure of the facility.
  
- g) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in this Section to meet the requirements of this Section for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, the EPA Identification Number, name, address and the amount of funds for closure assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. The amount of funds available to the Agency must be sufficient to close all of the owner or operator's facilities. In directing funds available through the mechanism for closure of any of the facilities covered by the mechanism, the Agency may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.
  
- h) Release of the owner or operator from the requirements of this Section. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency shall notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain financial assurance for closure of the facility, unless the Agency determines that closure has not been in accordance with the approved closure plan. The Agency shall provide the owner or operator a detailed written statement of any



such determination that closure has not been in accordance with the approved closure plan.

j) Appeal. The following Agency actions are deemed to be permit modifications or refusals to modify for purposes of appeal to the Board (35 Ill. Adm. Code 702.184(e)(3)):

- 1) An increase in, or a refusal to decrease the amount of, a bond, letter of credit or insurance;
- 2) Requiring alternate assurance upon a finding that an owner or operator, or parent corporation, no longer meets a financial test.

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

Section 725.245 Financial Assurance for Post-closure Monitoring and Maintenance

An owner or operator of a facility with a hazardous waste disposal unit shall establish financial assurance for post-closure care of the disposal unit(s). The owner or operator shall choose from the following options:

a) Post-closure trust fund.

- 1) An owner or operator may satisfy the requirements of this Section by establishing a post-closure trust fund which conforms to the requirements of this subsection and submitting an original, signed duplicate of the trust agreement to the Agency. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.
- 2) The wording of the trust agreement must be as specified in 35 Ill. Adm. Code 724.251 and the trust agreement must be accompanied by a formal certification of acknowledgment (as specified in 35 Ill. Adm. Code 724.251). Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current post-closure cost estimate covered by the agreement.
- 3) Payments into the trust fund must be made annually by the owner or operator over the 20 years beginning May 19, 1981, or over the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter; this period is hereafter referred to as the "pay-in period." The payments into the post-closure trust fund must be made as follows:

- A) The first payment must be made before May 19, 1981, except as provided in subsection (a)(5), above. The first payment must be at least equal to the current post-closure cost estimate, except as provided in subsection (f), above, divided by the number of years in the pay-in period.
- B) Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by this formula:

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

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

- 4) The owner or operator may accelerate payments into the trust fund or may deposit the full amount of the current post-closure cost estimate at the time the fund is established. However, the owner or operator shall maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in subsection (a)(3), above.
- 5) If the owner or operator establishes a post-closure trust fund after having used one or more alternate mechanisms specified in this Section, the owner or operator's first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made as specified in subsection (a)(3), above.
- 6) After the pay-in period is completed, whenever the current post-closure cost estimate changes during the operating life of the facility, the owner or operator shall compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, shall either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current post-closure cost estimate, or obtain other financial assurance as specified in this Section to cover the difference.
- 7) During the operating life of the facility, if the value of the trust fund is greater than the total amount of the current post-closure cost estimate,

the owner or operator may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate.

- 8) If an owner or operator substitutes other financial assurance as specified in this Section for all or part of the trust fund, owner or operator may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate covered by the trust fund.
  - 9) Within 60 days after receiving a request from the owner or operator for release of funds as specified in subsections (a)(7) or (a)(8), above, the Agency shall instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.
  - 10) During the period of post-closure care, the Agency shall approve a release of funds if the owner or operator demonstrates to the Agency that the value of the trust fund exceeds the remaining cost of post-closure care.
  - 11) An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure care expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for post-closure activities, the Agency shall instruct the trustee to make reimbursement in those amounts as the Agency specifies in writing if the Agency determines that the post-closure care expenditures are in accordance with the approved post-closure plan or otherwise justified. If the Agency does not instruct the trustee to make such reimbursements, the Agency shall provide the owner or operator with a detailed written statement of reasons.
  - 12) The Agency shall agree to termination of a trust when:
    - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
    - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h), below.
- b) Surety bond guaranteeing payment into a post-closure trust fund.

- 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this subsection and submitting the bond to the Agency. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.
- 2) The wording of the surety bond must be as specified in 35 Ill. Adm. Code 724.251.
- 3) The owner or operator who uses a surety bond to satisfy the requirements of this Section shall also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a), above, except that:
  - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and
  - B) Until the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:
    - i) Payments into the trust fund as specified in subsection (a), above;
    - ii) Updating of Schedule A of the trust agreement (as specified in 35 Ill. Adm. Code 724.251) to show current post-closure cost estimates;
    - iii) Annual valuations as required by the trust agreement; and
    - iv) Notices of nonpayment as required by the trust agreement.
- 4) The bond must guarantee that the owner or operator will:
  - A) Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility; or
  - B) Fund the standby trust fund in an amount equal to the penal sum within 15 days after an order

to begin closure is issued by the Board or a U.S. district court or other court of competent jurisdiction; or

- C) Provide alternate financial assurance as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.
    - 5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.
    - 6) The penal sum of the bond must be in an amount at least equal to the current post-closure cost estimate, except as provided in subsection (f), above.
  - 7) Whenever the current post-closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, shall either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current post-closure cost estimate decreases, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.
  - 8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
  - 9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of alternate financial assurance as specified in this Section.
- c) Post-closure letter of credit.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby

letter of credit which conforms to the requirements of this subsection and submitting the letter to the Agency. The issuing institution shall be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a Federal or State agency.

- 2) The wording of the letter of credit must be as specified in 35 Ill. Adm. Code 724.251.
- 3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section shall also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a), above, except that:
  - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the letter of credit; and
  - B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:
    - i) Payments into the trust fund as specified in subsection (a), above;
    - ii) Updating of Schedule A of the trust agreement (as specified in 35 Ill. Adm. Code 724.151) to show current post-closure cost estimates;
    - iii) Annual valuations as required by the trust agreement; and
    - iv) Notices of nonpayment as required by the trust agreement.
- 4) The letter of credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: the EPA Identification Number, name and address of the facility, and the amount of funds assured for post-closure care of the facility by the letter of credit.
- 5) The letter of credit must be irrevocable and issued

for a period of at least 1 year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least 1 year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.

- 6) The letter of credit must be issued in an amount at least equal to the current post-closure cost estimate, except as provided in subsection (f) above.
- 7) Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, within 60 days after the increase, shall either cause the amount of the credit to be increased so that it at least equals the current post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current cost estimate decreases during the operating life of the facility, the amount of the credit may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.
- 8) During the period of post-closure care, the Agency shall approve a decrease in the amount of the letter of credit if the owner or operator demonstrates to the Agency that the amount exceeds the remaining cost of post-closure care.
- 9) Following a final judicial determination or Board order finding that the owner or operator has failed to perform post-closure care in accordance with the approved post-closure plan and other interim status requirements, the Agency may draw on the letter of credit.
- 10) If the owner or operator does not establish alternate financial assurance as specified in this Section and obtain written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from the issuing institution that it has decided not to extend the letter of

credit beyond the current expiration date, the Agency shall draw on the letter of credit. The Agency may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the Agency shall draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in this Section and obtain written approval of such assurance from the Agency.

- 11) The Agency shall return the letter of credit to the issuing institution for termination when:
  - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
  - B) The Agency releases the owner of operator from the requirements of this Section in accordance with subsection (h), below.
- d) Post-closure insurance.
  - 1) An owner or operator may satisfy the requirements of this Section by obtaining post-closure insurance which conforms to the requirements of this subsection and submitting a certificate of such insurance to the Agency. At a minimum, the insurer shall be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.
  - 2) The wording of the certificate of insurance must be as specified in 35 Ill. Adm. Code 724.251.
  - 3) The post-closure insurance policy must be issued for a face amount at least equal to the current post-closure estimate, except as provided in subsection (f), below. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer's will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.
  - 4) The post-closure insurance policy must guarantee that funds will be available to provide post-closure care of facility whenever the post-closure period begins. The policy must also guarantee that, once post-closure care begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the



policy, upon the direction of the Agency, to such party or parties as the Agency specifies.

- 5) An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure care expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for post-closure activities, the Agency shall instruct the insurer to make reimbursement in such amounts as the Agency specifies in writing, if the Agency determines that the post-closure care expenditures are in accordance with the approved post-closure plan or otherwise justified. If the Agency does not instruct the insurer to make such reimbursements, the Agency shall provide the owner or operator with a detailed written statement of reasons.
- 6) The owner or operator shall maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator as specified in subsection (d)(11), below. Failure to pay the premium, without substitution of alternate financial assurance as specified in this Section, will constitute a significant violation of these regulations, warranting such remedy as the Board may impose pursuant to the Environmental Protection Act. Such violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.
- 7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.
- 8) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Cancellation, termination or

failure to renew may not occur, and the policy will remain in full force and effect in the event that on or before the date of expiration:

- A) The Agency deems the facility abandoned; or
  - B) Interim status is terminated or revoked; or
  - C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction; or
  - D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under 11 U.S.C. (Bankruptcy); or
  - E) The premium due is paid.
- 9) Whenever the current post-closure cost estimate increases to an amount greater than the face amount of the policy during the operating life of the facility, the owner or operator, within 60 days after the increase, shall either cause the face amount to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the face amount may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.
- 10) Commencing on the date that liability to make payments pursuant to the policy accrues, the insurer shall thereafter annually increase the face amount of the policy. Such increase must be equivalent to the face amount of the policy, less any payments made, multiplied by an amount equivalent to 85 percent of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. Treasury for 26-week Treasury securities.
- 11) The Agency shall give written consent to the owner or operator that the owner or operator may terminate the insurance policy when:
- A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
  - B) The Agency releases the owner or operator from

the requirements of this Section in accordance with subsection (h), below.

e) Financial test and corporate guarantee for post-closure care.

1) An owner or operator may satisfy the requirements of this Section by demonstrating that the owner or operator passes a financial test as specified in this subsection. To pass this test the owner or operator shall meet the criteria of either subsection (e)(1)(A) or (e)(1)(B), below:

A) The owner or operator shall have:

- i) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; and
- ii) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates; and
- iii) Tangible new worth of at least \$10 million; and
- iv) Assets in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure cost estimates and the plugging and abandonment cost estimates.

B) The owner or operator shall have:

- i) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa as issued by Moody's; and
- ii) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates; and
- iii) Tangible net worth of at least \$10

million; and

- iv) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.
- 2) The phrase "current closure and post-closure cost estimates" as used in subsection (e)(1), above, refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner's or operator's chief financial officer (40 CFR 264.151(f)) (incorporated by reference in 35 Ill. Adm. Code 724.251). The phrases "current plugging and abandonment cost estimates" as used in subsection (e)(1), above, refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner's or operator's chief financial officer (40 CFR 144.70(f)), incorporated by reference in 35 Ill. Adm. Code 704.240.
- 3) To demonstrate that it meets this test, the owner or operator shall submit the following items to the Agency:
- A) A letter signed by the owner's or operator's chief financial officer and worded as specified in 35 Ill. Adm. Code 724.251; and
  - B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and
  - C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:
    - i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
    - ii) In connection with that procedure, no matters came to the accountant's attention which caused the accountant to

believe that the specified data should be adjusted.

- 5) After the initial submission of items specified in subsection (e)(3), above, the owner or operator shall send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (e)(3), above.
- 6) If the owner or operator no longer meets the requirements of subsection (e)(1), above, the owner or operator shall send notice to the Agency of intent to establish alternate financial assurance as specified in this Section. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator shall provide the alternate financial assurance within 120 days after the end of such fiscal year.
- 7) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (e)(1), above, require reports of financial condition at any time from the owner or operator in addition to those specified in subsection (e)(3), above. If the Agency finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of subsection (e)(1), above, the owner or operator shall provide alternate financial assurance as specified in this Section within 30 days after notification of such a finding.
- 8) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (e)(3)(B), above). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency shall evaluate other qualifications on an individual basis. The owner or operator shall provide alternate financial assurance as specified in this Section within 30 days after notification of the disallowance.
- 9) During the period of post-closure care, the Agency shall approve a decrease in the current post-closure cost estimate for which this test demonstrates financial assurance if the owner or operator demonstrates to the Agency that the amount of the cost estimate exceeds the remaining cost of

post-closure care.

- 10) The owner or operator is no longer required to submit the items specified in subsection (e)(3), above when:
  - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
  - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h), below.
  
- 11) An owner or operator may meet the requirements of this Section by obtaining a written guarantee, hereafter referred to as "corporate guarantee." The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor shall meet the requirements for owners or operators in subsections (e)(1) through (e)(9), above, and shall comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be identical to the wording as specified in 35 Ill. Adm. Code 724.251. The corporate guarantee must accompany the items sent to the Agency as specified in subsection (e)(3), above. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this substantial business relationship" and the value received in consideration of the guarantee. The terms of the corporate guarantee must provide that:
  - A) If the owner or operator fails to perform post-closure care of a facility covered by the corporate guarantee in accordance with the post-closure plan and other interim status requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in subsection (a), above, in the name of the owner or operator.
  - B) The corporate guarantee will remain in force unless the guarantor sends notice of

post-closure care.

- 10) The owner or operator is no longer required to submit the items specified in subsection (e)(3), above when:
  - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
  - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h), below.
  
- 11) An owner or operator may meet the requirements of this Section by obtaining a written guarantee, hereafter referred to as "corporate guarantee." The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor shall meet the requirements for owners or operators in subsections (e)(1) through (e)(9), above, and shall comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be identical to the wording as specified in 35 Ill. Adm. Code 724.251. The corporate guarantee must accompany the items sent to the Agency as specified in subsection (e)(3), above. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this substantial business relationship" and the value received in consideration of the guarantee. The terms of the corporate guarantee must provide that:
  - A) If the owner or operator fails to perform post-closure care of a facility covered by the corporate guarantee in accordance with the post-closure plan and other interim status requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in subsection (a), above, in the name of the owner or operator.
  - B) The corporate guarantee will remain in force unless the guarantor sends notice of

cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

- C) If the owner or operator fails to provide alternate financial assurance as specified in this Section and obtain the written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide such alternate financial assurance in the name of the owner or operator.
  
- f) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this Section by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds, letters of credit and insurance. The mechanisms must be as specified in subsections (a) through (d), above, respectively, except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current post-closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, it may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for post-closure care of the facility.
  
- g) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in this Section to meet the requirements of this Section for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, the EPA Identification Number, name, address and the amount of funds for post-closure care assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. The amount of funds available to the Agency must be sufficient to provide post-closure care for all of the owner or operator's facilities. In directing funds available through the mechanism for post-closure care of any of the facilities covered by the mechanism, the Agency may direct only the amount of funds



designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

- h) Release of the owner or operator from the requirements of this Section. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that the post-closure care period has been completed in accordance with the approved post-closure plan, the Agency shall notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain financial assurance for post-closure care of that unit, unless the Agency determines that post-closure care has not been in accordance with the approved post-closure plan. The Agency shall provide the owner or operator a detailed written statement of any such determination that post-closure care has not been in accordance with the approved post-closure plan.
- j) Appeal. The following Agency actions are deemed to be permit modifications or refusals to modify for purposes of appeal to the Board (35 Ill. Adm. Code 702.184(e)(3)):
  - 1) An increase in, or a refusal to decrease the amount of, a bond, letter of credit or insurance;
  - 2) Requiring alternate assurance upon a finding that an owner or operator, or parent corporation, no longer meets a financial test.

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

Section 725.247 Liability Requirements

- a) Coverage for sudden accidental occurrences. An owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated as specified in subsections (a)(1), (2), (3), (4), (5) and (6) below:
  - 1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this subsection.

- A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be as specified in 35 Ill. Adm. Code 724.251. The wording of the certificate of insurance must be as specified in 35 Ill. Adm. Code 724.251. The owner or operator shall submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator shall provide a signed duplicate original of the insurance policy.
  - B) Each insurance policy must be issued by an insurer which is licensed by the Illinois Department of Insurance.
- 2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage as specified in subsections (f) and (g) below.
  - 3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage as specified in subsection (h) below.
  - 4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage as specified in subsection (i) below.
  - 5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage as specified in subsection (j) below.
  - 6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under this subsection, the owner or operator shall specify at least one such

assurance as "primary" coverage, and shall specify other such assurance as "excess" coverage.

7) An owner or operator shall notify the Agency within 30 days whenever:

~~A) Whenever a claim for bodily injury or property damage caused by the operation of a hazardous waste treatment, storage or disposal facility is made against the owner or operator or an instrument providing financial assurance for liability coverage under this Section; or~~

~~B) Whenever the amount of financial assurance for liability coverage under this Section provided by a financial instrument authorized by subsections (a)(1) through (a)(6) above is reduced.~~

A) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in subsections (a)(1) through (a)(6) above.

B) A Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage under subsections (a)(1) through (a)(6) above; or

C) A final court order establishing a judgement for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage under subsections (a)(1) through (a)(6) above.

b) Coverage for nonsudden accidental occurrences. An owner or operator of a surface impoundment, landfill or land treatment facility which is used to manage hazardous waste, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least \$3 million per occurrence with an annual aggregate of at least \$6

million, exclusive of legal defense costs. An owner or operator meeting the requirements of this Section may combine the required per-occurrence coverage levels for sudden and nonsudden accidental occurrences into a single per-occurrence level, and combine the required annual aggregate coverage levels for sudden and nonsudden accidental occurrences into a single annual aggregate level. Owners or operators who combine coverage levels for sudden and nonsudden accidental occurrences shall maintain liability coverage in the amount of at least \$4 million per occurrence and \$8 million annual aggregate. This liability coverage may be demonstrated as specified in subsections (b)(1), (2), (3), (4), (5) and (6) below:

- 1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this subsection.
  - A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be as specified in 35 Ill. Adm. Code 724.251. The wording of the certificate of insurance must be as specified in 35 Ill. Adm. Code 724.251. The owner or operator shall submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator shall provide a signed duplicate original of the insurance policy.
  - B) Each insurance policy must be issued by an insurer which is licensed by the Illinois Department of Insurance.
- 2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage as specified in subsections (f) and (g) below.
- 3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage as specified in subsection (h) below.
- 4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage as specified in subsection (i) below.
- 5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for

liability coverage as specified in subsection (j) below.

- 6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under this subsection, the owner or operator shall specify at least one such assurance as "primary" coverage, and shall specify other such assurance as "excess" coverage.
- 7) An owner or operator shall notify the Agency within 30 days whenever:
  - ~~A) Whenever a claim for bodily injury or property damage caused by the operation of a hazardous waste treatment, storage or disposal facility is made against the owner or operator or an instrument providing financial assurance for liability coverage under this section; or~~
  - ~~B) Whenever the amount of financial assurance for liability coverage under this Section provided by a financial instrument authorized by subsections (a)(1) through (a)(6) above is reduced.~~
  - A) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in subsections (b)(1) through (b)(6) above.
  - B) A Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage under subsections (b)(1) through (b)(6) above; or
  - C) A final court order establishing a judgement for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence

arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage under subsections (b)(1) through (b)(6) above.

- c) Request for adjusted level of required liability coverage. If an owner or operator demonstrates to the Agency that the levels of financial responsibility required by subsections (a) or (b) above are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the owner or operator may obtain an adjusted level of required liability coverage from the Agency. The request for an adjusted level of required liability coverage must be submitted in writing to the Agency. If granted, the Agency's action shall take the form of an adjusted level of required liability coverage, such level to be based on the Agency assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The Agency may require an owner or operator who requests an adjusted level of required liability coverage to provide such technical and engineering information as is necessary to determine a level of financial responsibility other than that required by subsection (a) or (b) above. The Agency shall process any request for an adjusted level of required liability coverage as if it were a permit modification request under 35 Ill. Adm. Code 703.271(e)(3) and 705.128. Notwithstanding any other provision, the Agency shall hold a public hearing whenever it finds, on the basis of requests, a significant degree of public interest in a tentative decision to grant an adjusted level of required liability insurance. The Agency may also hold a public hearing at its discretion whenever such a hearing might clarify one or more issues involved in the tentative decision.
- d) Adjustments by the Agency. If the Agency determines that the levels of financial responsibility required by subsection (a) or (b) above are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the Agency shall adjust the level of financial responsibility required under subsection (a) or (b) above as may be necessary to protect human health and the environment. This adjusted level must be based on the Agency's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the Agency determines that there is a significant risk to human health and the environment from nonsudden

accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill or land treatment facility, the Agency may require that an owner or operator of the facility comply with subsection (b) above. An owner or operator shall furnish to the Agency, within a time specified by the Agency in the request, which shall not be less than 30 days, any information which the Agency requests to determine whether cause exists for such adjustments of level or type of coverage. The Agency shall process any request for an adjusted level of required liability coverage as if it were a permit modification request under 35 Ill. Adm. Code 703.271(e)(3) and 705.128. Notwithstanding any other provision, the Agency shall hold a public hearing whenever it finds, on the basis of requests, a significant degree of public interest in a tentative decision to grant an adjusted level of required liability insurance. The Agency may also hold a public hearing at its discretion whenever such a hearing might clarify one or more issues involved in the tentative decision.

- e) Period of coverage. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency shall notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain liability coverage for that facility, unless the Agency determines that closure has not been in accordance with the approved closure plan.
- f) Financial test for liability coverage.
  - 1) An owner or operator may satisfy the requirements of this Section by demonstrating that the owner or operator passes a financial test as specified in this subsection. To pass this test the owner or operator shall meet the criteria of subsection (f)(1)(A) or (B) below:
    - A) The owner or operator shall have:
      - i) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by this test; and
      - ii) Tangible net worth of at least \$10 million; and
      - iii) Assets in the United States amounting to either: at least 90 percent of total assets; or at least six times the amount

of liability coverage to be demonstrated by this test.

- B) The owner or operator shall have:
  - i) A current rating for the owner or operator's most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's, or Aaa, Aa, A or Baa as issued by Moody's; and
  - ii) Tangible net worth of at least \$10 million; and
  - iii) Tangible net worth at least six times the amount of liability coverage to be demonstrated by this test; and
  - iv) Assets in the United States amounting to either: at least 90 percent of total assets; or at least six times the amount of liability coverage to be demonstrated by this test.
- 2) The phrase "amount of liability coverage" as used in subsection (f)(1) above refers to the annual aggregate amounts for which coverage is required under subsections (a) and (b) above.
- 3) To demonstrate that the owner or operator meets this test, the owner or operator shall submit the following three items to the Agency:
  - A) A letter signed by the owner's or operator's chief financial officer and worded as specified in 35 Ill. Adm. Code 724.251. If an owner or operator is using the financial test to demonstrate both assurance for closure or post-closure care, as specified by 35 Ill. Adm. Code 724.243(f) and 724.245(f), or by Sections 725.243(e) and 725.245(e), and liability coverage, it shall submit the letter specified in 35 Ill. Adm. Code 724.251 to cover both forms of financial responsibility; a separate letter as specified in 35 Ill. Adm. Code 724.251 is not required.
  - B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year.
  - C) A special report from the owner's or operator's independent certified public



accountant to the owner or operator stating that:

- i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
  - ii) In connection with that procedure, no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.
- 5) After the initial submission of items specified in subsection (f)(3) above, the owner or operator shall send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3) above.
- 6) If the owner or operator no longer meets the requirements of subsection (f)(1) above, the owner or operator shall obtain insurance, a letter of credit, a surety bond, a trust fund, or a guarantee for the entire amount of required liability coverage as specified in this Section. Evidence of insurance must be submitted to the Agency within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.
- 7) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B) above). An adverse opinion or a disclaimer of opinion is cause for disallowance. The Agency shall evaluate other qualifications on an individual basis. The owner or operator shall provide evidence of insurance for the entire amount of required liability coverage as specified in this Section within 30 days after notification of disallowance.
- g) Guarantee for liability coverage.
- 1) Subject to subsection (g)(2) below, an owner or operator may meet the requirements of this Section by obtaining a written guarantee, referred to as a

"guarantee." The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor shall meet the requirements for owners and operators in subsection (f)(1) through (f)(6) above. The wording of the guarantee must be as specified in 35 Ill. Adm. Code 724.251. A certified copy of the guarantee must accompany the items sent to the Agency as specified in subsection (f)(3) above. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the guarantee must provide that:

- A) If the owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden or nonsudden accidental occurrences (or both as the case may be), arising from the operation of facilities covered by this guarantee, or fails to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage.
  - B) The guarantee remains in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. The guarantee must not be terminated unless and until the Agency approves alternate liability coverage complying with Section 725.247 or 35 Ill. Adm. Code 724.247.
- 2) The guarantor shall execute the guarantee in Illinois. The guarantee shall be accompanied by a letter signed by the guarantor which states that:
- A) The guarantee was signed in Illinois by an authorized agent of the guarantor;
  - B) The guarantee is governed by Illinois law; and

- C) The name and address of the guarantor's registered agent for service of process.
- 3) The guarantor shall have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1983 (Ill. Rev. Stat. 1991, ch. 32, par. 5.05 [805 ILCS 5/5.05]) or Section 105.05 of the General Not-for-Profit Corporation Act of 1986 (Ill. Rev. Stat. 1991, ch. 32, par. 105.05 [805 ILCS 105/105.05]).
- h) Letter of credit for liability coverage.
  - 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this subsection, and submitting a copy of the letter of credit to the Agency.
  - 2) The financial institution issuing the letter of credit shall be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies.
  - 3) The wording of the letter of credit must be as specified in 35 Ill. Adm. Code 724.251.
  - 4) An owner or operator who uses a letter of credit to satisfy the requirements of this Section may also establish a trust fund. Under the terms of such a letter of credit, all amounts paid pursuant to a draft by the trustee of the standby trust will be deposited by the issuing institution into the standby trust in accordance with instructions from the trustee. The trustee of the standby trust fund must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act (Ill. Rev. Stat. 1991, ch. 32, par. 1551-1 et seq. [205 ILCS 620/1-1 et seq.]
  - 5) The wording of the standby trust fund must be identical to the wording specified in 35 Ill. Adm. Code 724.251(n).
- i) Surety bond for liability coverage.
  - 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this subsection and submitting a copy of the bond to the Agency.

- 2) The surety company issuing the bond shall be licensed by the Illinois Department of Insurance.
  - 3) The wording of the surety bond must be as specified in 35 Ill. Adm. Code 724.251.
- j) Trust fund for liability coverage.
- 1) An owner or operator may satisfy the requirements of this Section by establishing a trust fund which conforms to the requirements of this subsection and submitting a signed, duplicate original of the trust agreement to the Agency.
  - 2) The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act. (Ill. Rev. Stat. 1991, ch. 32, par. 1551-1 et seq. [205 ILCS 620/1-1 et seq.])
  - 3) The trust fund for liability coverage must be funded for the full amount of the liability coverage to be provided by the trust fund before it may be relied upon to satisfy the requirements of this Section. If at any time after the trust fund is created the amount of funds in the trust fund is reduced below the full amount of liability coverage to be provided, the owner or operator, by the anniversary of the date of establishment of the fund, shall either add sufficient funds to the trust fund to cause its value to equal the full amount of liability coverage to be provided, or obtain other financial assurance as specified in this Section to cover the difference. For purposes of this subsection, "the full amount of the liability coverage to be provided" means the amount of coverage for sudden and nonsudden accidental occurrences required to be provided by the owner or operator by this Section, less the amount of financial assurance for liability coverage which is being provided by other financial assurance mechanisms being used to demonstrate financial assurance by the owner or operator.
  - 4) The wording of the trust fund must be as specified in 35 Ill. Adm. Code 724.251.

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

SUBPART K: SURFACE IMPOUNDMENTS

Section 725.321 Design and Operating Requirements

- a) The owner or operator of each new surface impoundment unit on which construction commences after January 29, 1992, each lateral expansion of a surface impoundment unit on which construction commences after July 29, 1992, and each replacement of an existing surface impoundment unit that is to commence reuse after July 29, 1992, shall install two or more liners and a leachate collection and removal system between such liners, and operate the leachate collection and removal system, in accordance with 35 Ill. Adm. Code 724.321(c), unless exempted under 35 Ill. Adm. Code 724.321(d), (e) or (f). "Construction commences" is as defined in 35 Ill. Adm. Code 720.110 under "existing facility."
- b) The owner or operator of each unit referred to in subsection (a) above shall notify the Agency at least sixty days prior to receiving waste. The owner or operator of each facility submitting notice shall file a Part B application within six months of the receipt of such notice.
- c) The owner or operator of any replacement surface impoundment unit is exempt from subsection (a) above if:
  - 1) The existing unit was constructed in compliance with the design standards of 35 Ill. Adm. Code 724.321(c), (d) and (e), as amended in R86-1, at 10 Ill. Reg. 14119, effective August 12, 1986; and  

BOARD NOTE: The cited subsections implemented the design standards of Sections 3004(o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).
  - 2) There is no reason to believe that the liner is not functioning as designed.
- d) The Agency shall not require a double liner as set forth in subsection (a) above for any monofill, if:
  - 1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents which render the wastes hazardous for reasons other than the toxicity characteristic in 35 Ill. Adm. Code 721.124, with USEPA hazardous waste numbers D004 through D017; and
  - 2) No migration demonstration.
    - A) Design and location requirements.

- i) The monofill has at least one liner for which there is no evidence that such liner is leaking. For the purposes of this subsection the term "liner" means a liner designed, constructed, installed and operated to prevent hazardous waste from passing into the liner at any time during the active life of the facility, or a liner designed, constructed, installed and operated to prevent hazardous waste from migrating beyond the liner to adjacent subsurface soil, groundwater or surface water at any time during the active life of the facility. In the case of any surface impoundment which has been exempted from the requirements of subsection (a) above, of a liner designed, constructed, installed and operated to prevent hazardous waste from passing beyond the liner, at the closure of such impoundment the owner or operator shall remove or decontaminate all waste residues, all contaminated liner material and contaminated soil to the extent practicable. If all contaminated soil is not removed or decontaminated, the owner or operator of such impoundment shall comply with appropriate post-closure requirements, including but not limited to groundwater monitoring and corrective action;
  - ii) The monofill is located more than one-quarter mile from an underground source of drinking water (as that term is defined in 35 Ill. Adm. Code 702.110); and
  - iii) The monofill is in compliance with generally applicable groundwater monitoring requirements for facilities with RCRA permits; or,
- B) The owner or operator demonstrates to the Board that the monofill is located, designed and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time.
- e) In the case of any unit in which the liner and leachate collection system have been installed pursuant to the requirements of subsection (a) above, and in good faith compliance with subsection (a) and with guidance

documents governing liners and leachate collection systems under subsection (a) above, the Agency shall not require a liner or leachate collection system which is different from that which was so installed pursuant to subsection (a) above when issuing the first permit to such facility, except that the Agency is not precluded from requiring installation of a new liner when the Agency finds that any liner installed pursuant to the requirements of subsection (a) above is leaking.

- f) A surface impoundment must maintain enough freeboard to prevent any overtopping of the dike by overflowing, wave action or a storm. Except as provided in subsection (g), below, there must be at least 60 centimeters (2 feet) of freeboard.
- g) A freeboard level less than 60 centimeters (two feet) may be maintained if the owner or operator obtains certification by a qualified engineer that alternate design features or operating plans will, to the best of the engineer's knowledge and opinion, prevent overtopping of the dike. The certification, along with a written identification of alternate design features or operating plans preventing overtopping, must be maintained at the facility.

BOARD NOTE: Any point source discharge from a surface impoundment to waters of the State is subject to the requirements of Section 12 of the Environmental Protection Act. Spills may be subject to Section 311 of the Clean Water Act (33 U.S.C. 1251 et seq.)

- h) Surface impoundments that are newly subject to this Part due to the promulgation of additional listings or characteristics for the identification of hazardous waste must be in compliance with subsections (a), (c), or (d) above not later than 48 months after the promulgation of the additional listing or characteristic. This compliance period shall not be cut short as the result of the promulgation of land disposal prohibitions under 35 Ill. Adm. Code 728 or the granting of an extension to the effective date of a prohibition pursuant to 35 Ill. Adm. Code 728.105, within this 48 month period.
- hi) Refusal to grant an exemption or waiver, or grant with conditions, may be appealed to the Board.

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

#### SUBPART N: LANDFILLS

Section 725.414 Special Requirements for Bulk—and

### Containerized-Liquid Wastes

- a) This subsection corresponds with 40 CFR 265.314(a), which pertains to the placement of bulk or non-containerized liquid waste or waste containing free liquids in a landfill prior to May 8, 1985. This statement maintains structural consistency with USEPA rules.
- b) The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not absorbents have been added) in any landfill is prohibited.
- c) Containers holding free liquids must not be placed in a landfill unless;
  - 1) All free-standing liquid:
    - A) has been removed by decanting or other methods;
    - B) has been mixed with absorbent or solidified so that free-standing liquid is no longer observed; or
    - C) has been otherwise eliminated; or
  - 2) The container is very small, such as an ampule; or
  - 3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or
  - 4) The container is a lab pack as defined in Section 724.416 and is disposed of in accordance with Section 724.416.
- d) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods." (EPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 721.111).
- fe) The placement of any liquids which is not a hazardous waste in a landfill is prohibited (35 Ill. Adm. Code 729.311).
- f) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are: materials listed or described in subsection (f)(1) below; materials that pass one of the tests in subsection (f)(2) below; or materials that are determined



by Board to be nonbiodegradable through the 35 Ill. Adm. Code 106 adjusted standard process.

1) Nonbiodegradable sorbents are:

A) Inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal/activated carbon); or

B) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polynorborene, polysobutylene, ground synthetic rubber, cross-linked allylstyrene and tertiary butyl copolymers). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or

C) Mixtures of these nonbiodegradable materials.

2) Tests for nonbiodegradable sorbents.

A) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a)-Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi; or

B) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b)-Standard Practice for Determining Resistance of Plastics to Bacteria.

g) ~~Disposal of liquid wastes or wastes containing free liquids otherwise allowed under this Section must be authorized pursuant to 35 Ill. Adm. Code 709.401(a). As required by 35 Ill. Adm. Code 709.520(e), the Agency must require the addition of absorbents to any such waste, any provision of this Section notwithstanding.~~

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

Section 725.416 Disposal of Small Containers of Hazardous

### Waste in Overpacked Drums (Lab Packs)

Small containers of hazardous waste in overpacked drums (lab packs) may be placed in a landfill if the following requirements are met:

- a) Hazardous waste must be packaged in non-leaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by, or be ignited by the waste held therein. Inside containers must be tightly and securely sealed. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR 173, 178 and 179), incorporated by reference in 35 Ill. Adm. Code 720.111), if those regulations specify a particular inside container for the waste.
- b) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR 178 and 179) of no more than 416 liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of absorbent material, determined to be nonbiodegradable in accordance with 35 Ill. Adm. Code 725.414(f) to completely absorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and absorbent material.
- c) The absorbent material used must not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers, in accordance with Section 725.117(b).
- d) Incompatible wastes, as defined in 35 Ill. Adm. Code 720.110, must not be placed in the same outside container.
- e) Reactive waste, other than cyanide- or sulfide-bearing waste as defined in 35 Ill. Adm. Code 721.123(a)(5), must be treated or rendered non-reactive prior to packaging in accordance with subsections (a) through (d) of this Section. Cyanide- or sulfide-bearing reactive waste may be packaged in accordance with subsections (a) through (d) of this Section without first being treated or rendered non-reactive.
- f) Such disposal is in compliance with the requirements of 35 Ill. Adm. Code 728. Persons who incinerate lab packs according to the requirements of 35 Ill. Adm. Code 728.142(c)(1) may use fiber drums in place of metal outer containers. Such fiber drums must meet the DOT specifications in 49 CFR 171.12 and be overpacked according to subsection (b), above.

- g) Pursuant to 35 Ill. Adm. Code 729.312, the use of labpacks for disposal of liquid wastes or wastes containing free liquids allowed under this Section is restricted to labwaste and non-periodic waste, as those terms are defined in that Part.

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

#### SUBPART W: DRIP PADS

#### Section 725.540 Applicability

- a) The requirements of this Subpart apply to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation or surface water run-on to an associated collection system.
- 1) "Existing drip pads" are:
    - A) Those constructed before December 6, 1990; and
    - B) Those for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to December 6, 1990.
  - 2) All other drip pads are "new drip pads".
  - 3) The requirements of Section 725.543(b)(3) to install a leak collection system applies only to those drip pads that are constructed after December 24, 1992 except for those constructed after December 24, 1992 for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to December 24, 1992.
- b) The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither run-off nor run-on is generated is not subject to regulation under Section 724.672(e) or (f).
- c) The requirements of this subsection are not applicable to the management of infrequent and incidental drippage in storage yards provided that the owner or operator maintains and complies with a written contingency plan that describes how the owner or operator will respond immediately to the discharge of infrequent and incidental drippage. At a minimum, the contingency plan must describe how the owner or operator will do the following:
- 1) Clean up the drippage;

- 2) Document the clean-up of the drippage;
- 3) Retain documentaion regarding the clean-up for three years; and
- 4) Manage the contaminated media in a manner consistent with State and Federal regulations.

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

Section 725.541 Assessment of existing drip pad integrity

- a) For each existing drip pad, the owner or operator shall evaluate the drip pad and determine that it meets all of the requirements of this Subpart, except the requirements for liners and leak detection systems of Section 725.543(b). No later than June 6, 1991, the owner or operator shall obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent, qualified registered professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and re-certified annually until all upgrades, repairs or modifications necessary to achieve compliance with all of the standards of Section 725.543 are complete. The evaluation must ~~justify and document the extent to which the drip pad meets each of the design and operating standards of Section 725.543, except the standards for liners and leak detection systems, specified in Section 725.543(b), and must document the age of the drip pad to the extent possible, to document compliance with subsection (b).~~
- b) The owner or operator shall develop a written plan for upgrading, repairing and modifying the drip pad to meet the requirements of Section 725.543(b) and submit the plan to the Agency no later than 2 years before the date that all repairs, upgrades and modifications will be complete. This written plan must describe all changes to be made to the drip pad in sufficient detail to document compliance with all the requirements of Section 725.543 ~~and must document the age of the drip pad to the extent possible.~~ The plan must be reviewed and certified by an independent qualified, registered professional engineer. All upgrades, repairs and modifications must be completed in accordance with the following:
  - 1) For existing drip pads of known and documentable age, all upgrades, repairs and modifications must be completed by June 6, 1993, or when the drip pad has reached 15 years of age, whichever comes later.
  - 2) For existing drip pads for which the age cannot be

documented, by June 6, 1999; but, if the age of the facility is greater than 7 years, all upgrades, repairs and modifications must be completed by the time the facility reaches 15 years of age or by June 6, 1993, whichever comes later.

- 3) The owner or operator may petition the Board for an extension of the deadline in subsection (b)(1) or (2), above.
  - A) The owner or operator shall file a petition for a RCRA variance as specified in 35 Ill. Adm. Code 104.
  - B) The Board will grant the petition for extension if it finds that:
    - i) The drip pad meets all of the requirements of Section 725.543, except those for liners and leak detection systems specified in Section 725.543(b); and
    - ii) That it will continue to be protective of human health and the environment.
- c) Upon completion of all repairs and modifications, the owner or operator shall submit to the Agency, the as-built drawings for the drip pad, together with a certification by an independent, qualified, registered professional engineer attesting that the drip pad conforms to the drawings.
- d) If the drip pad is found to be leaking or unfit for use, the owner or operator shall comply with the provisions of Section 725.543(m) or close the drip pad in accordance with Section 725.545.

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

Section 725.542 Design and installation of new drip pads

Owners and operators of new drip pads shall ensure that the pads are designed, installed and operated in accordance with all one of the following: ~~applicable requirements of Sections 725.543, 725.544 and 725.545.~~

- a) All of the requirements of Sections 725.543 (except 725.543(a)(4)), 725.544 and 725.545; or
- b) All of the requirements of Section 725.543 (except 725.543(b)), 725.544 and 725.545.

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

Section 725.543 Design and operating requirements

a) Drip pads must:

- 1) Not be constructed of earthen materials, wood or asphalt, unless the asphalt is structurally supported;
- 2) Be sloped to free-drain to the associated collection system treated wood drippage, rain, other waters, or solutions of drippage and water or other wastes;
- 3) Have a curb or berm around the perimeter;
- 4) In addition, the drip pad must:

A) Be impermeable, e.g., concrete pads must be sealed, coated or covered with an impermeable material such that have a hydraulic conductivity of less than or equal to  $1 \times 10^{-7}$  centimeters per second, e.g., existing concrete drip pads must be sealed, coated, or covered with a surface material with a hydraulic conductivity of less than or equal to  $1 \times 10^{-7}$  centimeters per second such that the entire surface where drippage occurs or may run across is capable of containing such drippage and mixtures of drippage and precipitation, materials or other wastes while being routed to an associated collection system. This surface material must be maintained free of cracks and gaps that could adversely affect its hydraulic conductivity, and the material must be chemically compatible with the preservatives that contact the drip pad. The requirements of this provision apply only to the existing drip pads and those drip pads for which the owner or operator elects to comply with Section 725.542(a) instead of Section 725.542(b).

B) The owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independant qualified registered professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and recertified annually. The evaluation must document the extent to which the drip pad meets the design and operating

standards of this Section, except for in subsection (b) below.

~~BOARD NOTE: The requirement that new drip pads be impermeable, e.g., that new drip pads be sealed, coated or covered with an impermeable material, is administratively stayed. The requirement that new drip pads be sealed, coated or covered with an impermeable material, is administratively stayed. The stays will remain in effect until the Board removes this note by further regulatory action implementing USEPA amendments at 57 Fed. Reg. 61492, December 24, 1992, expected in Docket R93-4. The extended State stay will not be construed as excusing owners or operators from complying with any federal requirements already in effect in Illinois.~~

- 5) Be of sufficient structural strength and thickness to prevent failure due to physical contact, climatic conditions, the stress of installation and the stress of daily operations, e.g., variable and moving loads such as vehicle traffic, movement of wood, etc.

BOARD NOTE: In judging the structural integrity requirement of this subsection, the Agency should generally consider applicable standards established by professional organizations generally recognized by the industry, including ACI 318 or ASTM C94, incorporated by reference in 35 Ill. Adm. Code 720.111.

- b) A drip pad or an existing drip pad, after the deadline established in Section 724.671(b), If an owner or operator elects to comply with subsection 725.542(b) instead of subsection 725.542(a), the drip pad must have:

- 1) A synthetic liner installed below the drip pad that is designed, constructed and installed to prevent leakage from the drip pad into the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the drip pad. The liner must be constructed of materials that will prevent waste from being absorbed into the liner and to prevent releases into the adjacent subsurface soil or groundwater or surface water during the active life of the facility. The liner must be:

- A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and

external hydrogeologic forces), physical contact with the waste or drip pad leakage to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation (including stresses from vehicular traffic on the drip pad);

- B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and
  - C) Installed to cover all surrounding earth that could come in contact with the waste or leakage; and
- 2) A leakage detection system immediately above the liner that is designed, constructed, maintained and operated to detect leakage from the drip pad. The leakage detection system must be:
- A) Constructed of materials that are:
    - i) Chemically resistant to the waste managed in the drip pad and the leakage that might be generated; and
    - ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying materials and by any equipment used at the drip pad; and
  - B) Designed and operated to function without clogging through the scheduled closure of the drip pad; and
  - C) Designed so that it will detect the failure of the drip pad or the presence of a release of hazardous waste or accumulated liquid at the earliest practicable time.
- 3) A leaking collection system immediately above the liner that is designed, constructed, maintained and operated to collect leakage from the drip pad such that it can be removed from below the drip pad. The date, time, and quantity of any leakage collected in this system and removed must be documented in the operating log.
- A) The drip pad surface must be cleaned thoroughly in a manner and frequency such that accumulated residues of hazardous waste or other materials are removed, with residues



being properly managed as to allow weekly inspections of the entire drip pad surface without interference of hindrance from accumulated residues of hazardous waste or other materials on the drip pad. The owner or operator must document the date and time of each cleaning and cleaning procedure used in the facility's operating log.

B) The Federal rules do not contain a 40 CFR 265.443(b)(3)(ii). This subsection is added to conform to Illinois Administrative Code requirements.

- c) Drip pads must be maintained such that they remain free of cracks, gaps, corrosion or other deterioration that could cause hazardous waste to be released from the drip pad.

BOARD NOTE: See subsection (m) below for remedial action required if deterioration or leakage is detected.

- d) The drip pad and associated collection system must be designed and operated to convey, drain and collect liquid resulting from drippage or precipitation in order to prevent run-off.
- e) Unless the drip pad is protected by a structure, as described in Section 725.540(b), the owner or operator shall design, construct, operate and maintain a run-on control system capable of preventing flow onto the drip pad during peak discharge from at least a 24-hour, 25-year storm, unless the system has sufficient excess capacity to contain any run-on that might enter the system.
- f) Unless the drip pad is protected by a structure or cover, as described in Section 725.540(b), the owner or operator shall design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.
- g) The drip pad must be evaluated to determine that it meets the requirements of subsections (a) through (f), above. The owner or operator shall obtain a statement from an independent, qualified, registered professional engineer certifying that the drip pad design meets the requirements of this Section.
- h) Drippage and accumulated precipitation must be removed from the associated collection system as necessary to prevent overflow onto the drip pad.
- i) The drip pad surface must be cleaned thoroughly at least

once every seven days such that accumulated residues of hazardous waste or other materials are removed, using an appropriate and effective cleaning technique, including but not limited to, rinsing, washing with detergents or other appropriate solvents, or steam cleaning. The owner or operator shall document, in the facility's operating log, the date and time of each cleaning and the cleaning procedure.

- j) Drip pads must be operated and maintained in a manner to minimize tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel or equipment.
- k) After being removed from the treatment vessel, treated wood from pressure and non-pressure processes must be held on the drip pad until drippage has ceased. The owner or operator shall maintain records sufficient to document that all treated wood is held on the pad, in accordance with this Section, following treatment.
- l) Collection and holding units associated with run-on and run-off control systems must be emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system.
- m) Throughout the active life of the drip pad, if the owner or operator detects a condition that may have caused or has caused a release of hazardous waste, the condition must be repaired within a reasonably prompt period of time following discovery, in accordance with the following procedures:
  - 1) Upon detection of a condition that may have caused or has caused a release of hazardous waste (e.g., upon detection of leakage in the leak detection system), the owner or operator shall:
    - A) Enter a record of the discovery in the facility operating log;
    - B) Immediately remove from service the portion of the drip pad affected by the condition;
    - C) Determine what steps must be taken to repair the drip pad, clean up any leakage from below the drip pad, and establish a schedule for accomplishing the clean up and repairs;
    - D) Within 24 hours after discovery of the condition, notify the Agency of the condition and, within 10 working days, provide written notice to the Agency with a description of the steps that will be taken to repair the drip

pad and clean up any leakage, and the schedule for accomplishing this work.

- 2) The Agency shall: review the information submitted; make a determination regarding whether the pad must be removed from service completely or partially until repairs and clean up are complete; and notify the owner or operator of the determination and the underlying rationale in writing.
  - 3) Upon completing all repairs and clean up, the owner or operator shall notify the Agency in writing and provide a certification, signed by an independent, qualified, registered professional engineer, that the repairs and clean up have been completed according to the written plan submitted in accordance with subsection (m)(1)(D) above.
- n) The owner or operator shall maintain, as part of the facility operating log, documentation of past operating and waste handling practices. This must include identification of preservative formulations used in the past, a description of drippage management practices and a description of treated wood storage and handling practices.

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

#### SUBPART DD: CONTAINMENT BUILDINGS

##### Section 725.1100 Applicability

The requirements of this Subpart apply to owners or operators who store or treat hazardous waste in units designed and operated under section 725.1101. These provisions will become effective on February 18, 1993. The owner or operator is not subject to the definition of land disposal in 35 Ill. Adm. Code 728.102 provided that the unit:

- a) Is a completely enclosed, self-supporting structure that is designed and constructed of manmade materials of sufficient strength and thickness to support themselves, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to:
- 1) Pressure gradients;
  - 2) Settlement, compression, or uplift;
  - 3) Physical contact with the hazardous wastes to which they are exposed;

- 4) Climatic conditions; and
  - 5) The stresses of daily operation including the movement of heavy equipment within the unit and contact of such equipment with containment walls;
- b) Has a primary barrier that is designed to be sufficiently durable to withstand the movement of personnel wastes, and handling equipment within the unit;
- c) If used to manage liquids, the unit has:
- 1) A primary barrier designed and constructed of materials to prevent migration of hazardous constituents into the barrier; and
  - 2) A liquid collection system designed and constructed of materials to minimize the accumulation of liquid on the primary barrier; and
  - 3) A secondary containment system designed and constructed of materials to prevent migration of hazardous constituents into the barrier, with a leak detection and liquid collection system capable of detecting, collecting, and removing leaks of hazardous constituents at the earliest possible time, unless the unit has been granted a variance from the secondary containment system requirements under subsection 725.1101(b)(4);
- d) Has controls sufficient to permit fugitive dust emissions to meet the no visible emission standard in subsection 725.1101(c)(1)(D); and
- e) Is designed and operated to ensure containment and prevent the tracking of materials from the unit by personnel or equipment.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 725.1101 Design and operating standards

- a) All containment buildings must comply with the following design and operating standards:
- 1) The containment building must be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements (e.g. precipitation, wind, run on) and to assure containment of managed wastes.
  - 2) The floor and containment walls of the unit, including the secondary containment system if

required under subsection (b) of this Section, must be designed and constructed of materials of sufficient strength and thickness to support themselves, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to pressure gradients, settlement, compression, or uplift, physical contact with the hazardous wastes to which they are exposed; climatic conditions; and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls. The unit must be designed so that it has sufficient structural strength to prevent collapse or other failure. All surfaces to be in contact with hazardous wastes must be chemically compatible with those wastes. The containment building shall meet the structural integrity requirements established by professional organizations generally recognized by the industry such as the American Concrete Institute [ACI] and the American Society of Testing Materials [ASTM]. If appropriate to the nature of the waste management operation to take place in the unit, an exception to the structural strength requirement may be made for light-weight doors and windows that meet these criteria:

- A) They provide an effective barrier against fugitive dust emissions under subsection (c)(1)(D) below; and
  - B) The unit is designed and operated in a fashion that assures that wastes will not actually come in contact with these openings.
- 3) Incompatible hazardous wastes or treatment reagents must not be placed in the unit or its secondary containment system if they could cause the unit or secondary containment system to leak, corrode, or otherwise fail.
- 4) A containment building must have a primary barrier designed to withstand the movement of personnel, waste, and handling equipment in the unit during the operating life of the unit and appropriate for the physical and chemical characteristics of the waste to be managed.
- b) For a containment building used to manage hazardous wastes containing free liquids or treated with free liquids (the presence of which is determined by the paint filter test, a visual examination, or other appropriate means), the owner or operator must include:

- 1) A primary barrier designed and constructed of materials to prevent the migration of hazardous constituents into the barrier (e.g., a geomembrane covered by a concrete wear surface).
- 2) A liquid collection and removal system to minimize the accumulation of liquid on the primary barrier of the containment building:
  - A) The primary barrier must be sloped to drain liquids to the associated collection system; and
  - B) Liquids and waste must be collected and removed to minimize hydraulic head on the containment system at the earliest practicable time.
- 3) A secondary containment system including a secondary barrier designed and constructed to prevent migration of hazardous constituents into the barrier, and a leak detection system that is capable of detecting failure of the primary barrier and collecting accumulated hazardous wastes and liquids at the earliest practicable time.
  - A) The requirements of the leak detection component of the secondary containment system are satisfied by installation of a system that is, at a minimum:
    - i) Constructed with a bottom slope of 1 percent or more; and
    - ii) Constructed of a granular drainage material with a hydraulic conductivity of  $1 \times 10^{-2}$  cm/sec or more and a thickness of 12 inches (30.5 cm) or more, or constructed of synthetic or geonet drainage materials with a transmissivity of  $3 \times 10^{-5}$  m<sup>2</sup>/sec or more.
  - B) If treatment is to be conducted in the building, an area in which such treatment will be conducted must be designed to prevent the release of liquids, wet materials, or liquid aerosols to other portions of the building.
  - C) The secondary containment system must be constructed of materials that are chemically resistant to the waste and liquids managed in the containment building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying

materials and by any equipment used in the containment building. (Containment buildings can serve as secondary containment systems for tanks placed within the building under certain conditions. A containment building can serve as an external liner system for a tank, provided it meets the requirements of Section 725.293(d)(1). In addition, the containment building must meet the requirements of subsections 725.293(b) and (c) to be an acceptable secondary containment system for a tank.)

4) For existing units other than 90-day generator units, USEPA may delay the secondary containment requirement for up to two years, based on a demonstration by the owner or operator that the unit substantially meets the standards of this Subpart. In making this demonstration, the owner or operator must:

A) Provide written notice to USEPA of their request by November 16, 1992. This notification must describe the unit and its operating practices with specific reference to the performance of existing systems, and specific plans for retrofitting the unit with secondary containment;

B) Respond to any comments from USEPA on these plans within 30 days; and

C) Fulfill the terms of the revised plans, if such plans are approved by USEPA.

c) Owners or operators of all containment buildings must:

1) Use controls and practice to ensure containment of the hazardous waste within the unit, and at a minimum:

A) Maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;

B) Maintain the level of the stored or treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded;

C) Take measures to prevent the tracking of hazardous waste out of the unit by personnel or by equipment used in handling the waste.

An area must be designated to decontaminate equipment and any rinsate must be collected and properly managed; and

- D) Take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions (see 40 CFR 60, Appendix A, Method 22 - Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares). In addition, all associated particulate collection devices (e.g., fabric filter, electrostatic precipitator) must be operated and maintained with sound air pollution control practices (see 40 CFR 60, Subpart 292 for guidance). This state of no visible emissions must be maintained effectively at all times during routine operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.
  
- 2) Obtain certification by a qualified registered professional engineer (PE) that the containment building design meets the requirements of subsections (a) through (c) of this Section. For units placed into operation prior to February 18, 1993, this certification must be placed in the facility's operating record (on-site files for generators who are not formally required to have operating records) no later than 60 days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit.
  
- 3) Throughout the active life of the containment building, if the owner or operator detects a condition that could lead to or has caused a release of hazardous waste, must repair the condition promptly. In addition however:
  - A) Upon detection of a condition that has caused to a release of hazardous wastes (e.g., upon detection of leakage from the primary barrier) the owner or operator must:
    - i) Enter a record of the discovery in the facility operating record;
    - ii) Immediately remove the portion of the containment building affected by the condition from service;
    - iii) Determine what steps must be taken to



repair the containment building, remove any leakage from the secondary collection system, and establish a schedule for accomplishing the cleanup and repairs; and

iv) Within 7 days after the discovery of the condition, notify the Agency in writing of the condition, and within 14 working days, provide a written notice to the Agency with a description of the steps taken to repair the containment building, and the schedule for accomplishing the work.

B) The Agency will review the information submitted, make a determination regarding whether the containment building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing.

C) Upon completing all repairs and cleanup the owner and operator must notify the Agency in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with subsection (c)(3)(A)(iv) above.

4) Inspect and record in the facility's operating record, at least once every seven days, data gathered from monitoring equipment and leak detection equipment as well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste.

d) For containment buildings that contain areas both with and without secondary containment, the owner or operator must:

1) Design and operate each area in accordance with the requirements enumerated in subsections (a) through (c) above;

2) Take measures to prevent the release of liquids or wet materials into areas without secondary containment; and

3) Maintain in the facility's operating log a written

description of the operating procedures used to maintain the integrity of areas without secondary containment.

- e) Notwithstanding any other provision of this Subpart the Agency shall not require secondary containment for a permitted containment building where the owner operator demonstrates that the only free liquids in the unit are limited amounts of dust suppression liquids required to meet occupational health and safety requirements, and where containment of managed wastes and liquids can be assured without a secondary containment system.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

725.1102 Closure and post closure-care

- a) At closure of a containment building, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 35 Ill. Adm. Code 721.103(c) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for containment buildings must meet all of the requirements specified in 725.Subparts G and H.
- b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in subsection (a) above, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (35 Ill. Adm. Code 725.310). In addition, for the purposes of closure, post-closure, and financial responsibility, such a containment building is then considered to be a landfill, and the owner or operator must meet all the requirements for landfills specified in 725.Subparts G and H.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

PART 726  
STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE  
AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

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SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL  
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  - 726.Appendix J Guideline on Air Quality Models
  - 726.Appendix K Lead-Bearing Materials That May be Processed in Exempt Lead Smelters
  - 726.Appendix L Nickel or Chromium-Bearing Materials that may be Processed in Exempt Nickel-Chromium Recovery Furnaces
  - 726.Table A Exempt Quantities for Small Quantity Burner Exemption

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

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858,

effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5825, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY  
(REPEALED)

Section 726.140 Applicability (Repealed)

- a) ~~The regulations of this Subpart apply to used oil that is burned for energy recovery in any boiler or industrial furnace that is not regulated under 35 Ill. Adm. Code 724. or 725. Subpart O, except as provided by subsection (c) and (e), below. Such used oil is termed "used oil fuel". Used oil fuel includes any fuel produced from used oil by processing, blending or other treatment.~~
- b) ~~"Used oil" means any oil that has been refined from crude oil, used and, as a result of such use, is contaminated by physical or chemical impurities.~~
- c) ~~Except as provided by subsection (d), below, used oil that is mixed with hazardous waste and burned for energy recovery is subject to regulation as hazardous waste fuel under Subpart H. Used oil containing more than 1000 ppm of total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 35 Ill. Adm. Code 721. Subpart D. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 35 Ill. Adm. Code 721. Subpart H).~~
- d) ~~Used oil burned for energy recovery is subject to regulation under this Subpart rather than as hazardous waste fuel under Subpart H if it is a hazardous waste solely because it:~~
  - 1) ~~Exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721. Subpart C, provided that it is not mixed with a hazardous waste; or~~
  - 2) ~~Contains hazardous waste generated only by a person subject to the special requirements for small quantity generators under 35 Ill. Adm. Code 721.105.~~
- e) ~~Except as provided by subsection (c), above, used oil burned for energy recovery, and any fuel produced from used oil by processing, blending or other treatment, is subject to regulation under this Subpart unless it is shown not to exceed any of the allowable level of the~~

~~constituents and properties in the specification shown in the following table. Used oil fuel that meets the specification is subject only to the analysis and recordkeeping requirements under Section 726.143(b)(1) and (b) (6). Used oil fuel that exceeds any specification level is termed "off-specification used oil fuel".~~

~~USED OIL EXCEEDING ANY SPECIFICATION LEVEL IS SUBJECT TO THIS SUBPART WHEN BURNED FOR ENERGY RECOVERY~~

~~Constituent/Property Allowable Level~~

<del>Arsenic</del>	<del>5 ppm max</del>
<del>Cadmium</del>	<del>2 ppm max</del>
<del>Chromium</del>	<del>10 ppm max</del>
<del>Lead</del>	<del>100 ppm max</del>
<del>Flash Point</del>	<del>100 degree F min</del>
<del>Total Halogens</del>	<del>4000 ppm max</del>

- ~~1) The specification does not apply to used oil or fuel mixed with a hazardous waste other than small quantity generated hazardous waste.~~
- ~~2) Used oil containing more than 1000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under subsection (c), above. Such used oil is subject to Subpart D rather than this Subpart when burned for energy recovery unless the presumption of mixing can be successfully rebutted.~~

(Source: Repealed at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 726.141 Prohibitions (Repealed)

- ~~a) A person may market off-specification used oil for energy recovery only:~~
  - ~~1) To burners or other marketers who have notified USEPA of their used oil management activities stating the location and general description of such activities, and who have USEPA identification number, and~~
  - ~~2) To burners who burn the used oil in an industrial furnace or boiler identified in subsection (b);~~
- ~~b) Off-specification used oil may be burned for energy recovery in only the following devices:~~
  - ~~1) Industrial furnaces identified in 35 Ill. Adm. Code~~

~~720.110; or~~

~~2) Boilers, as defined in 35 Ill. Adm. Code 720.110, that are identified as follows:~~

~~A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes~~

~~B) Utility boilers used to produce electric power, steam or heated or cooled air or other gases or fluids for sale; or~~

~~C) Used oil-fired space heaters provided that:~~

~~i) The heater burners only used oil that the owner or operator generates or used oil received from do-it-yourself oil changers who generate used oil as household waste;~~

~~ii) The heater is designed to have a maximum capacity of not more than 0.5 million British thermal units per hour; and~~

~~iii) The combustion gases from the heater are vented to the ambient air.~~

~~(Source: Repealed at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)~~

~~Section 726.142 Standards applicable to generators of used oil burned for energy recovery (Repealed)~~

~~a) Except as provided in subsections (b) and (c) below, generators of used oil are not subject to this Subpart.~~

~~b) Generators who market used oil directly to a burner are subject to Section 726.143.~~

~~c) Generators who burn used oil are subject to Section 726.144.~~

~~(Source: Repealed at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)~~

~~Section 726.143 Standards applicable to marketers of used oil burned for energy recovery (Repealed)~~

~~a) Persons who market used oil fuel are termed "marketers". Except as provided below, marketers include generators who market used oil fuel directly to a burner, persons who receive used oil from generators and produce, process~~

~~or blend used oil fuel from these used oils (including persons sending blended or processed used oil to brokers or other intermediaries), and persons who distribute but do not process or blend used oil fuel. The following persons are not marketers subject to this Subpart:~~

- ~~1) Used oil generators, and collectors who transport used oil received only from generators, unless the generator or collector markets the used oil directly to a person who burns it for energy recovery. However, persons who burn some used oil fuel for purposes of processing or other treatment to produce used oil fuel for marketing are considering to be burning incidentally to processing. Thus, generators and collectors who market to such incidental burners are not marketers subject to this Subpart;~~
- ~~2) Persons who market only used oil fuel that meets the specification under Section 726.140(e) and who are not the first person to claim the oil meets the specification (i.e., marketers who do not receive used oil from generators or initial transporters and marketers who neither receive nor market off-specification used oil fuel).~~

~~b) Marketers are subject to the following requirements:~~

- ~~1) Analysis of used oil fuel. Used oil fuel is subject to regulation under this Subpart unless the marketer obtains analyses or other information documenting that the used oil fuel meets the specification provided under Section 726.140(e);~~
- ~~2) Prohibitions. The prohibitions under Section 726.141(a);~~
- ~~3) Notification. Notification to USEPA stating the location and general description of used oil management activities. Even if a marketer has previously notified USEPA of the marketer's hazardous waste management activities under Section 3010 of the Resource Conservation and Recovery Act and obtained a USEPA identification number, the marketer shall renotify to identify the marketer's used oil management activities.~~
- ~~4) Invoice system. When a marketer initiates a shipment of off-specification used oil, the marketer shall prepare and send the receiving facility an invoice containing the following information:
  - ~~A) An invoice number;~~~~



- ~~B) The marketer's own USEPA identification number and the USEPA identification number of the receiving facility;~~
- ~~C) The names and addresses of the shipping and receiving facilities;~~
- ~~D) The quantity of off-specification used oil to be delivered;~~
- ~~E) The date(s) of shipment or delivery; and~~
- ~~F) The following statement: "This used oil is subject to USEPA regulation under 40 CFR 266 and 35 Ill. Adm. Code 726."~~

~~{BOARD NOTE: Used oil that meets the definition of combustible liquid (flash point below 200> F but at or greater than 100> F) or flammable liquid (flash point below 100> F) is subject to Department of Transportation Hazardous Materials Regulations at 49 CFR 100 through 177 (1985).}~~

~~5) Required Notices.~~

- ~~A) Before a marketer initiates the first shipment of off-specification used oil to a burner or other marketer, the marketer shall obtain a one-time written and signed notice from the burner or marketer certifying that:
  - ~~i) The burner or marketer has notified USEPA stating the location and general description of the burner's or the marketer's used oil management activities; and~~
  - ~~ii) If the recipient is a burner, the burner will burn the off-specification used oil only in an industrial furnace or boiler identified in Section 726.141(b); and~~~~
- ~~B) Before a marketer accepts the first shipment of off-specification used oil from another marketer subject to the requirements of this Section, the marketer shall provide the marketer with a one-time written and signed notice certifying that the marketer has notified USEPA of the marketer's used oil management activities; and~~

~~6) Recordkeeping.~~

~~A) Used Oil Fuel That Meets the Specification. A marketer who first claims under subsection (b)(1) that used oil fuel meets the specification shall keep copies of analyses (or other information used to make the determination) of used oil for three years. Such marketers shall also record in an operating log and keep for three years the following information on each shipment of used oil fuel that meets the specification. Such used oil fuel is not subject to further regulation, unless it is subsequently mixed with hazardous waste or unless it is mixed with used oil so that it no longer meet the specification.~~

~~i) The name and address of the facility receiving the shipment;~~

~~ii) The quantity of used oil fuel delivered;~~

~~iii) The date of shipment or delivery; and~~

~~iv) A cross-reference to the record of used oil analysis (or other information used to make the determination that the oil meets the specification) required under subsection (b)(6)(A) above.~~

~~B) Off-Specification Used Oil Fuel. A marketer who receives or initiates an invoice under the requirements of this Section shall keep a copy of each invoice for three years from the date the invoice is received or prepared. In addition, a marketer shall keep a copy of each certification notice that the marketer receives or sends for three years from the date the marketer last engages in an off-specification used oil fuel marketing transaction with the person who sends or receives the certification notice.~~

(Source: Repealed at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 726.144 Standards applicable to burners of used oil burned for energy recovery (Repealed)

~~Owners and operators of facilities that burn used oil fuel are "burners" and are subject to the following requirements:~~

~~a) Prohibition. The prohibition under Section 726.141(b);~~

~~b) Notification. Burners of off-specification used oil fuel, and burners of used oil fuel who are the first to claim that the oil meets the specification provided under~~

~~Section 726.140(e), except burners who burn specification oil that they generate, shall notify USEPA stating the location and general description of used oil management activities. Burners of used oil fuel that meets the specification who receive such oil from a marketer that previously notified USEPA are not required to notify. Owners and operators of used oil-fired space heaters that burn used oil fuel under the provisions of Section 726.141(b)(2) are exempt from this notification requirement.~~

~~e) Required notices. Before a burner accepts the first shipment of off-specification used oil fuel from a marketer, the burner shall provide the marketer a one-time written and signed notice certifying that:~~

~~1) The burner has notified USEPA stating that location and general description of the burner's used oil management activities; and~~

~~2) The burner will burn the used oil only in an industrial furnace or boiler identified in Section 726.141(b), and~~

~~d) Used oil fuel analysis.~~

~~1) Used oil fuel burned by the generator is subject to regulation under this Subpart unless the burner obtains analyses (or other information) documenting that the used oil meets the specification provided under Section 726.140(e).~~

~~2) Burners who treat off-specification used oil fuel by processing, blending or other treatment to meet the specification provided under Section 726.140(e) shall obtain analyses (or other information) documenting that the used oil meets the specification.~~

~~e) Recordkeeping. A burner who receives an invoice under the requirements of this Section shall keep a copy of each invoice for three years from the date the invoice is received. Burners shall also keep for three years copies of analyses of used oil fuel as may be required by subsection (d). In addition, the burner shall keep a copy of each certification notice that the burner sends to a marketer for three years from the date the burner last receives off-specification used oil from that marketer.~~

(Source: Repealed at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS

## AND INDUSTRIAL FURNACES

### Section 726.200 Applicability

- a) The regulations of this Subpart apply to hazardous waste burned or processed in a boiler or industrial furnace (BIF) (as defined in 35 Ill. Adm. Code 720.110) irrespective of the purpose of burning or processing, except as provided by subsections (b), (c), (d) and (f), below. In this Subpart, the term "burn" means burning for energy recovery or destruction, or processing for materials recovery or as an ingredient. The emissions standards of Sections 726.204, 726.205, 726.206 and 726.207 apply to facilities operating under interim status or under a RCRA permit as specified in Sections 726.202 and 726.203.
- b) The following hazardous wastes and facilities are not subject to regulation under this Subpart:
  - 1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C. Such used oil is subject to regulation under ~~Subpart E~~ 35 Ill. Adm. Code 739 rather than this Subpart;
  - 2) Gas recovered from hazardous or solid waste landfills when such gas is burned for energy recovery;
  - 3) Hazardous wastes that are exempt from regulation under 35 Ill. Adm. Code 721.104 and 721.106(a)(3)(E) through (H), and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under 35 Ill. Adm. Code 721.105; and
  - 4) Coke ovens, if the only hazardous waste burned is USEPA Hazardous Waste No. K087, decanter tank tar sludge from coking operations.
- c) Owners and operators of smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters and foundry furnaces, but not including cement kilns, aggregate kilns or halogen acid furnaces burning hazardous waste) that process hazardous waste solely for metal recovery are conditionally exempt from regulation under this Subpart, except for Sections 726.201 and 726.212.
  - 1) To be exempt from Sections 726.202 through 726.211, an owner or operator of a metal recovery furnace shall comply with the following requirements,

except that an owner or operator of a lead or a nickel-chromium recovery furnace, or a metal recovery furnace that burns baghouse bags used to capture metallic dust emitted by steel manufacturing, shall comply with the requirements of subsection (c)(3), below:

- A) Provide a one-time written notice to the Agency indicating the following:
    - i) The owner or operator claims exemption under this subsection;
    - ii) The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (c)(2), below;
    - iii) The hazardous waste contains recoverable levels of metals; and
    - iv) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection;
  - B) Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this subsection under procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111 or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and
  - C) Maintain at the facility for at least three years records to document compliance with the provisions of this subsection including limits on levels of toxic organic constituents and Btu value of the waste, and levels of recoverable metals in the hazardous waste compared to normal nonhazardous waste feedstocks.
- 2) A hazardous waste meeting either of the following criteria is not processed solely for metal recovery:
- A) The hazardous waste has a total concentration of organic compounds listed in 35 Ill. Adm. Code 721.Appendix H, exceeding 500 ppm by

weight, as fired, and so is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C), above; or

- B) The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired, and is so considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C), above.
- 3) To be exempt from Sections 726.202 through 726.211, an owner or operator of a lead or nickel-chromium recovery furnace, or a metal recovery furnace that burns a baghouse bags used to capture metallic dusts emitted by steel manufacturing must provide a one-time written notice to the Agency identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste under this subsection or subsection (c)(1), above. The owner or operator shall comply with the requirements of subsection (c)(1), above, for those wastes claimed to be exempt under that subsection and shall comply with the requirements below for those wastes claimed to be exempt under this subsection.
- A) The hazardous wastes listed in Appendices K and L and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of subsection (c)(1), above, provided that:
    - i) A waste listed in Section 726.Appendix K must contain recoverable levels of lead. A waste listed in Section 726.Appendix L must contain recoverable levels of nickel or chromium and baghouse bags used to capture metallic dusts emitted by steel manufacturing must contain recoverable

levels of metal; and

- ii) The waste does not exhibit the Toxicity Characteristic of 35 Ill. Adm. Code 721.124 for an organic constituent; and
  - iii) The waste is not a hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D because it is listed for an organic constituent as identified in 35 Ill. Adm. Code 721.Appendix G; and
  - iv) The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of subsection (c)(3), above, and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis must be conducted according to subsection (C)(1)(B), above, and records to document compliance with subsection (c)(3), above, must be kept for at least three years.
- B) The Agency may decide on a case-by-case basis that the toxic organic constituents in a material listed in Section 726.Appendix K or Section 726. Appendix L that contains a total concentration of more than 500 ppm toxic organic compounds listed in 35 Ill. Adm. Code 721.Appendix H may pose a hazard to human health and the environment when burned in a metal recovery furnace exempt from the requirements of this Subpart. In that situation, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements of this Subpart when burning that material. In making the hazard determination, the Agency shall consider the following factors:
- i) The concentration and toxicity of organic constituents in the material; and
  - ii) The level of destruction of toxic organic constituents provided by the furnace; and
  - iii) Whether the acceptable ambient levels established in Appendices D or E will be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual

average off-site ground level concentration.

- d) The standards for direct transfer operations under Section 726.211 apply only to facilities subject to the permit standards of Section 726.202 or the interim status standards of Section 726.203.
- e) The management standards for residues under Section 726.212 apply to any BIF burning hazardous waste.
- f) Owners and operators of smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters and foundry furnaces) that process hazardous waste for recovery of economically significant amounts of the precious metals gold, silver, platinum, palladium, iridium, osmium, rhodium or ruthenium, or any combination of these, are conditionally exempt from regulation under this Subpart except for Section 726.212. To be exempt from Sections 726.202 through 726.211 an owner or operator shall:
  - 1) Provide a one-time written notice to the Agency indicating the following:
    - A) The owner or operator claims exemption under this Section;
    - B) The hazardous waste is burned for legitimate recovery of precious metal; and
    - C) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this Section.
  - 2) Sample and analyze the hazardous waste as necessary to document that the waste is burned for recovery of economically significant amounts of precious metal using procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111 or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and
  - 3) Maintain at the facility for at least three years records to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal.
- g) Abbreviations and definitions. The following definitions and abbreviations are used in this Subpart:



"APCS" means air pollution control system.

"BIF" means boiler or industrial furnace.

"Carcinogenic metals" means arsenic, beryllium, cadmium and chromium.

"CO" means carbon monoxide.

"Continuous monitor" is a monitor which continuously samples the regulated parameter without interruption, and evaluates the detector response at least once each 15 seconds, and computes and records the average value at least every 60 seconds.

"DRE" means destruction or removal efficiency.

"cu m" means cubic meters.

"E" means "ten to the". For example, "XE-Y" means "X times ten to the -Y power".

"Feed rates" are measured as specified in Section 726.202(e)(6).

"Good engineering practice stack height" is as defined by 40 CFR 51.100(ii), incorporated by reference in 35 Ill. Adm. Code 720.111.

"HC" means hydrocarbon.

"HCl" means hydrogen chloride gas.

"Hourly rolling average" means the arithmetic mean of the 60 most recent 1-minute average values recorded by the continuous monitoring system.

"K" means Kelvin.

"kVA" means kilovolt amperes.

"MEI" means maximum exposed individual.

"MEI location" means the point with the maximum annual average off-site (unless on-site is required) ground level concentration.

"Noncarcinogenic metals" means antimony, barium, lead, mercury, thallium and silver.

"One hour block average" means the arithmetic mean of the one minute averages recorded during the 60-minute period beginning at one minute after the

beginning of preceding clock hour

"PIC" means product of incomplete combustion.

"PM" means particulate matter.

"POHC" means principal organic hazardous constituent.

"ppmv" means parts per million by volume.

"QA/QC" means quality assurance and quality control.

"Rolling average for the selected averaging period" means the arithmetic mean of one hour block averages for the averaging period.

"RAC" means reference air concentration, the acceptable ambient level for the noncarcinogenic metals for purposes of this Subpart. RACs are specified in Section 726.Appendix D.

"RSD" means risk-specific dose, the acceptable ambient level for the carcinogenic metals for purposes of this Subpart. RSDs are specified in Section 726.Appendix E.

"SSU" means "Saybolt Seconds Universal", a unit of viscosity measured by ASTM D88 or D2161, incorporated by reference in 35 Ill. Adm. Code 720.111.

"TCLP test" means the toxicity characteristic leaching procedure of 35 Ill. Adm. Code 721.124.

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

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

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

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

"Toxicity equivalence" is estimated, pursuant to Section 726.204(e), using "Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners" in Section 726.Appendix I ("eye").

"ug" means microgram.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective

\_\_\_\_\_ )  
Section 726.201 Management prior to Burning

- a) Generators. Generators of hazardous waste that is burned in a BIF are subject to 35 Ill. Adm. Code 722.
- b) Transporters. Transporters of hazardous waste that is burned in a BIF are subject to 35 Ill. Adm. Code 723.
- c) Storage facilities.
  - 1) Owners and operators of facilities that store hazardous waste that is burned in a BIF are subject to the applicable provisions of 35 Ill. Adm. Code 724.Subparts A through L, 35 Ill. Adm. Code 725.Subparts A through L and 35 Ill. Adm. Code 702 and 703, except as provided by subsection (c)(2), below. These standards apply to storage by the burner as well as to storage facilities operated by intermediaries (processors, blenders, distributors, etc.) between the generator and the burner.
  - 2) Owners and operators of facilities that burn, in an on-site BIF exempt from regulation under the small quantity burner provisions of Section 726.208, hazardous waste that they generate are exempt from regulation under 35 Ill. Adm. Code 724.Subparts A through L, 35 Ill. Adm. Code 725.Subparts A through L and 35 Ill. Adm. Code 702 and 703 ~~with respect to the storage of mixtures of hazardous waste~~ applicable to storage units for those storage units that store mixtures of hazardous waste and the primary fuel to the BIF in tanks that feed the fuel mixture directly to the burner. Storage of hazardous waste prior to mixing with the primary fuel is subject to regulation as prescribed in subsection (c)(1), above.

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

Section 726.203 Interim status standards for Burners

- a) Purpose, scope, applicability.
  - 1) General.
    - A) The purpose of this Section is to establish minimum national standards for owners and operators of "existing" BIFs that burn hazardous waste where such standards define the acceptable management of hazardous waste during the period of interim status. The

standards of this Section apply to owners and operators of existing facilities until either a permit is issued under Section 726.202(d) or until closure responsibilities identified in this Section are fulfilled.

- B) "Existing" or "in existence" means a BIF for which the owner or operator filed a certification of precompliance with USEPA pursuant to 40 CFR 266.103(b), incorporated by reference in subsection (b), below; provided, however, that USEPA has not determined that the certification is invalid.
  - C) If a BIF is located at a facility that already has a RCRA permit or interim status, then the owner or operator shall comply with the applicable regulations dealing with permit modifications in 35 Ill. Adm. Code 703.280 or changes in interim status in 35 Ill. Adm. Code 703.155.
- 2) Exemptions. The requirements of this Section do not apply to hazardous waste and facilities exempt under Sections 726.200(b) or 726.208.
  - 3) Prohibition on burning dioxin-listed wastes. The following hazardous waste listed for dioxin and hazardous waste derived from any of these wastes must not be burned in a BIF operating under interim status: USEPA Hazardous Waste Numbers F020, F021, F022, F023, F026 and F027.
  - 4) Applicability of 35 Ill. Adm. Code 725 standards. Owners and operators of BIFs that burn hazardous waste and are operating under interim status are subject to the following provisions of 35 Ill. Adm. Code 725, except as provided otherwise by this Section:
    - A) In Subpart A (General), 35 Ill. Adm. Code 725.104;
    - B) In Subpart B (General facility standards), 35 Ill. Adm. Code 725.111 through 725.117;
    - C) In Subpart C (Preparedness and prevention), 35 Ill. Adm. Code 725.131 through 725.137;
    - D) In Subpart D (Contingency plan and emergency procedures), 35 Ill. Adm. Code 725.151 through 725.156;
    - E) In Subpart E (Manifest system, recordkeeping

and reporting), 35 Ill. Adm. Code 725.171 through 725.177, except that 35 Ill. Adm. Code 725.171, 725.172 and 725.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources;

- F) In Subpart G (Closure and post-closure), 35 Ill. Adm. Code 725.211 through 725.215;
  - G) In Subpart H (Financial requirements), 35 Ill. Adm. Code 725.241, 725.242, 725.243 and 725.247 through 725.251, except that the State of Illinois and the Federal government are exempt from the requirements of 35 Ill. Adm. Code 725.Subpart H; and
  - H) Subpart BB (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 725.950(a).
- 5) Special requirements for furnaces. The following controls apply during interim status to industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see subsection (a)(5)(B), above) at any location other than the hot end where products are normally discharged or where fuels are normally fired:
- A) Controls.
    - i) The hazardous waste must be fed at a location where combustion gas temperatures are at least 1800 °F;
    - ii) The owner or operator shall determine that adequate oxygen is present in combustion gases to combust organic constituents in the waste and retain documentation of such determination in the facility record;
    - iii) For cement kiln systems, the hazardous waste must be fed into the kiln; and
    - iv) The HC controls of Section 726.204(f) or subsection (c)(5), below, apply upon certification of compliance under subsection (c), below, irrespective of the CO level achieved during the compliance test.
  - B) Burning hazardous waste solely as an

ingredient. A hazardous waste is burned for a purpose other than "solely as an ingredient" if it meets either of these criteria:

- i) The hazardous waste has a total concentration of nonmetal compounds listed in 35 Ill. Adm. Code 721. Appendix H, exceeding 500 ppm by weight, as fired and so is considered to be burned for destruction. The concentration of nonmetal compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys nonmetal constituents. Blending for dilution to meet the 500 ppm limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the facility record; or
  - ii) The hazardous waste has a heating value of 5,000 Btu/lb or more, as fired, and so is considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly blended must be retained in the facility record.
- 6) Restrictions on burning hazardous waste that is not a fuel. Prior to certification of compliance under subsection (c), below, owners and operators shall not feed hazardous waste that has a heating value less than 5000 Btu/lb, as generated, (except that the heating value of a waste as-generated may be increased to above the 5,000 Btu/lb limit by bona fide treatment; however blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and records must be kept to document that impermissible blending has not occurred) in a BIF, except that:
- A) Hazardous waste may be burned solely as an ingredient; or
  - B) Hazardous waste may be burned for purposes of

compliance testing (or testing prior to compliance testing) for a total period of time not to exceed 720 hours; or

- C) Such waste may be burned if the Agency has documentation to show that, prior to August 21, 1991:
    - i) The BIF was operating under the interim status standards for incinerators or thermal treatment units, 35 Ill. Adm. Code 725.Subparts O or P; and
    - ii) The BIF met the interim status eligibility requirements under 35 Ill. Adm. Code 703.153 for 35 Ill. Adm. Code 725.Subparts O or P; and
    - iii) Hazardous waste with a heating value less than 5,000 Btu/lb was burned prior to that date; or
  - D) Such waste may be burned in a halogen acid furnace if the waste was burned as an excluded ingredient under 35 Ill. Adm. Code 721.102(e) prior to February 21, 1991, and documentation is kept on file supporting this claim.
- 7) Direct transfer to the burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner or operator shall comply with Section 726.211.
- b) Certification of precompliance.
- 1) The Board incorporates by reference 40 CFR 266.103(b) ~~(1992) adopted at 56 Fed. Reg. 7206, February 21, 1991; 56 Fed. Reg. 32688, July 17, 1991; and 56 Fed. Reg. 42511, August 27, 1991; amended at 57 Fed. Reg. 38564, August 25, 1992.~~ This Section incorporates no later editions or amendments.
  - 2) Certain owners and operators were required to file a certification of precompliance with USEPA by August 21, 1991, pursuant to 40 CFR 266.103(b). No separate filing is required with the Agency.
- c) Certification of compliance. The owner or operator shall conduct emissions testing to document compliance with the emissions standards of Sections 726.204(b) through (e), 726.205, 726.206, 726.207, and subsection (a)(5)(A)(iv), above, under the procedures prescribed by this subsection, except under extensions of time provided by

subsection (c)(7), below. Based on the compliance test, the owner or operator shall submit to the Agency, on or before August 21, 1992, a complete and accurate "certification of compliance" (under subsection (c)(4), below) with those emission standards establishing limits on the operating parameters specified in subsection (c)(1), below.

1) Limits on operating conditions. The owner or operator shall establish limits on the following parameters based on operations during the compliance test (under procedures prescribed in subsection (c)(4)(D), below) or as otherwise specified and include these limits with the certification of compliance. The BIF must be operated in accordance with these operating limits and the applicable emissions standards of Section 726.204(b) through (e), 726.205, 726.206, 726.207 and subsection (a)(5)(A)(iv), above, at all times when there is hazardous waste in the unit.

A) Feed rate of total hazardous waste and (unless complying the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)), pumpable hazardous waste;

B) Feed rate of each metal in the following feedstreams:

i) Total feedstreams, except that industrial furnaces that must comply with the alternative metals implementation approach under subsection (c)(3)(B), below, must specify limits on the concentration of each metal in collected PM in lieu of feed rate limits for total feedstreams; and facilities that comply with Tier I or Adjusted Tier I metals feed rate screening limits may set their operating limits at the metal feed rate screening limits determined under subsection 726.206(b) or (e).

BOARD NOTE: Federal subsections 266.103(c)(1)(ii)(A)(1) and (2) are condensed into the above subsection.

ii) Total hazardous waste feed (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)); and

iii) Total pumpable hazardous waste feed (unless complying with Tier I or Adjusted



Tier I metals feed rate screening limits under subsection 726.206 (b) or (e)).

- C) Total feed rate of total chlorine and chloride in total feed streams, except that facilities that comply with Tier I or Adjusted Tier I feed rate screening limits may set their operating limits at the total chlorine and chloride feed rate screening limits determined under subsection 726.207(b)(1) or (e);
- D) Total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited;
- E) CO concentration, and where required, HC concentration in stack gas. When complying with the CO controls of Section 726.204(b), the CO limit is 100 ppmv, and when complying with the HC controls of Section 726.204(c), the HC limit is 20 ppmv. When complying with the CO controls of Section 726.204(c), the CO limit is established based on the compliance test;
- F) Maximum production rate of the device in appropriate units when producing normal product unless complying with Tier I or Adjusted Tier I feed rate screening limits for chlorine under subsection 726.207(b)(1) or (e) and for all metals under subsection 726.207(b) or (e), and the uncontrolled particulate emissions do not exceed the standard under subsection 726.205;
- G) Maximum combustion chamber temperature where the temperature measurement is as close to the combustion zone as possible and is upstream of any quench water injection, (unless complying with the Tier I adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));
- H) Maximum flue gas temperature entering a PM control device (unless complying with Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));
- I) For systems using wet scrubbers, including wet ionizing scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed

rate screening limits under Section 726.207(b)(1) or (e)):

- i) Minimum liquid to flue gas ratio;
  - ii) Minimum scrubber blowdown from the system or maximum suspended solids content of scrubber water; and
  - iii) Minimum pH level of the scrubber water;
- J) For systems using venturi scrubbers, the minimum differential gas pressure across the venturi (unless complying the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e));
- K) For systems using dry scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):
- i) Minimum caustic feed rate; and
  - ii) Maximum flue gas flow rate;
- L) For systems using wet ionizing scrubbers or electrostatic precipitators (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):
- i) Minimum electrical power in kVA to the precipitator plates; and
  - ii) Maximum flue gas flow rate;
- M) For systems using fabric filters (baghouses), the minimum pressure drop (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)).
- 2) Prior notice of compliance testing. At least 30 days prior to the compliance testing required by

subsection (c)(3), below, the owner or operator shall notify the Agency and submit the following information:

- A) General facility information including:
  - i) USEPA facility ID number;
  - ii) Facility name, contact person, telephone number and address;
  - iii) Person responsible for conducting compliance test, including company name, address and telephone number, and a statement of qualifications;
  - iv) Planned date of the compliance test;
- B) Specific information on each device to be tested including:
  - i) Description of BIF;
  - ii) A scaled plot plan showing the entire facility and location of the BIF;
  - iii) A description of the APCS;
  - iv) Identification of the continuous emission monitors that are installed, including: CO monitor; Oxygen monitor; HC monitor, specifying the minimum temperature of the system and, if the temperature is less than 150 °C, an explanation of why a heated system is not used (see subsection (c)(5), below) and a brief description of the sample gas conditioning system;
  - v) Indication of whether the stack is shared with another device that will be in operation during the compliance test;
  - vi) Other information useful to an understanding of the system design or operation.
- C) Information on the testing planned, including a complete copy of the test protocol and QA/QC plan, and a summary description for each test providing the following information at a minimum:
  - i) Purpose of the test (e.g., demonstrate compliance with emissions of PM); and

ii) Planned operating conditions, including levels for each pertinent parameter specified in subsection (c)(1), above.

3) Compliance testing.

A) General. Compliance testing must be conducted under conditions for which the owner or operator has submitted a certification of precompliance under subsection (b), above, and under conditions established in the notification of compliance testing required by subsection (c)(2), above. The owner or operator may seek approval on a case-by-case basis to use compliance test data from one unit in lieu of testing a similar on-site unit. To support the request, the owner or operator shall provide a comparison of the hazardous waste burned and other feedstreams, and the design, operation, and maintenance of both the tested unit and the similar unit. The Agency shall provide a written approval to use compliance test data in lieu of testing a similar unit if the Agency finds that the hazardous wastes, devices and the operating conditions are sufficiently similar, and the data from the other compliance test is adequate to meet the requirements of this subsection (c).

B) Special requirements for industrial furnaces that recycle collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCS shall comply with one of the following procedures for testing to determine compliance with the metals standards of Section 726.206(c) or (d):

i) The special testing requirements prescribed in "Alternative Method for Implementing Metals Controls" in Section 726.Appendix I ("eye"); or

ii) Stack emissions testing for a minimum of 6 hours each day while hazardous waste is burned during interim status. The testing must be conducted when burning normal hazardous waste for that day at normal feed rates for that day and when the APCS is operated under normal conditions. During interim status, hazardous waste analysis for metals content must be sufficient for the owner or operator to determine if changes in

metals content affect the ability of the unit to meet the metals emissions standards established under Section 726.206(c) or (d). Under this option, operating limits (under subsection (c)(1), above) must be established during compliance testing under this subsection (c)(3) only on the following parameters: Feed rate of total hazardous waste; Total feed rate of total chlorine and chloride in total feed streams; Total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited; CO concentration, and where required, HC concentration in stack gas; Maximum production rate of the device in appropriate units when producing normal product; or

iii) Conduct compliance testing to determine compliance with the metals standards to establish limits on the operating parameters of subsection (c)(1), above, only after the kiln system has been conditioned to enable it to reach equilibrium with respect to metals fed into the system and metals emissions. During conditioning, hazardous waste and raw materials having the same metals content as will be fed during the compliance test must be fed at the feed rates that will be fed during the compliance test.

C) Conduct of compliance testing.

i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.

ii) Prior to obtaining test data for purposes of demonstrating compliance with the applicable emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters under this Section, the facility must operate under compliance

test conditions for a sufficient period to reach steady-state operations. Industrial furnaces that recycle collected PM back into the furnace and that comply with subsections (c)(3)(B)(i) or (ii), above, however, need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals.

- iii) Compliance test data on the level of an operating parameter for which a limit must be established in the certification of compliance must be obtained during emissions sampling for the pollutant(s) (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by subsection (c)(1), above.
- 4) Certification of compliance. Within 90 days of completing compliance testing, the owner or operator shall certify to the Agency compliance with the emissions standards of Sections 726.204(b), (c) and (e), 726.205, 726.206, 726.207, and subsection (a)(5)(A)(iv), above. The certification of compliance must include the following information:
- A) General facility and testing information including:
    - i) USEPA facility ID number;
    - ii) Facility name, contact person, telephone number and address;
    - iii) Person responsible for conducting compliance testing, including company name, address and telephone number, and a statement of qualifications;
    - iv) Date(s) of each compliance test;
    - v) Description of BIF tested;
    - vi) Person responsible for QA/QC, title and telephone number, and statement that procedures prescribed in the QA/QC plan submitted under Section 726.203(c)(2)(C) have been followed, or a description of any changes and an explanation of why changes were necessary.

- vii) Description of any changes in the unit configuration prior to or during testing that would alter any of the information submitted in the prior notice of compliance testing under subsection (c)(2), above, and an explanation of why the changes were necessary;
  - viii) Description of any changes in the planned test conditions prior to or during the testing that alter any of the information submitted in the prior notice of compliance testing under subsection (c)(2), above, and an explanation of why the changes were necessary; and
  - ix) The complete report on results of emissions testing.
- B) Specific information on each test including:
- i) Purpose(s) of test (e.g., demonstrate conformance with the emissions limits for PM, metals, HCl, chlorine gas and CO)
  - ii) Summary of test results for each run and for each test including the following information: Date of run; Duration of run; Time-weighted average and highest hourly rolling average CO level for each run and for the test; Highest hourly rolling average HC level, if HC monitoring is required for each run and for the test; If dioxin and furan testing is required under Section 726.204(e), time-weighted average emissions for each run and for the test of chlorinated dioxin and furan emissions, and the predicted maximum annual average ground level concentration of the toxicity equivalency factor (defined in Section 726.200(g)); Time-weighted average PM emissions for each run and for the test; Time-weighted average HCl and chlorine gas emissions for each run and for the test; Time-weighted average emissions for the metals subject to regulation under Section 726.206 for each run and for the test; and QA/QC results.
- C) Comparison of the actual emissions during each test with the emissions limits prescribed by Sections 726.204(b), (c) and (e), 726.205,

726.206 and 726.207 and established for the facility in the certification of precompliance under subsection (b), above.

- D) Determination of operating limits based on all valid runs of the compliance test for each applicable parameter listed in subsection (c)(1), above, using either of the following procedures:
- i) Instantaneous limits. A parameter must be measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the operating limit specified as the time-weighted average during all runs of the compliance test; or
  - ii) Hourly rolling average basis. The limit for a parameter must be established and continuously monitored on an hourly rolling average basis, as defined in Section 726.200(g). The operating limit for the parameter must be established based on compliance test data as the average over all test runs of the highest hourly rolling average value for each run.
  - iii) Rolling average limits for carcinogenic metals and lead. Feed rate limits for the carcinogenic metals and lead must be established either on an hourly rolling average basis as prescribed by subsection (c)(4)(D)(ii), above, or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an averaging period from 2 to 24 hours: The feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on a hourly rolling average basis; The continuous monitor is as defined in Section 726.200(g). And the operating limit for the feed rate of each metal must be established based on compliance test data as the average over all test runs of the highest hourly rolling average feed rate for each run.
  - iv) Feed rate limits for metals, total chlorine and chloride and ash. Feed rate limits for metals, total chlorine and chloride and ash are established and monitored by knowing the concentration of



the substance (i.e., metals, chloride/chlorine and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored under the continuous monitoring requirements of subsections (c)(4)(D)(i) through (iii), above.

- E) Certification of compliance statement. The following statement must accompany the certification of compliance:

"I certify under penalty of law that this information was prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information and supporting documentation. Copies of all emissions tests, dispersion modeling results and other information used to determine conformance with the requirements of 35 Ill. Adm. Code 726.203(c) are available at the facility and can be obtained from the facility contact person listed above. Based on my inquiry of the person or persons who manages the facility, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I also acknowledge that the operating limits established pursuant to 35 Ill. Adm. Code 726.203(c)(4)(D) are enforceable limits at which the facility can legally operate during interim status until a revised certification of compliance is submitted."

- 5) Special requirements for HC monitoring systems. When an owner or operator is required to comply with the HC controls provided by Sections 726.204(c) or subsection (a)(5)(A)(iv), above, a conditioned gas monitoring system may be used in conformance with specifications provided in Section 726.Appendix I ("eye") provided that the owner or operator submits a certification of compliance without using extensions of time provided by subsection (c)(7), below. However, owners or operators of facilities electing to comply with the

alternative hydrocarbon provision of Section 726.204(f) and requesting a time extension under Section 726.219(b) may establish the baseline HC level and comply with the interim HC limit established by the time extension using a conditioned gas monitoring system if the Board determines that the owner or operator has also demonstrated a good faith effort to operate a heated monitoring system but found it to be impracticable.

- 6) Special operating requirements for industrial furnaces that recycle collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCS must:
  - A) When complying with the requirements of subsection (c)(3)(B)(i), above, comply with the operating requirements prescribed in "Alternative Method to Implement the Metals Controls" in Section 726.Appendix I ("eye"); and
  - B) When complying with the requirements of subsection (c)(3)(B)(ii), above, comply with the operating requirements prescribed by that subsection.
- 7) Extensions of time.
  - A) If the owner or operator does not submit a complete certification of compliance for all of the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207 by August 21, 1992, the owner or operator shall either:
    - i) Stop burning hazardous waste and begin closure activities under subsection (1), below, for the hazardous waste portion of the facility; or
    - ii) Limit hazardous waste burning only for purposes of compliance testing (and pretesting to prepare for compliance testing) a total period of 720 hours for the period of time beginning August 21, 1992, submit a notification to the Agency by August 21, 1992 stating that the facility is operating under restricted interim status and intends to resume burning hazardous waste, and submit a complete certification of compliance by August 23, 1993; or

- iii) Obtain a case-by-case extension of time under subsection (c)(7)(B), below.
- B) Case-by-case extensions of time. See Section 726.219.
- 8) Revised certification of compliance. The owner or operator may submit at any time a revised certification of compliance (recertification of compliance) under the following procedures:
- A) Prior to submittal of a revised certification of compliance, hazardous waste must not be burned for more than a total of 720 hours under operating conditions that exceed those established under a current certification of compliance, and such burning must be conducted only for purposes of determining whether the facility can operate under revised conditions and continue to meet the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207;
  - B) At least 30 days prior to first burning hazardous waste under operating conditions that exceed those established under a current certification of compliance, the owner or operator shall notify the Agency and submit the following information:
    - i) USEPA facility ID number, and facility name, contact person, telephone number and address;
    - ii) Operating conditions that the owner or operator is seeking to revise and description of the changes in facility design or operation that prompted the need to seek to revise the operating conditions;
    - iii) A determination that, when operating under the revised operating conditions, the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207 are not likely to be exceeded. To document this determination, the owner or operator shall submit the applicable information required under subsection (b)(2), above; and
    - iv) Complete emissions testing protocol for any pretesting and for a new compliance test to determine compliance with the

applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207 when operating under revised operating conditions. The protocol shall include a schedule of pre-testing and compliance testing. If the owner or operator revises the scheduled date for the compliance test, the owner or operator shall notify the Agency in writing at least 30 days prior to the revised date of the compliance test;

- C) Conduct a compliance test under the revised operating conditions and the protocol submitted to the Agency to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207; and
  - D) Submit a revised certification of compliance under subsection (c)(4), above.
- d) Periodic Recertifications. The owner or operator shall conduct compliance testing and submit to the Agency a recertification of compliance under provisions of subsection (c), above, within three years from submitting the previous certification or recertification. If the owner or operator seeks to recertify compliance under new operating conditions, the owner or operator shall comply with the requirements of subsection (c)(8), above.
  - e) Noncompliance with certification schedule. If the owner or operator does not comply with the interim status compliance schedule provided by subsections (b), (c) and (d), above, hazardous waste burning must terminate on the date that the deadline is missed, closure activities must begin under subsection (1), below, and hazardous waste burning must not resume except under an operating permit issued under 35 Ill. Adm. Code 703.232. For purposes of compliance with the closure provisions of subsection (1), below, and 35 Ill. Adm. Code 725.212(d)(2) and 725.213 the BIF has received "the known final volume of hazardous waste" on the date the deadline is missed.
  - f) Start-up and shut-down. Hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine) must not be fed into the device during start-up and shut-down of the BIF, unless the device is operating within the conditions of operation specified in the certification of compliance.
  - g) Automatic waste feed cutoff. During the compliance test required by subsection (c)(3), above, and upon

certification of compliance under subsection (c), above, a BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when the applicable operating conditions specified in subsections (c)(1)(A) and (E) through (M), above, deviate from those established in the certification of compliance. In addition:

- 1) To minimize emissions of organic compounds, the minimum combustion chamber temperature (or the indicator of combustion chamber temperature) that occurred during the compliance test must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber, with the minimum temperature during the compliance test defined as either:
    - A) If compliance with the combustion chamber temperature limit is based on a hourly rolling average, the minimum temperature during the compliance test is considered to be the average over all runs of the lowest hourly rolling average for each run; or
    - B) If compliance with the combustion chamber temperature limit is based on an instantaneous temperature measurement, the minimum temperature during the compliance test is considered to be the time-weighted average temperature during all runs of the test; and
  - 2) Operating parameters limited by the certification of compliance must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the limits established in the certification of compliance.
- h) Fugitive emissions. Fugitive emissions must be controlled by:
- 1) Keeping the combustion zone totally sealed against fugitive emissions; or
  - 2) Maintaining the combustion zone pressure lower than atmospheric pressure; or
  - 3) An alternate means of control that the owner or operator demonstrates provides fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure. Support for such demonstration must be included in the operating record.

- i) Changes. A BIF must cease burning hazardous waste when combustion properties, or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits specified in the certification of compliance.
- j) Monitoring and Inspections.
  - 1) The owner or operator shall monitor and record the following, at a minimum, while burning hazardous waste:
    - A) Feed rates and composition of hazardous waste, other fuels and industrial furnace feed stocks, and feed rates of ash, metals, and total chlorine and chloride as necessary to ensure conformance with the certification of precompliance or certification of compliance;
    - B) CO, oxygen and, if applicable, HC, on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with the operating limits specified in the certification of compliance. CO, HC and oxygen monitors must be installed, operated and maintained in accordance with methods specified in Section 726. Appendix I ("eye").
    - C) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feed stocks as appropriate) and the stack gas emissions must be conducted to verify that the operating conditions established in the certification of precompliance or certification of compliance achieve the applicable standards of Sections 726.204, 726.205, 726.206 and 726.207.
  - 2) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when they contain hazardous waste, at least daily for leaks, spills, fugitive emissions and signs of tampering.
  - 3) The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every 7 days when hazardous waste is burned to verify operability, unless the owner or operator can demonstrate that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. Support for such demonstration must be included in the operating

record. At a minimum, operational testing must be conducted at least once every 30 days.

- 4) These monitoring and inspection data must be recorded and the records must be placed in the operating log.
- k) Recordkeeping. The owner or operator shall keep in the operating record of the facility all information and data required by this Section until closure of the BIF unit.
- l) Closure. At closure, the owner or operator shall remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters and scrubber sludges) from the BIF and shall comply with 35 Ill. Adm. Code 725.211 through 725.215.

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

Section 726.204 Standards to control Organic Emissions

a) DRE standard.

- 1) General. Except as provided in subsection (a)(3), below, a BIF burning hazardous waste must achieve a DRE of 99.99% for all organic hazardous constituents in the waste feed. To demonstrate conformance with this requirement, 99.99% DRE must be demonstrated during a trial burn for each principal organic hazardous constituent (POHC) designated (under subsection (a)(2), below) in its permit for each waste feed. DRE is determined for each POHC from the following equation:

$$\text{DRE} = 100(I - O)/I$$

where:

I = Mass feed rate of one POHC in the hazardous waste fired to the BIF; and

O = Mass emission rate of the same POHC present in stack gas prior to release to the atmosphere.

- 2) Designation of POHCs. POHCs are those compounds for which compliance with the DRE requirements of this Section must be demonstrated in a trial burn in conformance with procedures prescribed in 35 Ill. Adm. Code 703.232. One or more POHCs must be designated by the Agency for each waste feed to be burned. POHCs must be designated based on the degree of difficulty of destruction of the organic constituents in the waste and on their

concentrations or mass in the waste feed considering the results of waste analyses submitted with Part B of the permit application. POHCs are most likely to be selected from among those compounds listed in 35 Ill. Adm. Code 721. Appendix H that are also present in the normal waste feed. However, if the applicant demonstrates to the Agency that a compound not listed in 35 Ill. Adm. Code 721. Appendix H or not present in the normal waste feed is a suitable indicator of compliance with the DRE requirements of this Section, that compound must be designated as a POHC. Such POHCs need not be toxic or organic compounds.

- 3) Dioxin-listed waste. A BIF burning hazardous waste containing (or derived from) USEPA Hazardous Wastes Nos. F020, F021, F022, F023, F026 or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999% for each POHC designated (under subsection (a)(2), above) in its permit. This performance must be demonstrated on POHCs that are more difficult to burn than tetra-, penta- and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each POHC from the equation in subsection (a)(1), above. In addition, the owner or operator of the BIF shall notify the Agency of intent to burn USEPA Hazardous Waste Nos. F020, F021, F022, F023, F026 or F027.
  - 4) Automatic waiver of DRE trial burn. Owners and operators of boilers operated under the special operating requirements provided by Section 726.210 are considered to be in compliance with the DRE standard of subsection (a)(1), above, and are exempt from the DRE trial burn.
  - 5) Low risk waste. Owners and operators of BIFs that burn hazardous waste in compliance with the requirements of Section 726.209(a) are considered to be in compliance with the DRE standard of subsection (a)(1), above, and are exempt from the DRE trial burn.
- b) CO standard.
- 1) Except as provided in subsection (c), below, the stack gas concentration of CO from a BIF burning hazardous waste cannot exceed 100 ppmv on an hourly rolling average basis (i.e., over any 60 minute period), continuously corrected to 7 percent oxygen, dry gas basis.
  - 2) CO and oxygen must be continuously monitored in conformance with "Performance Specifications for



Continuous Emission Monitoring of Carbon Monoxide and Oxygen for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste" in Section 726. Appendix I ("eye").

- 3) Compliance with the 100 ppmv CO limit must be demonstrated during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). To demonstrate compliance, the highest hourly rolling average CO level during any valid run of the trial burn or compliance test must not exceed 100 ppmv.
- c) Alternative CO standard.
- 1) The stack gas concentration of CO from a BIF burning hazardous waste may exceed the 100 ppmv limit provided that stack gas concentrations of HCs do not exceed 20 ppmv, except as provided by subsection (f), below, for certain industrial furnaces.
  - 2) HC limits must be established under this Section on an hourly rolling average basis (i.e., over any 60 minute period), reported as propane, and continuously corrected to 7 percent oxygen, dry gas basis.
  - 3) HC must be continuously monitored in conformance with "Performance Specifications for Continuous Emission Monitoring of Hydrocarbons for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste" in Section 726. Appendix I ("eye"). CO and oxygen must be continuously monitored in conformance with subsection (b)(2), above.
  - 4) The alternative CO standard is established based on CO data during the trial burn (for a new facility) and the compliance test (for an interim status facility). The alternative CO standard is the average over all valid runs of the highest hourly average CO level for each run. The CO limit is implemented on an hourly rolling average basis, and continuously corrected to 7 percent oxygen, dry gas basis.
- d) Special requirements for furnaces. Owners and operators of industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see Section 726.203(a)(5)(B)) at any location other than the end where products are normally discharged and where fuels are normally fired must comply with the

HC limits provided by subsections (c), above, or (f), below, irrespective of whether stack gas CO concentrations meet the 100 ppmv limit of subsection (b), above.

- e) Controls for dioxins and furans. Owners and operators of BIFs that are equipped with a dry PM control device that operates within the temperature range of 450 through 750 °F, and industrial furnaces operating under an alternative HC limit established under subsection (f), below, shall conduct a site-specific risk assessment as follows to demonstrate that emissions of chlorinated dibenzo-p-dioxins and dibenzofurans do not result in an increased lifetime cancer risk to the hypothetical maximum exposed individual (MEI) exceeding 1E-05 (1 in 100,000):
- 1) During the trial burn (for new facilities or an interim status facility applying for a permit) or compliance test (for interim status facilities), determine emission rates of the tetra-octa congeners of chlorinated dibenzo-p-dioxins (PCDDs) and dibenzofurans (CDDs/CDFs) using Method 23, "Determination of Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans (PCDFs) from Stationary Sources", in Section 726.Appendix I ("eye");
  - 2) Estimate the 2,3,7,8-TCDD toxicity equivalence of the tetra-octa CDDs/CDFs congeners using "Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners" in Section 726.Appendix I ("eye"). Multiply the emission rates of CDD/CDF congeners with a toxicity equivalence greater than zero (see the procedure) by the calculated toxicity equivalence factor to estimate the equivalent emission rate of 2,3,7,8-TCDD;
  - 3) Conduct dispersion modeling using methods recommended in "Guideline on Air Quality Models (Revised)" or the "Hazardous Waste Combustion Air Quality Screening Procedure", which are provided in Appendices I and J, respectively, or "EPA SCREEN Screening Procedure" as described in Screening Procedures for Estimating Air Quality Impact of Stationary Sources (incorporated by reference in 35 Ill. Adm. Code 720.111) to predict the maximum annual average off-site ground level concentration of 2,3,7,8-TCDD equivalents determined under subsection (e)(2), above. The maximum annual average on-site concentration must be used when a person resides on-site; and

4) The ratio of the predicted maximum annual average ground level concentration of 2,3,7,8-TCDD equivalents to the risk-specific dose (RSD) for 2,3,7,8-TCDD provided in Section 726. Appendix E (2.2E-07) must not exceed 1.0.

f) Alternative HC limit for furnaces with organic matter in raw material. For industrial furnaces that cannot meet the 20 ppmv HC limit because of organic matter in normal raw material, the Agency shall establish an alternative HC limit on a case-by-case basis (under a Part B permit proceeding) at a level that ensures that flue gas HC (and CO) concentrations when burning hazardous waste are not greater than when not burning hazardous waste (the baseline HC level) provided that the owner or operator complies with the following requirements. However, cement kilns equipped with a by-pass duct meeting the requirements of subsection (g), below, are not eligible for an alternative HC limit.

1) The owner or operator shall demonstrate that the facility is designed and operated to minimize HC emissions from fuels and raw materials, and that the facility is producing normal products under normal operating conditions feeding normal feedstocks and fuels when the baseline HC (and CO) level is determined. The baseline HC ~~(and CO)~~ level is defined as the average over all valid test runs of the highest hourly rolling average value for each run when the facility does not burn hazardous waste, ~~and produces normal products under normal operating conditions feeding normal feedstocks and fuels~~ adjusted as appropriate to consider the variability of hydrocarbon levels under good combustion operating conditions. The baseline CO level is determined based on the test runs used to establish the baseline HC level and is defined as the average over all test runs of the highest hourly rolling average CO value for each run. More than one baseline level must be determined if the facility operates under different modes that generate significantly different HC (and CO) levels;

2) The owner or operator shall develop an approach to monitor over time changes in the operation of the facility that could reduce the baseline HC level;

3) The owner or operator shall conduct emissions testing during the trial burn to:

A) Determine the baseline HC (and CO) level;

B) Demonstrate that, when hazardous waste is

burned, HC (and CO) levels do not exceed the baseline level; and

- C) Identify the types and concentrations of organic compounds listed in 35 Ill. Adm. Code 721.Appendix H, that are emitted and conduct dispersion modeling to predict the maximum annual average ground level concentration of each organic compound. On-site ground level concentrations must be considered for this evaluation if a person resides on site.
  - i) Sampling and analysis of organic emissions must be conducted using procedures prescribed by the Agency pursuant to 35 Ill. Adm. Code 703.208(a).
  - ii) Dispersion modeling must be conducted according to procedures provided by subsection (e)(2), above; and
- D) Demonstrate that maximum annual average ground level concentrations of the organic compounds identified in subsection (f)(3)(C), above, do not exceed the following levels:
  - i) For the noncarcinogenic compounds listed in Section 726.Appendix D, the levels established in Section 726.Appendix D;
  - ii) For the carcinogenic compounds listed in Section 726.Appendix E, the sum for all compounds of the ratios of the actual ground level concentration to the level established in Section 726.Appendix E cannot exceed 1.0. To estimate the health risk from chlorinated dibenzo-p-dioxins and dibenzofuran congeners, use the procedures prescribed by subsection (e)(3), above, to estimate the 2,3,7,8-TCDD toxicity equivalence of the congeners.
    - iii) For compounds not listed in Section 726.Appendix D or E, 0.1 ug/cu m.
- 4) All HC levels specified under this subsection are to be monitored and reported as specified in subsections (c)(1) and (2), above.
- g) Monitoring CO and HC in the by-pass duct of a cement kiln. Cement kilns may comply with the CO and HC limits provided by subsections (b), (c) and (d), above, by monitoring in the by-pass duct provided that:

- 1) Hazardous waste is fired only into the kiln and not at any location downstream from the kiln exit relative to the direction of gas flow; and
  - 2) The by-pass duct diverts a minimum of 10% of kiln off-gas into the duct.
- h) Use of emissions test data to demonstrate compliance and establish operating limits. Compliance with the requirements of this Section must be demonstrated simultaneously by emissions testing or during separate runs under identical operating conditions. Further, data to demonstrate compliance with the CO and HC limits of this Section or to establish alternative CO or HC limits under this Section must be obtained during the time that DRE testing, and where applicable, CDD/CDF testing under subsection (e), above, and comprehensive organic emissions testing under subsection (f), above, is conducted.
- i) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

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

Section 726.206 Standards to control Metals Emissions

- a) General. The owner or operator shall comply with the metals standards provided by subsections (b), (c), (d), (e) or (f), below, for each metal listed in subsection (b), below, that is present in the hazardous waste at detectable levels using analytical procedures specified in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846), incorporated by reference in 35 Ill. Adm. Code 720.111.
- b) Tier I feed rate screening limits. Feed rate screening limits for metals are specified in Section 726.Appendix A as a function of terrain-adjusted effective stack height (TESH) and terrain and land use in the vicinity of the facility. Criteria for facilities that are not eligible to comply with the screening limits are provided in subsection (b)(7), below.
  - 1) Noncarcinogenic metals. The feed rates of the noncarcinogenic metals in all feed streams,

including hazardous waste, fuels and industrial furnace feed stocks must not exceed the screening limits specified in Section 726.Appendix A.

- A) The feed rate screening limits for antimony, barium, mercury, thallium and silver are based on either:
  - i) An hourly rolling average as defined in Sections 726.200(g) and 726.202(e)(6)(A)(ii); or
  - ii) An instantaneous limit not to be exceeded at any time.
- B) The feed rate screening limit for lead is based on one of the following:
  - i) An hourly rolling average as defined in Sections 726.200(g) and 726.202(e)(6)(A)(ii);
  - ii) An averaging period of 2 to 24 hours as defined in Section 726.202(e)(6)(B) with an instantaneous feed rate limit not to exceed 10 times the feed rate that would be allowed on an hourly rolling average basis; or
  - iii) An instantaneous limit not to be exceeded at any time.

2) Carcinogenic metals.

- A) The feed rates of carcinogenic metals in all feed streams, including hazardous waste, fuels and industrial furnace feed stocks must not exceed values derived from the screening limits specified in Section 726.Appendix A. The feed rate of each of these metals is limited to a level such that the sum of the ratios of the actual feed rate to the feed rate screening limit specified in Section 726.Appendix A must not exceed 1.0, as provided by the following equation:

$$\text{SUM}(A_i/F_i) \leq 1.0$$

where:

SUM(X<sub>i</sub>) means the sum of the values of X for each metal "i", from i = 1 to n.

n = number of carcinogenic metals

A<sub>i</sub> = actual feed rate to the device  
for metal "i"

F<sub>i</sub> = feed rate screening limit  
provided by Section 726. Appendix A  
for metal "i".

- B) The feed rate screening limits for the carcinogenic metals are based on either:
- i) An hourly rolling average; or
  - ii) An averaging period of 2 to 24 hours, as defined in Section 726.202(e)(6)(B), with an instantaneous feed rate limit not to exceed 10 times the feed rate that would be allowed on an hourly rolling average basis.
- 3) TESH (terrain adjusted effective stack height).
- A) The TESH is determined according to the following equation:
- $$\text{TESH} = H + P - T$$
- where:
- H = Actual physical stack height (m)
  - P = Plume rise (in m) as determined from Section 726. Appendix F as a function of stack flow rate and stack gas exhaust temperature.
  - T = Terrain rise (in m) within five kilometers of the stack.
- B) The stack height (H) must not exceed good engineering practice stack height, as defined in Section 726.200(g).
- C) If the TESH calculated pursuant to subsection (b)(3)(A), above, is not listed in Appendices A through C, the values for the nearest lower TESH listed in the table must be used. If the TESH is four meters or less, a value based on four meters must be used.
- 4) Terrain type. The screening limits are a function of whether the facility is located in noncomplex or complex terrain. A device located where any part

of the surrounding terrain within 5 kilometers of the stack equals or exceeds the elevation of the physical stack height (H) is considered to be in complex terrain and the screening limits for complex terrain apply. Terrain measurements are to be made from U.S. Geological Survey 7.5-minute topographic maps of the area surrounding the facility.

- 5) Land use. The screening limits are a function of whether the facility is located in an area where the land use is urban or rural. To determine whether land use in the vicinity of the facility is urban or rural, procedures provided in Appendices I ("eye") or J shall be used.
- 6) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BTF, incinerator or other thermal treatment unit subject to controls of metals emissions under a RCRA permit or interim status controls shall comply with the screening limits for all such units assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics. The stack with the lowest value of K is the worst-case stack. K is determined from the following equation as applied to each stack:

$$K = H*V*T$$

Where:

K = a parameter accounting for relative influence of stack height and plume rise;

H = physical stack height (meters);

V = stack gas flow rate (cu m/second);  
and

T = exhaust temperature (degrees K).

- 7) Criteria for facilities not eligible for screening limits. If any criteria below are met, the Tier I (and Tier II) screening limits do not apply. Owners and operators of such facilities shall comply with either the Tier III standards provided by subsection (d), below or with the adjusted Tier I feed rate screening limits provided by subsection (e) below.
  - A) The device is located in a narrow valley less than one kilometer wide;



- B) The device has a stack taller than 20 meters and is located such that the terrain rises to the physical height within one kilometer of the facility;
  - C) The device has a stack taller than 20 meters and is located within five kilometers of a shoreline of a large body of water such as an ocean or large lake;
  - D) The physical stack height of any stack is less than 2.5 times the height of any building within five building heights or five projected building widths of the stack and the distance from the stack to the closest boundary is within five building heights or five projected building widths of the associated building; or
- 8) Implementation. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate screening limits are not exceeded.
- c) Tier II emission rate screening limits. Emission rate screening limits are specified in Section 726. Appendix A as a function of TESH and terrain and land use in the vicinity of the facility. Criteria for facilities that are not eligible to comply with the screening limits are provided in subsection (b) (7), above.
- 1) Noncarcinogenic metals. The emission rates of noncarcinogenic metals must not exceed the screening limits specified in Section 726. Appendix A.
  - 2) Carcinogenic metals. The emission rates of carcinogenic metals must not exceed values derived from the screening limits specified in Section 726. Appendix A. The emission rate of each of these metals is limited to a level such that the sum of the ratios of the actual emission rate to the emission rate screening limit specified in Section 726. Appendix A must not exceed 1.0, as provided by the following equation:

$$\text{SUM}(A_i/E_i) \leq 1.0$$

where:

SUM(X<sub>i</sub>) means the sum of the values of X for each metal i, from i = 1 to n.

n = number of carcinogenic metals

A<sub>i</sub> = actual emission rate for metal "i"

E<sub>i</sub> = emission rate screening limit provided by Section 726. Appendix A for metal "i".

- 3) Implementation. The emission rate limits must be implemented by limiting feed rates of the individual metals to levels during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate averaging periods are the same as provided by subsections (b)(1)(A) and (B) and (b)(2)(B), above. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate limits for the feedstreams specified under Sections 726.202 or 726.203 are not exceeded.
- 4) Definitions and limitations. The definitions and limitations provided by subsection (b), above, and 726.200(g) for the following terms also apply to the Tier II emission rate screening limits provided by this subsection (c): TESH, good engineering practice stack height, terrain type, land use and criteria for facilities not eligible to use the screening limits.
- 5) Multiple stacks.
  - A) Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on metals emissions under a RCRA permit or interim status controls shall comply with the emissions screening limits for any such stacks assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics.
  - B) The worst-case stack is determined by procedures provided in subsection (b)(6), above.
  - C) For each metal, the total emissions of the metal from those stacks must not exceed the screening limit for the worst-case stack.
- d) Tier III site-specific risk assessment. The requirements of this subsection apply to facilities complying with either the Tier III or Adjusted Tier I except where specified otherwise.
  - 1) General. Conformance with the Tier III metals controls must be demonstrated by emissions testing to determine the emission rate for each metal. In

addition, conformance with either Tier III or Adjusted Tier I metals controls must be demonstrated by air dispersion modeling to predict the maximum annual average off-site ground level concentration for each metal and a demonstration that acceptable ambient levels are not exceeded.

- 2) Acceptable ambient levels. Appendices D and E list the acceptable ambient levels for purposes of this Subpart. Reference air concentrations (RACs) are listed for the noncarcinogenic metals and 1E-05 RSDs are listed for the carcinogenic metals. The RSD for a metal is the acceptable ambient level for that metal provided that only one of the four carcinogenic metals is emitted. If more than one carcinogenic metal is emitted, the acceptable ambient level for the carcinogenic metals is a fraction of the RSD as described in subsection (d)(3), below.
- 3) Carcinogenic metals. For the carcinogenic metals the sum of the ratios of the predicted maximum annual average off-site ground level concentrations (except that on-site concentrations must be considered if a person resides on site) to the RSD for all carcinogenic metals emitted must not exceed 1.0 as determined by the following equation:

$$\text{SUM}(P_i/R_i) \leq 1.0$$

where:

SUM(X<sub>i</sub>) means the sum of the values of X for each metal i, from i = 1 to n.

n = number of carcinogenic metals

P<sub>i</sub> = Predicted ambient concentration for metal i.

R<sub>i</sub> = RSD for metal i.

- 4) Noncarcinogenic metals. For the noncarcinogenic metals, the predicted maximum annual average off-site ground level concentration for each metal must not exceed the RAC.
- 5) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on metals emissions under a RCRA permit or interim status controls shall conduct emissions testing (except that facilities complying with Adjusted Tier I controls need not

conduct emissions testing) and dispersion modeling to demonstrate that the aggregate emissions from all such on-site stacks do not result in an exceedance of the acceptable ambient levels.

- 6) Implementation. Under Tier III, the metals controls must be implemented by limiting feed rates of the individual metals to levels during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate averaging periods are the same as provided by subsections (b)(1)(A) and (B) and (b)(2)(B), above. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate limits for the feedstreams specified under Sections 726.202 or 726.203 are not exceeded.
- e) Adjusted Tier I feed rate screening limits. The owner or operator may adjust the feed rate screening limits provided by Section 726.Appendix A to account for site-specific dispersion modeling. Under this approach, the adjusted feed rate screening limit for a metal is determined by back-calculating from the acceptable ambient levels provided by Appendices D and E using dispersion modeling to determine the maximum allowable emission rate. This emission rate becomes the adjusted Tier I feed rate screening limit. The feed rate screening limits for carcinogenic metals are implemented as prescribed in subsection (b)(2), above.
- f) Alternative implementation approaches.
  - 1) Pursuant to subsection (f)(2), below, the Agency shall approve on a case-by-case basis approaches to implement the Tier II or Tier III metals emission limits provided by subsections (c) or (d), above, alternative to monitoring the feed rate of metals in each feedstream.
  - 2) The emission limits provided by subsection (d), above, must be determined as follows:
    - A) For each noncarcinogenic metal, by back-calculating from the RAC provided in Section 726.Appendix D to determine the allowable emission rate for each metal using the dilution factor for the maximum annual average ground level concentration predicted by dispersion modeling in conformance with subsection (h), below; and
    - B) For each carcinogenic metal by:

- i) Back-calculating from the RSD provided in Section 726.Appendix E to determine the allowable emission rate for each metal if that metal were the only carcinogenic metal emitted using the dilution factor for the maximum annual average ground level concentration predicted by dispersion modeling in conformance with subsection (h), below; and
  - ii) If more than one carcinogenic metal is emitted, selecting an emission limit for each carcinogenic metal not to exceed the emission rate determined by subsection (f)(2)(B)(i), above, such that the sum for all carcinogenic metals of the ratios of the selected emission limit to the emission rate determined by that subsection does not exceed 1.0.
- g) Emission testing.
  - 1) General. Emission testing for metals must be conducted using the Multiple Metals Train as described in Section 726.Appendix I ("eye").
  - 2) Hexavalent chromium. Emissions of chromium are assumed to be hexavalent chromium unless the owner or operator conducts emissions testing to determine hexavalent chromium emissions using procedures prescribed in Section 726.Appendix I ("eye").
- h) Dispersion modeling. Dispersion modeling required under this Section must be conducted according to methods recommended in Section 726.Appendix J, the "Hazardous Waste Combustion Air Quality Screening Procedure" described in Section 726.Appendix I ("eye"), or "EPA SCREEN Screening Procedure" as described in Screening Procedures for Estimating Air Quality Impact of Stationary Sources (the latter document is incorporated by reference, see 35 Ill. Adm. Code 720.111) to predict the maximum annual average off-site ground level concentration. However, on-site concentrations must be considered when a person resides on-site.
- i) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

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

Section 726.207 Standards to Control HCl and Chlorine Gas Emissions

- a) General. The owner or operator shall comply with the HCl and chlorine gas controls provided by subsections (b) ~~or~~ (c) or (e), below.
- b) Screening limits.
  - 1) Tier I feed rate screening limits. Feed rate screening limits are specified for total chlorine in Section 726. Appendix B as a function of TESH and terrain and land use in the vicinity of the facility. The feed rate of total chlorine and chloride, both organic and inorganic, in all feed streams, including hazardous waste, fuels and industrial furnace feed stocks must not exceed the levels specified.
  - 2) Tier II emission rate screening limits. Emission rate screening limits for HCl and chlorine gas are specified in Section 726. Appendix C as a function of TESH and terrain and land use in the vicinity of the facility. The stack emission rates of HCl and chlorine gas must not exceed the levels specified.
  - 3) Definitions and limitations. The definitions and limitations provided by Section 726.200(g) and 726.206(b) for the following terms also apply to the screening limits provided by this subsection: TESH, good engineering practice stack height, terrain type, land use and criteria for facilities not eligible to use the screening limits.
  - 4) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on HCl or chlorine gas emissions under a RCRA permit or interim status controls shall comply with the Tier I and Tier II screening limits for those stacks assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics.
    - A) The worst-case stack is determined by procedures provided in Section 726.206(b)(6).
    - B) Under Tier I, the total feed rate of chlorine and chloride to all subject devices must not exceed the screening limit for the worst-case

stack.

- C) Under Tier II, the total emissions of HCl and chlorine gas from all subject stacks must not exceed the screening limit for the worst-case stack.

c) Tier III site-specific risk assessments.

- 1) General. Conformance with the Tier III controls must be demonstrated by emissions testing to determine the emission rate for HCl and chlorine gas, air dispersion modeling to predict the maximum annual average off-site ground level concentration for each compound, and a demonstration that acceptable ambient levels are not exceeded.
- 2) Acceptable ambient levels. Section 726.Appendix D lists the RACs for HCl (7 ug/cu m) and chlorine gas (0.4 ug/cu m).
- 3) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on HCl or chlorine gas emissions under a RCRA permit or interim status controls shall conduct emissions testing and dispersion modeling to demonstrate that the aggregate emissions from all such on-site stacks do not result in an exceedance of the acceptable ambient levels for HCl and chlorine gas.

d) Averaging periods. The HCl and chlorine gas controls are implemented by limiting the feed rate of total chlorine and chloride in all feedstreams, including hazardous waste, fuels and industrial furnace feed stocks. Under Tier I, the feed rate of total chlorine and chloride is limited to the Tier I Screening Limits. Under Tier II and Tier III, the feed rate of total chlorine and chloride is limited to the feed rates during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate limits are based on either:

- 1) An hourly rolling average as defined in Section 726.200(g) and 726.202(e)(6); or
- 2) An instantaneous basis not to be exceeded at any time.

e) Adjusted Tier I feed rate screening limits. The owner or operator may adjust the feed rate screening limit provided by Section 726.Appendix B to account for site-

specific dispersion modeling. Under this approach, the adjusted feed rate screening limit is determined by back-calculating from the acceptable ambient level for chlorine gas provided by Section 726. Appendix D using dispersion modeling to determine the maximum allowable emission rate. This emission rate becomes the adjusted Tier I feed rate screening limit.

- f) Emissions testing. Emissions testing for HCl and chlorine gas must be conducted using the procedures described in Section 726. Appendix I ("eye").
- g) Dispersion modeling. Dispersion modeling must be conducted according to the provisions of Section 726.206(h).
- h) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

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

#### Section 726.212 Regulation of Residues

A residue derived from the burning or processing of hazardous waste in a BIF is not excluded from the definition of a hazardous waste under 35 Ill. Adm. Code 721.104(b)(4), (7) or (8) unless the device and the owner or operator meet the following requirements:

- a) The device meets the following criteria:
  - 1) Boilers. Boilers must burn at least 50% coal on a total heat input or mass basis, whichever results in the greater mass feed rate of coal;
  - 2) Ore or mineral furnaces. Industrial furnaces subject to 35 Ill. Adm. Code 721.104(b)(7) must process at least 50% by weight normal, nonhazardous raw materials;
  - 3) Cement kilns. Cement kilns must process at least 50% by weight normal cement-production raw materials;
- b) The owner or operator demonstrates that the hazardous waste does not significantly affect the residue by demonstrating conformance with either of the following



criteria:

- 1) Comparison of waste-derived residue with normal residue. The waste-derived residue must not contain 35 Ill. Adm. Code 721.Appendix H constituents (toxic constituents) that could reasonably be attributable to the hazardous waste at concentrations significantly higher than in residue generated without burning or processing of hazardous waste, using the following procedure. Toxic compounds that could reasonably be attributable to burning or processing the hazardous waste (constituents of concern) include toxic constituents in the hazardous waste, and the organic compounds listed in 35 Ill. Adm. Code 721.Appendix H that may be PICs. Sampling and analyses must be in conformance with procedures prescribed in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
  - A) Normal residue. Concentrations of toxic constituents of concern in normal residue must be determined based on analyses of a minimum of 10 samples representing a minimum of 10 days of operation. Composite samples may be used to develop a sample for analysis provided that the compositing period does not exceed 24 hours. The upper tolerance limit (at 95% confidence with a 95% proportion of the sample distribution) of the concentration in the normal residue shall be considered the statistically-derived concentration in the normal residue. If changes in raw materials or fuels reduce the statistically-derived concentrations of the toxic constituents of concern in the normal residue, the statistically-derived concentrations must be revised or statistically-derived concentrations of toxic constituents in normal residue must be established for a new mode of operation with the new raw material or fuel. To determine the upper tolerance limit in the normal residue, the owner or operator shall use statistical procedures prescribed in "Statistical Methodology for Bevill Residue Determinations" in Section 726.Appendix I ("eye").
  - B) Waste-derived residue. Waste derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24-hour period has concentrations of toxic constituents that are

higher than the concentrations established for the normal residue under subsection (b)(1)(A), above. If so, hazardous waste burning has significantly affected the residue and the residue is not excluded from the definition of "hazardous waste". Concentrations of toxic constituents in waste-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite sample for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour period, the concentration of each toxic constituent must be the arithmetic mean of the concentrations in the samples. No results can be disregarded; or

- 2) Comparison of waste-derived residue concentrations with health-based limits.
  - A) Nonmetal constituents. The concentrations of nonmetal toxic constituents of concern (specified in subsection (b)(1), above) in the waste-derived residue must not exceed the health-based levels specified in Section 726.Appendix G, or the level of detection (using analytical procedures prescribed in SW-846 incorporated by reference in 35 Ill. Adm. Code 720.111), whichever is higher. If a health-based limit for a constituent of concern is not listed in Section 726.Appendix G, then a limit of 0.002 ug/kg or the level of detection (using analytical procedures prescribed in SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111), whichever is higher, must be used; and
  - B) Metal constituents. The concentration of metals in an extract obtained using the TCLP test must not exceed the levels specified in Section 726.Appendix G; and
  - C) Sampling and analysis. Wastewater-derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24 hour period has concentrations of toxic constituents which are higher than the health-based levels. Concentrations of concern in the wastewater-derived residue must be determined based on analysis of one or more samples obtained over

a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24 hour period, the concentration of each toxic constituent is the arithmetic mean of the concentrations of the samples. No results can be disregarded; and

c) Records sufficient to document compliance with the provisions of this Section must be retained until closure of the BIF unit. At a minimum, the following must be recorded:

- 1) Levels of constituents in 35 Ill. Adm. Code 721.Appendix H that are present in waste-derived residues;
- 2) If the waste-derived residue is compared with normal residue under subsection (b)(1), above:
  - A) The levels of constituents in 35 Ill. Adm. Code 721.Appendix H that are present in normal residues; and
  - B) Data and information, including analyses of samples as necessary, obtained to determine if changes in raw materials or fuels would reduce the concentration of toxic constituents of concern in the normal residue.

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

#### Section 726.219 Extensions of Time

The owner or operator may request a case-by-case extension of time to extend any time limit provided by Section 726.203(c). The operator shall file a petition for a RCRA variance pursuant to 35 Ill. Adm. Code 104. The Board will grant the variance if compliance with the time limit is not practicable for reasons beyond the control of the owner or operator.

- a) In granting an extension, the Board will apply conditions as the facts warrant to ensure timely compliance with the requirements of Section 726.203 and that the facility operates in a manner that does not pose a hazard to human health and the environment;
- b) When an owner and operator requests an extension of time to enable the facility to comply with the alternative hydrocarbon provisions of Section 726.204(f) and them to

obtain a RCRA permit because the facility cannot meet the HC limit of Section 726.204(c):

1) The Board will, in considering whether to grant the extension:

A) Determine whether the owner and operator have submitted in a timely manner a complete Part B permit application that includes information required under 35 Ill. Adm. Code 703.208(b); and

B) Consider whether the owner and operator have made a good faith effort to certify compliance with all other emission controls, including the controls on dioxins and furans of Section 726.204(e) and the controls on PM, metals and HCl/chlorine gas.

2) If an extension is granted, the Board will, as a condition of the extension, require the facility to operate under flue gas concentration limits on CO and HC that, based on available information, including information in the Part B permit application, are baseline CO and HC levels as defined by Section 726.204(f)(1).

BOARD NOTE: Derived from 40 CFR 266.103(c)(7)(ii), adopted at 56 Fed. Reg. 7206, February 21, 1991; ~~and 56 Fed. Reg. 32688, July 17, 1991;~~ and 57 Fed. Reg. 38566, August 25, 1992.

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

Section 726.Appendix I Methods Manual for Compliance with BIF Regulations

See "Methods Manual for Compliance with BIF Regulations". This document is available from two sources. It is available through NTIS, incorporated by reference in 35 Ill. Adm. Code 720.111. It is also available as 40 CFR 266, Appendix IX, adopted at 56 Fed. Reg. 32688, July 17, 1991 and amended at 56 Fed. Reg. 42511, August 27, 1991, 57 Fed. Reg. 38566, August 25, 1992, and 57 Fed. Reg. 45001, September 30, 1992, which is incorporated by reference. This incorporation includes no future editions or amendments.

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

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

PART 728  
LAND DISPOSAL RESTRICTIONS

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728.102	Definitions
728.103	Dilution Prohibited as a Substitute for Treatment
728.104	Treatment Surface Impoundment Exemption
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AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27]).

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

SUBPART A: GENERAL

Section 728.101 Purpose, Scope and Applicability

- a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.
- b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part

apply to persons who generate or transport hazardous waste and to owners and operators of hazardous waste treatment, storage and disposal facilities.

- c) Restricted wastes may continue to be land disposed as follows:
- 1) Where persons have been granted an extension to the effective date of a prohibition under Subpart C or pursuant to Section 728.105, with respect to those wastes covered by the extension;
  - 2) Where persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
  - 3) Wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited from land disposal under this Part, are not prohibited from land disposal if the wastes:
    - A) Are disposed into a nonhazardous or hazardous waste injection well as defined in 35 Ill. Adm. Code 704.106(a); and
    - B) Do not exhibit any prohibited characteristic of hazardous waste at the point of injection.
- d) This Part does not affect the availability of a waiver under Section 121(d)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601 et seq).
- e) The following hazardous wastes are not subject to any provision of this Part:
- 1) Wastes generated by small quantity generators of less than 100 kg of non-acute hazardous waste or less than 1 kg of acute hazardous waste per month, as defined in 35 Ill. Adm. Code 721.105;
  - 2) Waste pesticides that a farmer disposes of pursuant to 35 Ill. Adm. Code 722.170;
  - 3) Wastes identified or listed as hazardous after November 8, 1984, for which USEPA has not promulgated land disposal prohibitions or treatment standards.
  - 4) De minimis losses to wastewater treatment systems of commercial chemical product or chemical intermediates that are ignitable (D001), or

corrosive (D002), and that contain underlying hazardous constituents as defined in Section 728.102 of this Part, are not considered to be prohibited wastes. De minimis is defined as losses from normal material handling operations (e.g. spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purging; and relief device discharges.

5) Land disposal prohibitions do not apply to laboratory wastes displaying the characteristic of ignitable and corrosive laboratory wastes containing underlying hazardous constituents from laboratory operations, that are mixed with other plant wastewaters at facilities whose ultimate discharge is subject to regulations under the CWA (including wastewaters at facilities which have eliminated the discharge of wastewater), provided that the annualized flow of laboratory wastewater into the facility's headwork does not exceed one percent, or provided that the laboratory wastes' combined annualized average concentration does not exceed one part per million in the facility's headwork.

f) This Part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Environmental Protection Agency (Agency) shall not issue a wastestream authorization pursuant to 35 Ill. Adm. Code 709 or Sections 22.6 or 39(h) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$ , pars. 1022.6 or 1039(h)) unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

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

#### Section 728.102 Definitions

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

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"CERCLA" means the Comprehensive Environmental



Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: A manufactured object; or plant or animal matter; or natural geologic material. However, the following materials are not debris: Any material for which a specific treatment standard is provided in 728, Subpart D; Process residuals such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75% of their original volume. A mixture of debris that has not been treated to the standards provided by Section 728.145 of this Part and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

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

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

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

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

Metal slags (either dross or scoria).

Glassified slag.

Glass.

Concrete (excluding cementitious or pozzolanic stabilized hazardous wastes).

Masonry and refractory bricks.

Metal cans, containers, drums or tanks.

Metal nuts, bolts, pipes, pumps, valves,

appliances or industrial equipment.

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

"Land disposal" means placement in or on the land and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes.

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

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

"ppm" means parts per million.

"RCRA corrective action" means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, 40 CFR 264.100 or 265.93 (1937), or similar regulations in other States with RCRA programs authorized by USEPA pursuant to 40 CFR 271 (1989).

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

"USEPA" means the United States Environmental Protection Agency.

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

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

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

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

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

Section 728.105 Procedures for case-by-case Extensions to an Effective Date

- a) The Board incorporates by reference 40 CFR 268.5 (1989), as amended at 54 Fed. Reg. 36970, September 6, 1989, and at 55 Fed. Reg. 23935, June 13, 1990, and 57 Fed. Reg. 37270, August 18, 1992. This Part incorporates no future editions or amendments.
- b) Persons may apply to USEPA for extensions of effective dates pursuant to 40 CFR 268.5. Extensions which are granted by USEPA will be deemed extensions of dates specified in the derivative Board rule.

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

Section 728.107 Waste Analysis and Recordkeeping

- ~~a) Except as specified in Section 728.132 or 728.143, the generator shall test the generator's waste, or test an extract developed using the test method described in Section 728, Appendix A, or use knowledge of the waste, to determine if the waste is restricted from land disposal under this Part.~~
- a) Except as specified in Section 728.132, where a generator's waste is listed in 35 Ill. Adm. Code 721, Subpart D, the generator shall test his waste, or test an extract using the test method described in 35 Ill. Adm. Code 721, Appendix B, or use knowledge of the waste, to determine if the waste is restricted from land disposal under this part. Except as specified in Section 728.132, if a generator's waste exhibits one or more of the characteristics set out at 35 Ill. Adm. Code 721, Subpart C, the generator must test an extract using the test method described in 40 C.F.R. 268, Appendix IX (Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test (SW-846, Method 1310A)) as incorporated by reference in 35 Ill. Adm. Code 720.111, or use knowledge of the waste, to determine if the waste is restricted from land disposal under this part. If the generator determines that his waste displays the characteristic of ignitability (D001) (and is not in the High TOC Ignitable Liquids Subcategory or is not treated by INCIN, FSUBS, or RORGS of Section 728, Table C of this Part), or the characteristic of corrosivity (D002), and is prohibited under Section 728.137, the generator must determine what underlying hazardous constituents (as defined in Section 728.102 of this Part), are reasonably expected

to be present in the D001 or D002 waste.

1) If a generator determines that the generator is managing a restricted waste under this Part and determines that the waste does not meet the applicable treatment standards set forth in Subpart D of this Part or exceeds the applicable prohibition levels set forth in Section 728.132 or 728.139, with each shipment of waste the generator shall notify the treatment or storage facility in writing of the appropriate treatment standard set forth in Subpart D of this Part and any applicable prohibition levels set forth in Section 728.132 or 728.139. The notice must include the following information:

- A) USEPA Hazardous Waste Number;
- B) The corresponding treatment standards for wastes F001-F005, F039, and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139, and for underlying hazardous constituents (as defined in Section 728.102 of this Part), in D001 and D002 wastes must either be included, or be referenced by including on the notification the applicable wastewater (as defined in Section 728.102(f)) or nonwastewater (as defined in Section 728.102(d)) category, the applicable subcategory made within a waste code based on waste-specific criteria (such as D003 reactive cyanides), and the Section(s) and subsection(s) where the applicable treatment standard appears. Treatment standards for all other restricted wastes must either be referenced as above, or by including on the notification the subcategory of the waste, the treatability group(s) of the waste(s), and the Section and subsection where the treatment standards appear. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the notification.
- C) The manifest number associated with the shipment of waste; and
- D) Waste analysis data, where available. For hazardous debris, the contaminants subject to treatment as provided by Section 728.145(b)

and the following statement: "This hazardous debris is subject to the alternative treatment standards of 35 Ill. Adm. Code 728.145; and

E) Waste analysis data, where available.

- 2) If a generator determines that the generator is managing a restricted waste under this Part, and determines that the waste can be land disposed without further treatment, with each shipment of waste the generator shall submit, to the treatment, storage or land disposal facility, a notice and a certification stating that the waste meets the applicable treatment standards set forth in Subpart D and the applicable prohibition levels set forth in Section 728.132 or 728.139. Generators of hazardous debris that is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(c), 35 Ill. Adm. Code 728.103(f)(2) and 35 Ill. Adm. Code 720.122 (i.e. debris that is delisted), however are not subject to these notification and certification requirements.

A) The notice must include the following information:

- i) USEPA Hazardous Waste Number;
- ii) The corresponding treatment standards for wastes F001-F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either be referenced as above, or by including on the notification the subcategory of the waste, the treatability group(s) of the waste(s), and the Section and subsection where the treatment standards appear. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the notification.
- iii) The manifest number associated with the shipment of waste;
- iv) Waste analysis data, where available

- B) The certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728.Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132, 728.139 or Section 3004(d) of the Resource Conservation and Recovery Act. I believe that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

- 3) If a generator's waste is subject to an exemption from a prohibition on the type of land disposal method utilized for the waste (such as, but not limited to, a case-by-case extension under Section 728.105, an exemption under Section 728.106, an extension under Section 728.101(c)(3) or a nationwide capacity variance under 40 CFR 268.Subpart C (1989), with each shipment of waste, the generator shall submit a notice with the waste to the facility receiving the generator's waste, stating that the waste is not prohibited from land disposal. The notice must include the following information:

A) EPA hazardous waste number:

B) The corresponding treatment standards for wastes F001-F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either be referenced as above, or by including on the notification the subcategory of the waste, the treatability group(s) of the waste(s), and the Section and subsection where the treatment standards appear. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found

in Table C (e.g., INCIN, WETOX) also must be listed on the notification.

- C) The manifest number associated with the shipment of waste;
  - D) Waste analysis data, where available; ~~and~~
  - E) For hazardous debris, the contaminents subject to treatment as provided by Section 728.145(b) and the following statement: "This hazardous debris is subject to the alternative treatment standards of 35 Ill. Adm. Code 728.145"; and
  - EF) The date the waste is subject to the prohibitions.
- 4) If a generator is managing a prohibited waste in tanks or containers regulated under 35 Ill. Adm. Code 722.134, and is treating such waste in such tanks, containers or containment buildings to meet applicable treatment standards under Subpart D of this Part, the generator shall develop and follow a written waste analysis plan which describes the procedures the generator will carry out to comply with the treatment standards. The plan must be kept on-site in the generator's records, and the following requirements must be met:
- A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this Part, including the selected testing frequency.
  - B) Such plan must be filed with the Agency a minimum of 30 days prior to the treatment activity, with delivery verified.
  - C) Wastes shipped off-site pursuant to this subsection must comply with the notification requirements of Section 728.107(a)(2).
- 5) If a generator determines whether the waste is restricted based solely on the generator's knowledge of the waste, the generator shall retain all supporting data used to make this determination on-site in the generator's files. If a generator determines whether the waste is restricted based on testing the waste or an

extract developed using the test method described in Section 728. Appendix A, the generator shall retain all waste analysis data on site in the generator's files.

- 6) Generators shall retain on-site a copy of all notices, certifications, demonstrations, waste analysis data and other documentation produced pursuant to this Section for at least five years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment storage or disposal. The five year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency.
- 7) If a generator is managing a lab pack that contains wastes identified in Section 728. Appendix D and wishes to use the alternative treatment standard under Section 728.142, with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1). The generator shall also comply with the requirements in subsections (a)(5) and (a)(6), and shall submit the following certification, which must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only the wastes specified in 35 Ill. Adm. Code 728. Appendix D or solid wastes not subject to regulation under 35 Ill. Adm. Code 721. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

- 8) If a generator is managing a lab pack that contains organic wastes specified in Section 728. Appendix E and wishes to use the alternate treatment standards under Section 728.142, with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1). The generator also shall comply with the requirements in subsections (a)(5) and (a)(6), and shall submit the following certification which must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with



the waste through analysis and testing or through knowledge of the waste and that the lab pack contains only organic waste specified in 35 Ill. Adm. Code 728. Appendix E or solid wastes not subject to regulation under 35 Ill. Adm. Code 721. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

- 9) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) shall comply with the applicable notification and certification requirements of subsection (a) for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended following notification pursuant to Section 31(d) of the Environmental Protection Act, until either any subsequent enforcement action is resolved, or the Agency notifies the generator documents need no be retained.
- b) Treatment facilities shall test their wastes according to the frequency specified in their waste analysis plans as required by 35 Ill. Adm. Code 724.113 or 725.113. Such testing must be performed as provided in subsections (b)(1), (b)(2) and (b)(3).
  - 1) For wastes with treatment standards expressed as concentrations in the waste extract (Section 728.141), the owner or operator of the treatment facility shall test the treatment residues or an extract of such residues developed using the test method described in Section 728. Appendix A to assure that the treatment residues or extract meet the applicable treatment standards.
  - 2) For wastes prohibited under Section 728.132 or 728.139 which are not subject to any treatment standards under Subpart D, the owner or operator of the treatment facility shall test the treatment residues according to the generator testing requirements specified in Section 728.132 to assure that the treatment residues comply with the applicable prohibitions.
  - 3) For wastes with treatment standards expressed as concentrations in the waste (Section 728.143), the owner or operator of the treatment facility shall

test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

- 4) A notice must be sent with each waste shipment to the land disposal facility which includes the following information, except that debris excluded from the definition of the hazardous waste under Section 728.103(f)(2) (i.e., debris treated by an extraction or destruction technology provided by Section 728, Table F, and debris that is delisted) is subject to the notification and certification requirements of subsection (d) below rather than these notification requirements:

- A) USEPA Hazardous Waste Number;
- B) The corresponding treatment standards for wastes F001-F005, F009, ~~and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139, and for underlying hazard vs constituents (as defined in Section 728.102 of this Part), in D001 and D002 wastes if those wastes are prohibited under Section 728.137 of this Part. Treatment standards for all other restricted wastes must either be included or be referenced by including on the notification the applicable wastewater (as defined in Section 728.102(f)) or nonwastewater (as defined in Section 728.102(d)) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanides), and the Section(s) and subsection(s) where the applicable treatment standard appears. ~~Treatment standards for all other restricted wastes must either be referenced as above, or by including on the notification the subcategory of the waste, the treatability group(s) of the waste(s), and the Section and subsection where the treatment standards appear.~~ Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the notification.~~
- C) The manifest number associated with the shipment of waste; and
- D) Waste analysis data, where available.

5) The treatment facility shall submit a certification with each shipment of waste or treatment residue of a restricted waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the treatment standards specified in Subpart D and the applicable prohibitions set forth in Section 728.132 or 728.139. Debris excluded from the definition of hazardous waste under Section 728.103(f)(2) (i.e., debris treated by an extraction or destruction technology provided by Section 728.Table F, and debris that is delisted), however, is subject to the notification and certification requirements of subsection (d) below rather than the certification requirements of subsection (b)(5).

A) For wastes with treatment standards expressed as concentrations in the waste extract or in the waste (Sections 728.141 or 728.143), or for wastes prohibited under Section 728.132 or 728.139 which are not subject to any treatment standards under Subpart D, the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the performance levels specified in 35 Ill. Adm. Code 728.Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132 or 728.139 or Section 3004(d) of the Resource Conservation and Recovery Act without impermissible dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

B) For wastes with treatment standards expressed as technologies (Section 728.142), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that the

waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.142. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- C) For wastes with treatment standards expressed as concentrations in the waste pursuant to Section 728.143, if compliance with the treatment standards in Subpart D is based in part or in whole on the analytical detection limit alternative specified in Section 728.143(c), the certification also must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by incineration in units operated in accordance with 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O, or by combustion in fuel substitution units operating in accordance with applicable technical requirements, and I have been unable to detect the nonwastewater organic constituents despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- 6) If the waste or treatment residue will be further managed at a different treatment or storage facility, the treatment, storage or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.
- 7) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e. the recycler) is not required to

notify the receiving facility pursuant to subsection (b)(4). With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)(5), and a notice which includes the information listed in subsection (b)(4) (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.

- c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall:
- 1) Have copies of the notice and certification specified in subsection (a) or (b), and the certification specified in Section 728.108 if applicable.
  - 2) Test the waste, or an extract of the waste or treatment residue developed using the test method described in Section 728.Appendix A or using any methods required by generators under Section 728.132, to assure that the wastes or treatment residues are in compliance with the applicable treatment standards set forth in Subpart D and all applicable prohibitions set forth in Sections 728.132 or 728.139. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 725.113.
  - 3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator shall ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.
  - 4) Where the owner or operator is disposing of any waste that is a recyclable material used in a

manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (3) with respect to such waste.

d) Generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 728.103(f)(2) (i.e., debris treated by an extraction or destruction technology provided by Section 728, Table F, and debris that has been delisted) are subject to the following notification and certification requirements:

1) A one-time notification must be submitted to the Agency including the following information:

A) The name and address of the RCRA Subtitle D facility receiving the treated debris;

B) A description of the hazardous debris as initially generated, including the applicable EPA Hazardous Waste Number(s); and

C) For debris excluded under 35 Ill. Adm. Code 728.103(f)(2), the technology from Section 728, Table F, used to treat the debris.

2) The notification must be updated if the debris is shipped to a different facility, and, for debris excluded 35 Ill. Adm. Code 721.2(d)(1), if a different type of debris is treated or if a different technology is used to treat the debris.

3) For debris excluded under 35 Ill. Adm. Code 728.103(f)(2), the owner or operator of the treatment facility must document and certify compliance with the treatment standards of Section 728, Table F, as follows:

A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;

B) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and

C) For each shipment of treated debris, a certification of compliance with the treatment standard; must be signed by an

authorized representative and placed in the facility's files. The certification must state the following: "I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment."

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

Section 728.109 Special Rules for Characteristic Wastes

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

d) Wastes that exhibit a characteristic are also subject to Section 728.107 requirements, ~~except that once the waste is no longer hazardous, for each shipment of such wastes to a non-hazardous waste facility, regulated under 35 Ill. Adm. Code 807 or 811 through 815, or exempted under Section 21(d)(1)(i) of the Environmental Protection Act, or similarly regulated in other States, the initial generator or the treatment facility need not send a Section 728.107 notification to such facility. In such circumstances, a notification and certification must be sent to the Agency, or, for out-of-State shipments, to the appropriate USEPA Regional Administrator or State authorized, pursuant to 40 CFR 271, to implement 40 CFR 268 requirements, one time notification and certification must be placed in the generators or treaters files and sent to the Agency. The notification and certification that is placed in the generators or treaters' files must be updated if the process or operation generating the waste changes or if the subtitle D facility receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the year but no later than December 31.~~

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

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

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION  
AND ESTABLISHMENT OF TREATMENT STANDARDS

Section 728.114 Surface Impoundment exemptions.

- a) This Section defines additional circumstances under which an otherwise prohibited waste may continue to be



placed in a surface impoundment.

b) Wastes which are newly identified or listed by USEPA pursuant to Section 3001 of RCRA (42 U.S.C. § 6921) after November 8, 1984, and stored in a surface impoundment that is newly subject to subtitle C of RCRA (42 U.S.C. § 6921 et seq.) as a result of the additional identification or listing, may continue to be stored in the surface impoundment for 48 months after the promulgation of the additional listing or characteristic, notwithstanding that the waste is otherwise prohibited from land disposal, provided that the surface impoundment is in compliance with the requirements of 35 Ill. Adm. Code 725. Subpart F within 12 months after promulgation of the new listing or characteristic.

c) Wastes which are newly identified or listed under Section 3001 (42 U.S.C. § 6921) after November 8, 1984, and treated in a surface impoundment that is newly subject to Subtitle C of RCRA (42 U.S.C. § 6921 et seq.) as a result of the additional identification or listing, may continue to be treated in that surface impoundment, notwithstanding that the waste is otherwise prohibited from land disposal, provided that surface impoundment is in compliance with the requirements of 35 Ill. Adm. Code 725. Subpart F within 12 months after the promulgation of the new listing or characteristic. In addition, if the surface impoundment continues to treat hazardous waste after 48 months from promulgation of the additional listing or characteristic, it must then be in compliance with Section 728.104.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.135 Waste Specific Prohibitions--Third Third wastes.

a) The following wastes are prohibited from land disposal.

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

F002 (1,1,2-trichloroethane)  
F005 (benzene)  
F005 (2-ethoxyethanol)  
F005 (2-nitropropane)  
F006 (wastewaters),  
F019  
F025

F039 (wastewaters);

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

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

- 3) The wastes specified in 35 Ill. Adm. Code

721.133(e) as EPA Hazardous Waste Numbers:

P001  
P002  
P003  
P004  
P005  
P006  
P007  
P008  
P009  
P010 (wastewaters)  
P011 (wastewaters)  
P012 (wastewaters)  
P014  
P015  
P016  
P017  
P018  
P020  
P022  
P023  
P024  
P026  
P027  
P028  
P031  
P033  
P034  
P036 (wastewaters)  
P037  
P038 (wastewaters)  
P042  
P045  
P046  
P047  
P048  
P049  
P050  
P051  
P054  
P056  
P057  
P058  
P059  
P060  
P064  
P065 (wastewaters)  
P066  
P067  
P068  
P069  
P070  
P072

P073  
P075  
P076  
P077  
P078  
P081  
P082  
P084  
P088  
P092 (wastewaters)  
P093  
P095  
P096  
P101  
P102  
P103  
P105  
P108

P110  
P112  
P113  
P114  
P115  
P116  
P118  
P119  
P120  
P122  
P123

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

U001  
U002  
U003  
U004  
U005  
U006  
U007  
U008  
U009  
U010  
U011  
U012  
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U135  
U136 (wastewaters)  
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U151 (wastewaters)  
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U237  
U238  
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U243  
U244  
U246  
U247  
U248  
U249

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

D001  
D002  
D003  
D004 (wastewaters)  
D005  
D006  
D007  
D008 (except for lead materials stored before secondary smelting)  
D009 (wastewaters)  
D010  
D011  
D012  
D013  
D014



D015  
D016  
D017

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

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

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

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

F039 (nonwastewaters)

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

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

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

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

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

U136 (nonwastewaters)  
U151 (nonwastewaters)

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

D004 (nonwastewaters)  
D009 (nonwastewaters);

- 6) ~~Inorganic solid debris as defined in 35 Ill. Adm. Code 728.102 (which also applies to chromium refractory bricks carrying the EPA Hazardous Waste Numbers K043-K052), and~~
- 7) RCRA hazardous wastes that contain naturally occurring radioactive materials.
- d) Effective May 8, 1992, hazardous wastes listed in Sections 728.110, 728.111 or 728.112 that are mixed radioactive/hazardous wastes, and soil or debris contaminated with hazardous wastes listed in Sections 728.110, 728.111 or 728.112 that are mixed radioactive/hazardous wastes, are prohibited from land disposal, except as provided in subsection (e) below.
- e) Subject to the applicable prohibitions of Sections 728.130, 728.131, and 728.132, contaminated soil and debris are prohibited from land disposal as follows:
- 1) Effective May 8, 1993, debris that is contaminated with wastes listed in Sections 728.110, 728.111 or 728.112 (including such wastes that are mixed radioactive and hazardous wastes), and debris that is contaminated with any characteristic waste for which treatment standards are established in Subpart D of this Part (including such wastes that are mixed radioactive hazardous wastes), are prohibited from land disposal.
  - 2) Effective May 8, 1993, hazardous soil having treatment standards in 728. Subpart D based on incineration, mercury retorting or vitrification, and soils contaminated with hazardous wastes listed in Sections 728.110, 728.111 and 728.112 that are mixed radioactive hazardous wastes, are prohibited from land disposal.
- h) Between May 8, 1990, and May 8, 1992, wastes included in subsections (c), (d) and (e), above, shall be disposed of in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in Section 728.105(h)(2).
- i) The requirements of subsections (a), (b), (c), (d) and (e), above, do not apply if:
- 1) The wastes meet the applicable standards specified in Subpart D of this Part;
  - 2) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;

- 3) The wastes meet the applicable alternate standards established pursuant to a petition granted under Section 728.144;
  - 4) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to these wastes covered by the extension.
- j) To determine whether a hazardous waste listed in Section 728.110, 728.111 or 728.112 exceeds the applicable treatment standards specified in Sections 728.141 and 728.143, the initial generator shall either test a representative sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or use knowledge of the waste. If the waste contains constituents in excess of the applicable Subpart D of this Part levels, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.
- k) Effective May 8, 1993, D008 lead materials stored before secondary smelting are prohibited from land disposal. On or before March 1, 1993, the owner or operator of each secondary lead smelting facility shall submit to the Agency the following: A binding contractual commitment to construct or otherwise provide capacity for storing such D008 wastes prior to smelting which complies with all applicable storage standards; documentation that the capacity to be provided will be sufficient to manage the entire quantity of such D008 wastes; and, a detailed schedule for providing such capacity. Failure by a facility to submit such documentation will render such D008 managed by that facility prohibited from land disposal effective March 1, 1993. In addition, no later than July 27, 1992, the owner or operator of each facility shall place in the facility record documentation of the manner and location in which such wastes will be managed pending completion of such capacity, demonstrating that such management capacity will be adequate and complies with all applicable requirements of 35 Ill. Adm. Code 720 through 728.

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

Section 728.136      Waste Specific Prohibitions -- Newly Listed Wastes.

- a) Effective November 9, 1992, the wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste Numbers

K107, K108, K109, K110, K111, K112, K117, K118, K123, K124, K125, K126, K131, K132, and K136; and the wastes specified in 35 Ill. Adm. Code 721.133(f) as EPA Hazardous Waste numbers U328, U353, and U359 are prohibited from land disposal.

- b) Effective June 30, 1993, the wastes specified in 35 Ill. Adm. Code 721.131 as EPA Hazardous Waste Numbers F037 and F038 that are not generated from surface impoundment cleanouts or closures are prohibited from land disposal.
- c) Effective June 30, 1994, the wastes specified in 35 Ill. Adm. Code 721.131 as EPA Hazardous Waste Numbers F037 and F038 that are generated from surface impoundment cleanouts or closures are prohibited from land disposal.
- d) Effective June 30, 1994, radioactive wastes that are mixed with hazardous wastes specified in 35 Ill. Adm. Code 721.131 as EPA Hazardous Waste Numbers F037 and F038; the wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste Numbers K107, K108, K109, K110, K111, K112, K117, K118, K123, K124, K125, K126, K131, K132, and K136; or the wastes specified in 35 Ill. Adm. Code 721.133(f) as EPA Hazardous Waste Numbers U328, U353, and U359 are prohibited from land disposal.
- e) Effective June 30, 1994, debris contaminated with hazardous wastes specified in 35 Ill. Adm. Code 721.131 as EPA Hazardous Waste Numbers F037 and F038; the wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste Numbers K107, K108, K109, K110, K111, K112, K117, K118, K123, K124, K125, K126, K131, K132, and K136; or the wastes specified in 35 Ill. Adm. Code 721.133(f) as EPA Hazardous Waste Numbers U328, U353, and U359; and which is not contaminated with any other waste already subject to a prohibition are prohibited from land disposal.
- f) Between June 30, 1992 and June 30, 1993, the wastes included in subsection (b) of this Section may be disposed of in a landfill only if such unit is in compliance with the requirements specified in subsection 728.105(h)(2), and may be generated in and disposed of in a surface impoundment only if such unit is in compliance with either subsection 728.105(h)(2) or Section 728.114.
- g) Between June 30, 1992 and June 30, 1994, the wastes included in subsections (d) and (e) of this Section may be disposed of in a landfill only if such unit is in compliance with the requirements specified in subsection 728.105(h)(2), and may be generated in and

disposed of in a surface impoundment only if such unit is in compliance with either subsection 728.105(h)(2) or Section 728.144.

h) The requirements of subsections (a), (b), (c), (d), and (e) above do not apply if:

- 1) The wastes meet the applicable standards specified in 728.Subpart D:
- 2) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition:
- 3) The wastes meet the applicable alternate standards established pursuant to a petition granted under Section 728.144:
- 4) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to the wastes covered by the extension.

i) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Sections 728.141 and 728.143, the initial generator must test a representative sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable levels in 728.Subpart D, the waste is prohibited from land disposal, and all requirements of Part 728 are applicable, except as otherwise specified.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 728.137 Waste Specific Prohibitions -- Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated

a) Effective August 9, 1993, the wastes specified in 35 Ill. adm. code 721.121 as D001 (and is not in the High TOC Ignitable Liquids Subcategory), and specified in 35 Ill. Adm. Code 721.122 as D002, that are managed in systems other than those whose discharge is regulated under the Clean Water Act (CWA), or that inject in Class I deep wells regulated under the Safe Drinking Water Act (SDWA), or that are zero dischargers that engage in CWA-equivalent treatment before ultimate land disposal, are prohibited from land disposal. CWA-

equivalent treatment means biological treatment for organics, alkaline chlorination or ferrous sulfate precipitation for cyanide, precipitation/sedimentation for metals, reduction of hexavalent chromium, or other treatment technology that can be demonstrated to perform equally or greater than these technologies.

- b) Effective February 10, 1994, the wastes specified in 35 Ill. Adm. Code 721.121 as D001 (and is not in the High TOC Ignitable Liquids Subcategory), and specified in 35 Ill. Adm. Code 721.122 as D002, that are managed in systems defined in 35 Ill. Adm. Code 704 and 730 as Class V injection wells, that do not engage in CWA-equivalent treatment before injection, are prohibited from land disposal.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART D: TREATMENT STANDARDS

##### Section 728.140 Applicability of Treatment Standards

- a) A restricted waste identified in Section 728.141 may be land disposed only if an extract of the waste or of the treatment residue of the waste developed using the test method Section 728.Appendix A does not exceed the value shown in Table A for any hazardous constituent listed in Table A for that waste, with the following exceptions: D004, D008, K031, K084, K101, K102, P010, P011, P012, P036, P038 and U136. Wastes D004, D008, K031, K084, K101, K102, P010, P011, P012, P036, P038 and U136 may be land disposed only if an extract of the waste or of the treatment residue of the waste developed using either the test method in 35 Ill. Adm. Code 721.Appendix A or the test method in 35 Ill. Adm. Code 728.Appendix B does not exceed the value shown in Table B for any hazardous constituent listed in Table A for that waste.
- b) A restricted waste for which a treatment technology is specified under Section 728.142(a) or hazardous debris for which a treatment technology is specified under Section 728.145 may be land disposed after it is treated using that specified technology or an equivalent treatment method approved by the Agency under the procedures set forth in Section 728.142(b). For waste displaying the characteristic of ignitability (D001) and reactivity (D003), that are diluted to meet the deactivation treatment standard in Section 728, Tables C and D (DEACT), the treater must comply with the precautionary measures specified in 35 Ill. adm. Code 724.117(b) and 35 Ill. Adm. Code 725.117(b).

- c) Except as otherwise specified in Section 728.143(c), a restricted waste identified in Section 728.143 may be land disposed only if the constituent concentrations in the waste or treatment residue of the waste do not exceed the value shown in Table B for any hazardous constituent listed in Table B for that waste.
- d) If a treatment standard has been established in Sections 728.141 through 728.143 for a hazardous waste that is itself subject to those standards rather than the standards for hazardous debris under Section 728.145.

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

Section 728.141 Treatment Standards expressed as Concentrations in Waste Extract

- a) Table A identifies the restricted wastes and the concentrations of their associated constituents which may not be exceeded by the extract of a waste or waste treatment residual developed using the test method in Section 728. Appendix A for the allowable land disposal of such wastes, ~~with the exception of wastes D004, D008, K031, K084, K101, K102, P010, P011, P012, P036 and U136 and the concentrations of their associated constituents which shall not be exceeded by the extract of a waste or waste treatment residual developed using the test method in 35 Ill. Adm. Code 721, Appendix B for the allowable land disposal of such wastes. (Appendix B of this Part provides guidance on treatment methods that have been shown to achieve the Table A levels for the respective wastes. Appendix B of this Part is not a regulatory requirement but is provided to assist generators and owners or operators in their selection of appropriate treatment methods.)~~ Compliance with these concentrations is required based upon grab samples, unless otherwise noted in Table A.
- b) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern, except that mixtures of high and low zinc nonwastewater K061 are subject to the treatment standard for high zinc K061.
- c) The treatment standards for the constituents in F001-F005 which are listed in Part 728, Table A only apply to wastes which contain one, two, or all three of these constituents. If the waste contains any of these three constituents along with any of the other 26

constituents found in F001-F005, then only the treatments standards in Section 728.143 Table A are required.

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

Section 728.142 Treatment Standards expressed as Specified Technologies

- a) The following wastes in subsections (a)(1) and (2) and Table D and E must be treated using the technology or technologies specified in subsections (a)(1) and (2) and Table C.
- 1) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm but less than 500 ppm must be incinerated in accordance with technical requirements at 40 CFR 761.70, incorporated by reference in 35 Ill. Adm. Code 720.111, or burned in high efficiency boilers in accordance with the technical requirements of 40 CFR 761.60. Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70. Thermal treatment in accordance with this Section must be in compliance with applicable regulations in 35 Ill. Adm. Code 724, 725 and 726.
  - 2) Nonliquid hazardous wastes containing halogenated organic compounds (HOCs) in total concentrations greater than or equal to 1000 mg/kg and liquid HOC-containing wastes that are prohibited under Section 728.132(e)(1) must be incinerated in accordance with the requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O. These treatment standards do not apply where the waste is subject to a Subpart C of this Part treatment standard for a specific HOC (such as a hazardous waste chlorinated solvent for which a treatment standard is established under Section 728.141(a)).
- b) Any person may submit an application to the Agency demonstrating that an alternative treatment method can achieve a level of performance equivalent to that achievable by methods specified in subsections (a), (c) and (d) for wastes or specified in of Section 728, Table F for hazardous debris. The applicant shall submit information demonstrating that the applicant's treatment method is in compliance with federal and state requirements, including this Part, 35 Ill. Adm. Code 709, 724, 725, 726 and 729 and Sections 22.6 and



39(h) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$ , pars. 1022.6 and 1039(h) [415 ILCS 5/22.6 and 5/39(h)1]), and is protective of human health or the environment. On the basis of such information and any other available information, the Agency shall approve the use of the alternative treatment method if the Agency finds that the alternative treatment method provides a measure of performance equivalent to that achieved by methods specified in subsections (a), (c) and (d), and in Section 728, Table F, for hazardous debris. Any approval must be stated in writing and may contain such provisions and conditions as the Agency determines to be appropriate. The person to whom such approval is issued shall comply with all limitations contained in such determination.

- c) As an alternative to the otherwise applicable Subpart D of this Part treatment standards, lab packs are eligible for land disposal provided the following requirements are met:
- 1) The lab packs comply with the applicable provisions of 35 Ill. Adm. Code 724.416 and 725.416;
- BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional restrictions on the use of lab packs.
- 2) All hazardous wastes contained in such lab packs are specified in Section 728.Appendix D or Section 728.Appendix E;
  - 3) The lab packs are incinerated in accordance with the requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O; and
  - 4) Any incinerator residues from lab packs containing D004, D005, D006, D007, D008, D010 and D011 are treated in compliance with the applicable treatment standards specified for such wastes in Subpart D.
- d) Radioactive hazardous mixed wastes with treatment standards specified in Table E are not subject to any treatment standards specified in Section 728.141, Section 728.143 or Table D. Radioactive hazardous mixed wastes not subject to treatment standards in Table E remain subject to all applicable treatment standards specified in Section 728.141, Section 728.143 and Table D. Hazardous debris containing radioactive waste is not subject to the treatment standards specified in Section 728, Table F but is subject to the

treatment standards specified in Section 728.145.

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

Section 728.145 Treatment Standards for Hazardous Debris

- a) Treatment standards. Hazardous debris must be treated prior to land disposal as follows unless EPA determines under 35 Ill. Adm. Code 721.103(d)(2) that the debris is no longer contaminated with hazardous waste or the debris is treated to the waste-specific treatment standard provided in this Subpart for the waste contaminating the debris:
- 1) General. Hazardous debris must be treated for each "contaminant subject to treatment" defined by subsection (b) of this Section using the technology or technologies identified in Section 728.Table F.
  - 2) Characteristic debris. Hazardous debris that exhibits the characteristic of ignitability, corrosivity, or reactivity identified under 35 Ill. Adm. Code 721.121, 721.122, and 721.123, respectively, must be deactivated by treatment using one of the technologies identified in Section 728.Table F.
  - 3) Mixtures of debris types. The treatment standards of Section 728.Table F must be achieved for each type of debris contained in a mixture of debris types. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.
  - 4) Mixtures of contaminant types. Debris that is contaminated with two or more contaminants subject to treatment identified under subsection (b) of this Section must be treated for each contaminant using one or more treatment technologies identified in Section 728.Table F. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.
  - 5) Waste PCBs. Hazardous debris that is also a waste PCB under 40 CFR 761 is subject to the requirements of either 40 CFR 761 or the requirements of this Section, whichever are more stringent.
- b) Contaminants subject to treatment. Hazardous debris must be treated for each "contaminant subject to

treatment." The contaminants subject to treatment must be determined as follows:

- 1) Toxicity characteristic debris. The contaminants subject to treatment for debris that exhibits the Toxicity Characteristic (TC) by 35 Ill. Adm. Code 721.124 are those EP constituents for which the debris exhibits the TC toxicity characteristic.
  - 2) Debris contaminated with listed waste. The contaminants subject to treatment for debris that is contaminated with a prohibited listed hazardous waste are those constituents for which BDAT standards are established for the waste under Sections 728.141 and 728.143.
  - 3) Cyanide reactive debris. Hazardous debris that is reactive because of cyanide must be treated for cyanide.
- c) Conditioned exclusion of treated debris. Hazardous debris that has been treated using one of the specified extraction or destruction technologies in Section 728. Table F and that does not exhibit a characteristic of hazardous waste identified under 35 Ill. Adm. Code 721. Subpart C after treatment is not a hazardous waste and need not be managed in a subtitle C facility. Hazardous debris contaminated with a listed waste that is treated by an immobilization technology specified in Table 1 is a hazardous waste and must be managed in a subtitle C facility.
- d) Treatment residuals
- 1) General requirements. Except as provided by subsections (d)(2) and (d)(4) below:
    - A) Residue from the treatment of hazardous debris must be separated from the treated debris using simple physical or mechanical means; and
    - B) Residue from the treatment of hazardous debris is subject to the waste-specific treatment standards provided by 728. Subpart D for the waste contaminating the debris.
  - 2) Nontoxic debris. Residue from the deactivation of ignitable, corrosive, or reactive characteristic hazardous debris (other than cyanide-reactive) that is not contaminated with a contaminant subject to treatment defined by subsection (b) above, must be deactivated prior to land disposal and is not subject to the waste-specific treatment

standards of Subpart D of this Part.

- 3) Cyanide-reactive debris. Residue from the treatment of debris that is reactive because of cyanide must meet the standards for D003 under Section 728.143.
- 4) Ignitable nonwastewater residue. Ignitable nonwastewater residue containing equal to or greater than 10% total organic carbon is subject to the technology-based standards for D001; "Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1)" under Section 728.142.
- 5) Residue from spalling. Layers of debris removed by spalling are hazardous debris that remain subject to the treatment standards of this Section.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 728.146 Alternative Treatment Standards based on HTMR

Section 728. Table G identifies alternative treatment standards for F006 and K062 nonwastewaters.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART E: PROHIBITIONS ON STORAGE

Section 728.150 Prohibitions on Storage of Restricted Wastes

- a) Except as provided in this Section, the storage of hazardous wastes restricted from land disposal under Subpart C is prohibited, unless the following conditions are met:
  - 1) A generator stores such wastes in tanks ~~or~~ containers or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment or disposal and the generator complies with the requirements in 35 Ill. Adm. Code 722.134 and 35 Ill. Adm. Code 724 and 725. (A generator who is in existence on the effective date of a regulation under this Part and who must store hazardous wastes for longer than 90 days due to the regulations under this Part becomes an owner or operator of a storage facility and must obtain a RCRA permit, as required by 35 Ill. Adm. Code 703. Such a

facility may qualify for interim status upon compliance with the regulations governing interim status under 35 Ill. Adm. Code 703.153.)

- 2) An owner or operator of a hazardous waste treatment, storage or disposal facility stores such wastes in tanks, ~~or~~ containers or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment or disposal and;
  - A) Each container is clearly marked to identify its contents and the date each period of accumulation begins;
  - B) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received and the date each period of accumulation begins, or such information is recorded and maintained in the operating record at the facility. Regardless of whether the tank itself is marked, the owner and operator shall comply with the operating record requirements of 35 Ill. Adm. Code 724.173 or 725.173.
- 3) A transporter stores manifested shipments of such wastes at a transfer facility for 10 days or less
  - b) An owner or operator of a treatment, storage or disposal facility may store such wastes for up to one year unless the Agency can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.
  - c) An owner or operator of a treatment, storage or disposal facility may store wastes beyond one year; however, the owner or operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.
  - d) If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension under 40 CFR 268.5, incorporated by reference in Section 728.105, an approved Section 728.106 petition or a national capacity variance under 40 CFR 268, Subpart C, the prohibition in subsection (a) does not apply during the period of such exemption.

- e) The prohibition in subsection (a) does not apply to hazardous wastes that meet the treatment standards specified under Sections 728.141, 728.142 and 728.143 or the adjusted treatment standards specified under Section 728.144, or, where treatment standards have not been specified, is in compliance with the applicable prohibitions specified in Section 728.132 or 728.139.
- f) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm must be stored at a facility that meets the requirements of 40 CFR 761.65(b), incorporated by reference in 35 Ill. Adm. Code 720.111, and must be removed from storage and treated or disposed as required by the Part within one year of the date when such wastes are first placed into storage. The provisions of subsection (c) do not apply to such PCB wastes prohibited under Section 728.132.

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

Section 728.Appendix B Treatment Standards (As concentrations in the Treatment Residual Extract)

The Board incorporates by reference 40 CFR 268, Appendix II (198891) as amended at 57 Fed. Reg. 37281 (Aug. 18, 1992). This incorporation includes no future editions or amendments.

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

Section 728.Table A Constituent Concentrations in Waste Extract (CCWE)

D, F and K Listed Wastes

Waste Code	See Also	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	Concentration (mg/L) Wastewaters	Concentration (mg/L) Nonwastewaters
D004	Table B	Arsenic	7440-38-2	NA	5.0 #
D005	Table B	Barium	7440-39-3	NA	100.
D006	Table B	Cadmium	7440-43-9	NA	1.0

D007	Table B	Chromium (Total)	7440-47-3 2	NA	5.0
D008	Table B	Lead	7439-92-1	NA	5.0
D009	Tables B & D	(Low Mercury Subcategory--less than 260 mg/kg Mercury) Mercury	7439-97-6	NA	0.20
D010	Table B	Selenium	7782-49-2	NA	5.7
D011	Table B	Silver	7440-22-4	NA	5.0
F001-F005	spent solvents				
	<del>Tables B &amp; D</del>	<del>Acetone</del>	<del>67-64-1</del>	<del>0.25</del>	<del>0.59</del>
		<del>n-Butyl alcohol</del>	<del>71-36-3</del>	<del>5.0</del>	<del>5.0</del>
	Table B	Carbon disulfide	75-15-0	1.05	4.81
		<del>Carbon tetrachloride</del>	<del>56-23-5</del>	<del>0.05</del>	<del>0.96</del>
		<del>Chlorobenzene</del>	<del>108-90-7</del>	<del>0.15</del>	<del>0.05</del>
		<del>Cresols (and cresylic acid)</del>		<del>2.82</del>	<del>0.75</del>
		Cyclohexanone	108-94-1	0.125	0.75
		<del>1,2-Dichlorobenzene</del>	<del>95-50-1</del>	<del>0.65</del>	<del>0.125</del>
		<del>Ethyl acetate</del>	<del>141-78-6</del>	<del>0.05</del>	<del>0.75</del>
		<del>Ethylbenzene</del>	<del>100-41-4</del>	<del>0.05</del>	<del>0.052</del>
		<del>Ethyl ether</del>	<del>60-29-7</del>	<del>0.05</del>	<del>0.75</del>
		<del>Isobutanol</del>	<del>78-83-1</del>	<del>5.0</del>	<del>5.0</del>
		Methanol	67-56-1	0.25	0.75
		<del>Methylene chloride</del>	<del>75-9-2</del>	<del>0.20</del>	<del>0.9</del>
		<del>Methyl ethyl ketone</del>	<del>78-93-3</del>	<del>0.05</del>	<del>0.75</del>
		<del>Methyl isobutyl ketone</del>	<del>108-10-1</del>	<del>0.05</del>	<del>0.37</del>
		<del>Nitrobenzene</del>	<del>98-95-3</del>	<del>0.66</del>	<del>0.125</del>
		Pyridine	110-86-1	1.12	0.33
		<del>Tetrahydroethylene</del>	<del>127-18-4</del>	<del>0.079</del>	<del>0.05</del>
		<del>Toluene</del>	<del>108-88-3</del>	<del>1.12</del>	<del>0.33</del>
		<del>1,1,1-Trichloroethane</del>	<del>71-55-6</del>	<del>1.05</del>	<del>0.41</del>
		<del>1,1,2-Trichloro-1,2,2-trifluoroethane</del>	<del>76-13-1</del>	<del>1.05</del>	<del>0.96</del>
		<del>Trichloroethylene</del>	<del>79-01-6</del>	<del>0.062</del>	<del>0.091</del>
		<del>Trichlorofluoromethane</del>	<del>75-69-4</del>	<del>0.05</del>	<del>0.96</del>
		Xylene		0.05	0.15
F006	Table B	Cadmium	7440-43-9	NA	0.066
		Chromium (Total)	7440-47-3 2	NA	5.2
		Lead	7439-92-1	NA	0.51
		Nickel	7440-02-0	NA	0.32
		Silver	7440-22-4	NA	0.072

F007 Table B	Cadmium	7440-43-9	NA	0.066
	Chromium (Total)	7440-47-3	NA	5.2
	Lead	7439-92-1	NA	0.51
	Nickel	7440-02-0	NA	0.32
	Silver	7440-22-4	NA	0.072
F003 Table B	Cadmium	7440-43-9	NA	0.066
	Chromium (Total)	7440-47-3	NA	5.2
	Lead	7439-92-1	NA	0.51
	Nickel	7440-02-0	NA	0.32
	Silver	7440-22-4	NA	0.072
F009 Table B	Cadmium	7440-43-9	NA	0.066
	Chromium (Total)	7440-47-3	NA	5.2
	Lead	7439-92-1	NA	0.51
	Nickel	7440-02-0	NA	0.32
	Silver	7440-22-4	NA	0.072
F011 Table B	Cadmium	7440-43-9	NA	0.066
	Chromium (Total)	7440-47-3	NA	5.2
	Lead	7439-92-1	NA	0.51
	Nickel	7440-02-0	NA	0.32
	Silver	7440-22-4	NA	0.072
F012 Table B	Cadmium	7440-43-9	NA	0.066
	Chromium (Total)	7440-47-3	NA	5.2
	Lead	7439-92-1	NA	0.51
	Nickel	7440-02-0	NA	0.32
	Silver	7440-22-4	NA	0.072
F019 Table B	Chromium (Total)	7440-47-3	NA	0.072

F020-F023 and F026-F028 dioxin-containing wastes \*

HxCDD-All Hexachloro-dibenzo-p-dioxins	<1. ppb	<1. ppb
HxCDF-All Hexachloro-dibenzofurans	<1. ppb	<1. ppb
PeCDD-All Pentachloro-dibenzo-p-dioxins	<1. ppb	<1. ppb
PeCDF-All Pentachloro-dibenzofurans	<1. ppb	<1. ppb
TCDD-All Tetrachloro-dibenzo-p-dioxins	<1. ppb	<1. ppb



		TCDF-All Tetrachloro-dibenzofurans		<1. ppb	<1. ppb
		2,4,5-Trichlorophenol	95-95-4	<0.05 ppm	<0.05 ppm
		2,4,6-Trichlorophenol	88-06-2	<0.05 ppm	<0.05 ppm
		2,3,4,6-Tetrachlorophenol	58-90-2	<0.05 ppm	<0.05 ppm
		Pentachlorophenol	87-86-5	<0.05 ppm	<0.05 ppm
F024	Table B	Chromium (Total)	7440-47-3	NA	0.073
		Lead	7439-92-1	NA	0.021
		Nickel	7440-02-0	NA	0.088
F037	Table B	Chromium (Total)	7440-47-32	NA	1.7
		Nickel	7440-02-0	NA	0.20
F038	Table B	Chromium (Total)	7440-47-32	NA	1.7
		Nickel	7440-02-0	NA	0.20
<del>F039 (and D001 and D002 wastes prohibited under Section 726.137)</del>					
<del>F039</del>	<del>Table B</del>	Antimony	7440-36-0	NA	0.23
		Arsenic	7440-38-2	NA	5.0
		Barium	7440-39-3	NA	52.
		Cadmium	7440-43-9	NA	0.066
		Chromium (Total)	7440-47-3	NA	5.2
		Lead	7439-92-1	NA	0.51
		Mercury	7439-97-6	NA	0.025
		Nickel	7440-02-0	NA	0.32
		Selenium	7782-49-2	NA	5.7
		Silver	7440-22-4	NA	0.072
K001	Table B	Lead	7439-92-1	NA	0.51
K002	Table B	Chromium (Total)	7440-47-3	NA	0.094
		Lead	7439-92-1	NA	0.37
K003	Table B	Chromium (Total)	7440-47-3	NA	0.094
		Lead	7439-92-1	NA	0.37
K004	Table B	Chromium (Total)	7440-47-3	NA	0.094
		Lead	7439-92-1	NA	0.37

K005	Table B	Chromium (Total)	7440-47-3	NA	0.094
		Lead	2 7439-92-1	NA	0.37
K006	(anhydrous) Table B	Chromium (Total)	7440-47-3	NA	0.094
		Lead	2 7439-92-1	NA	0.37
K006	(hydrated) Table B	Chromium (Total)	7440-47-3	NA	5.2
			2		
K007	Table B	Chromium (Total)	7440-47-3	NA	0.094
		Lead	2 7439-92-1	NA	0.37
K008	Table B	Chromium (Total)	7440-47-3	NA	0.094
		Lead	2 7439-92-1	NA	0.37
K015	Table B	Chromium (Total)	7440-47-3	NA	1.7
		Lead	2 7439-92-1	NA	0.2
K021	Table B	Antimony	7440-36-0	NA	0.23 #
K022	Table B	Chromium (Total)	7440-47-3	NA	5.2
		Nickel	2 7440-02-2	NA	0.32
K028	Table B	Chromium (Total)	7440-47-3	NA	0.073
		Lead	2 7439-92-1	NA	0.021
		Nickel	7440-02-2	NA	0.088
K031	Table B	Arsenic	7440-38-2	NA	5.6 #
K046	Table B	Lead	7439-92-1	NA	0.18
K048	Table B	Chromium (Total)	7440-47-3	NA	1.7
		Nickel	2 7440-02-2	NA	0.20
K049	Table B	Chromium (Total)	7440-47-3	NA	1.7
		Nickel	2 7440-02-2	NA	0.20
K050	Table B	Chromium (Total)	7440-47-3	NA	1.7
		Nickel	2 7440-02-2	NA	0.20

K051	Table B	Chromium (Total)	7440-47-3 2	NA	1.7
		Nickel	7440-02-2	NA	0.20
K052	Table B	Chromium (Total)	7440-47-3 2	NA	1.7
		Nickel	7440-02-2	NA	0.20
<del>K061 (Low Zinc Subcategory--less than 15% Total Zinc)</del>					
	<del>Table B</del>	<del>Cadmium</del>	<del>7440-43-9</del>	<del>NA</del>	<del>0.14</del>
		<del>Chromium (Total)</del>	<del>7440-47-3 2</del>	<del>NA</del>	<del>5.2</del>
		<del>Lead</del>	<del>7439-92-1</del>	<del>NA</del>	<del>0.24</del>
		<del>Nickel</del>	<del>7440-02-2</del>	<del>NA</del>	<del>0.32</del>
K061	Table B	Antimony	7440-36-0	NA	2.1
		Arsenic	7440-38-2	NA	0.055
		Barium	7440-39-3	NA	7.6
		Beryllium	7440-41-7	NA	0.014
		Cadmium	7440-43-9	NA	0.19
		Chromium (Total)	7440-47- 32	NA	0.33
		Lead	7439-92-1	NA	0.37
		Mercury	7439-97-6	NA	0.009
		Nickel	7440-02-0	NA	5.
		Selenium	7782-49-2	NA	0.16
		Silver	7440-22-4	NA	0.3
		Thallium		NA	0.078
		Zinc	7440-66-6	NA	5.3
K062	Table B	Chromium (Total)	7440-47-3 2	NA	0.094
		Lead	7439-92-1	NA	0.37
K069	(Calcium Sulfate Subcategory)				
	Tables B & D	Cadmium	7440-43-9	NA	0.14
		Lead	7439-92-1	NA	0.24
K071	(Low Mercury Subcategory--less than 16 mg/kg Mercury)				
	Table B	Mercury	7439-97-6	NA	0.025
K083	Table B	Nickel	7440-02-2	NA	0.088
K084	Table B	Arsenic	7440-38-2	NA	5.6 #
K086	Table B	Chromium (Total)	7440-47-3 2	NA	0.094
		Lead	7439-92-1	NA	0.37

K087	Table B	Lead		7439-92-1	NA		0.51
K100	Table B	Cadmium		7440-43-9	NA		0.066
		Chromium (Total)		7440-47-3	NA		5.2
		Lead		7439-92-1	NA		0.51
K101	Table B	Arsenic		7440-38-2	NA		5.6 #
K102	Table B	Arsenic		7440-38-2	NA		5.6 #
K106 (Low Mercury Subcategory--less than 260 mg/kg Mercury--residues from RMERC)							
	Tables B & D	Mercury		7439-97-6	NA		0.20
K106 (Low Mercury Subcategory--less than 260 mg/kg Mercury--that are not residues from RMERC)							
	Tables B & D	Mercury		7439-97-6	NA	A	0.20
K115	Table B	Nickel		7440-02-2	NA		0.32

#--These treatment standards have been based on EP Leachate analysis but this does not preclude the use of TCLP analysis.

\*--These waste codes are not subcategorized into wastewaters and nonwastewaters.

NA--Not Applicable.

#### P and U Listed Wastes

Waste Code	See Also	Commercial Chemical Name	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	Concentration (mg/L) Wastewaters	Concentration (mg/L) Nonwastewaters
P010	Table B	Arsenic acid	Arsenic	7440-38-2	NA	5.6
P011	Table B	Arsenic pentoxide	Arsenic	7440-38-2	NA	5.6
P012	Table B	Arsenic trioxide	Arsenic	7440-38-2	NA	5.6

P013	Table B	Barium cyanide	Barium	7440-39-3	NA	52.
P036	Table B	Dichloro-phenyl-arsine	Arsenic	7440-38-2	NA	5.6
P038	Table B	Diethyl-arsine	Arsenic	7440-38-2	NA	5.6
P065 (Low Mercury Subcategory--less than 260 mg/kg Mercury--residues from RMERC)						
	Tables B & D	Mercury fulminate	Mercury	7439-97-6	NA	0.20
P065 (Low Mercury Subcategory--less than 260 mg/kg Mercury--incinerator residues (and are not residues from RMERC))						
	Tables B & D	Mercury fulminate	Mercury	7439-97-6	NA	0.025
P073	Table B	Nickel carbonyl	Nickel	7440-02-2	NA	0.32
P074	Table B	Nickel cyanide	Nickel	7440-02-2	NA	0.32
P092 (Low Mercury Subcategory -- less than 260 mg/kg Mercury residues from RMERC)						
	Tables B & D	Phenyl mercury acetate	Mercury	7439-97-6	NA	0.20
P092 (Low Mercury Subcategory--less than 260 mg/kg Mercury--incinerator residues (and are not residues from RMERC))						
	Tables B & D	Phenyl mercury acetate	Mercury	7439-97-6	NA	0.025
P099	Table B	Potassium silver cyanide	Silver	7440-22-4	NA	0.072
P103	Table B	Selenourea	Selenium	7782-49-2	NA	5.7
P104	Table B	Silver cyanide	Silver	7440-22-4	NA	0.072
P110	Table B	Tetraethyl lead	Lead	7439-92-1	NA	0.51
P114	Table B	Thallium selenite	Selenium	7782-49-2	NA	5.7

U032	Table B	Calcium chromate	Chromium (Total)	7440-47-3 2	NA	0.094
U051	Table B	Creosote	Lead	7439-92-1	NA	0.51
U136	Table B	Cacodylic acid	Arsenic	7440-38-2	NA	5.6
U144	Table B	Lead acetate	Lead	7439-92-1	NA	0.51
U145	Table B	Lead phosphate	Lead	7439-92-1	NA	0.51
U146	Table B	Lead sub-acetate	Lead	7439-92-1	NA	0.51
U151	(Low Mercury Subcategory--less than 260 mg/kg Mercury--residues from RMERC)					
	Tables B & D	Mercury	Mercury	7439-97-6	NA	0.20
U151	(Low Mercury Subcategory--less than 260 mg/kg Mercury--that are not residues from RMERC)					
	Tables B & D	Mercury	Mercury	7439-97-6	NA	0.025
U204	Table B	Selenium dioxide	Selenium	7782-49-2	NA	5.7
U205	Table B	Selenium sulfide	Selenium	7782-49-2	NA	5.7

/--These treatment standards have been based on EP Leachate analysis but this does not preclude the use of TCLP analysis.

\*--These waste codes are not subcategorized into wastewaters and nonwastewaters.

NA--Not Applicable.

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

Section 728. Table B Constituent Concentrations in Wastes (CCW)  
D, F and K Listed Wastes

Waste Code	See Also	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	Concentration (mg/L) Wastewaters	Concentration (mg/L) Nonwastewaters
D003 (Reactive cyanides subcategory--based on Cyanides (Amenable) 35 Ill. Adm. Code 721.123(a)(5))					
		Cyanides (Total)	57-12-5	Res.	# 590.
D004	Table A	Arsenic	7440-38-2	5.0	NA
D005	Table A	Barium	7440-39-3	100.	NA
D006	Table A	Cadmium	7440-43-9	1.0	NA
D007	Table A	Chromium (Total)	7440-47-3 2	5.0	NA
D008	Table A	Lead	7439-92-1	5.0	NA
D009	Table A	Mercury	7439-97-6	0.20	NA
D010	Table A	Selenium	7782-49-2	1.0	NA
D011	Table A	Silver	7440-22-4	5.0	NA
D012	Table D	Endrin	720-20-8	NA	0.13
D013	Table D	Lindane	58-89-9	NA	0.066
D014	Table D	Methoxychlor	72-43-5	NA	0.18
D015	Table D	Toxaphene	8001-35-1	NA	1.3
D016	Table D	2,4-D	94-75-7	NA	10.0
D017	Table D	2,4,5-TP Silvex	93-76-5	NA	7.9

F001-F005 spent solvents

Tables 1,1,2	Trichloroethane	71-55-6	0.030	a 7.6
A-G-D				
	Benzene	71-43-2	0.070	a 3.7
	Acetone	67-64-1	0.28	160.
	Benzene	71-43-2	0.070	a 3.7
	n-Butyl alcohol	71-36-3	5.6	2.6
	Carbon tetrachloride	56-23-5	0.057	5.6
	Chlorobenzene	108-90-7	0.057	5.7
	Cresol (m- and p- isomers)		0.77	3.2
	o-cresol		0.11	5.6
	o-Dichlorobenzene	95-50-1	0.088	6.2
	Ethyl acetate	14-7-6	0.34	33.
	Ethyl benzene	100-41-4	0.057	6.0
	Ethyl ether	60-29-7	0.12	160.
	Isobutyl alcohol	78-83-1	5.6	170.
	Methylene chloride	75-9-2	2.089	33.
	Methyl ethyl ketone	78-93-3	0.28	36.
	Methyl isobutyl ketone	108-10-1	0.14	33.
	Nitrobenzene	98-95-3	0.068	14.
	Pyridine	110-86-1	0.014	16.
	Tetrachloroethylene	127-18-4	0.056	5.6
	Toluene	108-88-3	0.08	28.
	1,1,1-Trichloroethane	71-55-6	0.054	5.6
	1,1,2-Trichloroethane	79-00-5	0.030	a 7.6
	Trichloroethylene	79-01-6	0.054	5.6
	1,1,2-Trichloro-1,2,2-trifluoromethane	76-13-1	0.057	28.
	Trichloromono-fluoromethane	75-69-4	0.02	33.
	Xylenes (total)		0.32	28.

~~F001-F005 spent solvents (Pharmaceutical industry wastewater subcategory)~~

	Methylene chloride	75-09-2	0.44	NA
F006 Table A	Cyanides (Total)	57-12-5	1.2	590.
	Cyanides (Amenable)	57-12-5	0.86	30.
	Cadmium	7440-43-9	1.6	NA
	Chromium	7440-47-3	0.32	NA
		2		
	Lead	7439-92-1	0.040	NA
	Nickel	7440-02-2	0.44	NA
F007 Table A	Cyanides (Total)	57-12-5	1.9	590.
	Cyanides (Amenable)	57-12-5	0.1	30.
	Chromium (Total)	7440-47-3	0.32	NA
		2		
	Lead	7439-92-1	0.04	NA
	Nickel	7440-02-2	0.44	NA



F008 Table A	Cyanides (Total)	57-12-5	1.9	590.
	Cyanides (Amenable)	57-12-5	0.13	30.
	Chromium	7440-47-3 2	0.32	NA
	Lead	7439-92-1	0.04	NA
	Nickel	7440-02-2	0.44	NA
F009 Table A	Cyanides (Total)	57-12-5	1.95	90.
	Cyanides (Amenable)	57-12-	0.1	30.
	Chromium	7440-47-3 2	0.32	NA
	Lead	7439-92-1	0.04	NA
	Nickel	7440-02-2	0.44	NA
F010	Cyanides (Total)	57-12-5	1.9	1.5
	Cyanides (Amenable)	57-12-5	0.1	NA
F011 Table A	Cyanides (Total)	57-12-5	1.9	110.
	Cyanides (Amenable)	57-12-5	0.1	9.1
	Chromium (Total)	7440-47-3 2	0.32	NA
	Lead	7439-92-1	0.04	NA
	Nickel	7440-02-2	0.44	NA
F012 Table A	Cyanides (Total)	57-12-5	1.9	110.
	Cyanides (Amenable)	57-12-5	0.1	9.1
	Chromium (Total)	7440-47-3 2	0.32	NA
	Lead	7439-92-1	0.04	NA
	Nickel	7440-02-2	0.44	NA
F019 Table A	Cyanides (Total)	57-12-5	1.2	R590.
	Cyanides (Amenable)	57-12-5	0.86	R 30.
	Chromium (Total)	7440-47-3 2	0.32	NA
F024	(Note: F024 organic standards must be treated via incineration (INCIN))			
Tables A & D	2-Chloro-1,3-butadiene	126-99-8	a 0.28	a 0.28
	3-Chloropropene	107-05-1	a 0.28	a 0.28
	1,1-Dichloroethane	75-34-3	a 0.014	a 0.014
	1,2-Dichloroethane	107-06-2	a 0.014	a 0.014
	1,2-Dichloropropane	78-87-5	a 0.014	a 0.014
	cis-1,3-Dichloropropene	10061-01-5	a 0.014	a 0.014
	trans-1,3-Dichloropropene	10061-02-6	a 0.014	a 0.014
	Bis(2-ethylhexyl)-	117-81-7	a 0.036	a 1.8

	phthalate			
	Hexachloroethane	67-72-1	a 0.036	a 1.8
	Chromium (Total)	7440-47-3	0.35	NA
		2		
	Nickel	7440-02-2	0.47	NA
F025	(Light ends subcategory)			
	Chloroform	67-63-3	s 0.046	a 6.2
	1,2-Dichloroethane	107-06-2	s 0.21	a 6.2
	1,1-Dichloroethylene	75-35-4	s 0.025	a 6.2
	Methylene chloride	75-9-2	s 0.089	a 31.
	Carbon tetrachloride	56-23-5	s 0.057	a 6.2
	1,1,2-Trichloroethane	79-00-5	s 0.054	a 6.2
	Trichloroethylene	79-01-6	s 0.054	s 5.6
	Vinyl chloride	75-01-4	s 0.27	a 33.
F025	(Spent filters/aids and desiccants subcategory)			
	Chloroform	67-66-3	s 0.046	a 6.2
	Methylene chloride	75-9-2	s 0.089	a 31.
	Carbon tetrachloride	56-23-5	s 0.057	a 6.2
	1,1,2-Trichloroethane	79-00-5	s 0.054	a 6.2
	Trichloroethylene	79-01-6	s 0.054	s 5.6
	Vinyl chloride	75-01-4	s 0.27	a 33.
	Hexachlorobenzene	118-74-1	s 0.055	a 37.
	Hexachlorobutadiene	87-68-3	s 0.055	a 28.
	Hexachloroethane	67-72-1	s 0.055	a 30.
F037	Table A			
	Acenaphthene	208-96-8	s 0.059	NA
	Anthracene	120-12-7	s 0.059	a 28.
	Benzene	71-43-2	s 0.14	a 14.
	Benzo(a)anthracene	50-32-8	s 0.059	a 20.
	Benzo(a)pyrene	117-81-7	s 0.061	a 12.
	Bis(2-ethylhexyl) phthalate	75-15-0	s 0.28	a 7.3
	Chrysene	218-01-9	s 0.059	a 15.
	Di-n-butyl phthalate	105-67-9	s 0.057	a 3.6
	Ethylbenzene	100-41-4	s 0.057	a 14.
	Fluorene	86-73-7	s 0.059	NA
	Naphthalene	91-20-3	s 0.059	a 42.
	Phenanthrene	85-01-8	s 0.059	a 34.
	Phenol	108-95-2	s 0.039	a 3.6
	Pyrene	129-00-0	s 0.067	a 36.
	Toluene	108-88-3	s 0.08	a 14.
	Xylene(s)		s 0.32	a 22.
	Cyanides (Total)	57-12-5	a 0.028	a 1.8
	Chromium (Total)	7440-47-	0.2	NA
		32		
	Lead	7439-92-1	0.037	NA
F038				
	Benzene	71-43-2	s 0.14	a 14.
	Benzo(a)pyrene	50-32-8	s 0.061	a 12.
	Bis(2-ethylhexyl) phthalate	117-81-7	s 0.28	a 7.3

Chrysene	218-01-9	s 0.059	a 15.
Di-n-butyl phthalate	84-74-2	s 0.057	a 3.6
Ethylbenzene	100-41-4	s 0.057	a 14.
Fluorene	86-73-7	s 0.059	NA
Naphthalene	91-20-3	s 0.059	a 42.
Phenanthrene	85-01-8	s 0.059	a 34.
Phenol	108-95-2	s 0.039	a 3.6
Pyrene	129-00-0	s 0.067	a 36.
Toluene	108-88-3	s 0.080	a 14.
Xylene(s)		s 0.32	a 22.
Cyanides (Total)	57-12-5	a 0.028	a 1.8
Chromium (Total)	7440-47- 32	0.2	NA
Lead	7439-92-1	0.037	NA

**4019 (and 001 and 002 wastes prohibited under Section 728.137)**

Table	Acetone	67-64-1	s 0.28	a 160.
ADD				
	Acenaphthalene	208-96-8	s 0.059	a 3.4
	Acenaphthene	83-32-9	s 0.059	a 4.0
	Acetonitrile	75-05-8	s 0.17	NA
	Acetophenone	96-86-2	s 0.010	a 9.7
	2-Acetylaminofluorene	53-96-3	s 0.059	a 140.
	Acrylonitrile	107-13-1	s 0.24	a 84.
	Aldrin	309-00-2	s 0.021	a 0.068
	4-Aminobiphenyl	92-67-1	s 0.13	NA
	Aniline	62-53-3	s 0.81	a 14.
	Anthracene	120-12-7	s 0.059	a 4.0
	Aroclor 1016	12674-11- 2	s 0.013	a 0.92
	Aroclor 1221	11104-28- 2	s 0.014	a 0.92
	Aroclor 1232	11141-16- 5	s 0.013	a 0.92
	Aroclor 1242	53469-21- 9	s 0.017	a 0.92
	Aroclor 1248	12672-29- 6	s 0.013	a 0.92
	Aroclor 1254	11097-69- 1	s 0.014	a 1.8
	Aroclor 1260	11096-82- 5	s 0.014	a 1.8
	alpha-BHC	319-84-6	s 0.00014	a 0.066
	beta-BHC	319-85-7	s 0.00014	a 0.066
	delta-BHC	319-86-8	s 0.023	a 0.066
	gamma-BHC	58-89-9	s 0.0017	a 0.066
	Benzene	71-43-2	s 0.14	a 36.
	Benzo(a)anthracene	56-55-3	s 0.059	a 8.2
	Benzo(b)fluoranthene	205-99-2	s 0.055	a 3.4
	Benzo(k)fluoranthene	207-08-9	s 0.059	a 3.4
	Benzo(g,h,i)perylene	191-24-2	s 0.0055	a 1.5
	Benzo(a)pyrene	50-32-8	s 0.061	a 8.2
	Bromodichloromethane	75-27-4	s 0.35	a 15.
	Bromoform	75-25-2	s 0.63	a 15.

Bromomethane (methyl bromide)	74-63-9	s 0.11	a 15.
4-Bromophenyl phenyl ether	101-55-3	s 0.055	a 15.
n-Butyl alcohol	71-36-3	s 5.6	a 2.6
Butyl benzyl phthalate	85-68-7	s 0.017	a 7.9
2-sec-Butyl-4,6-dinitrophenol	88-85-7	s 0.066	a 2.5
Carbon tetrachloride	56-23-5	s 0.057	a 5.6
Carbon disulfide	75-15-0	s 0.014	NA
Chlordane	57-74-9	s 0.0033	a 0.13
p-Chloroaniline	106-47-8	s 0.46	a 16.
Chlorobenzene	108-90-7	s 0.057	a 5.7
Chlorobenzilate	510-15-6	s 0.10	NA
Chlorodibromomethane	124-48-1	s 0.057	a 16.
Chloroethane	75-00-3	s 0.27	a 6.0
bis(2-Chloroethoxy)methane	111-91-1	s 0.036	a 7.2
bis(2-Chloroethyl) ether	111-44-4	s 0.033	a 7.2
2-Chloroethyl vinyl ether		s 0.057	NA
Chloroform	67-66-3	s 0.046	a 5.6
bis(2-Chloroisopropyl) ether	39638-32-9	s 0.055	a 7.2
p-Chloro-m-cresol	59-50-7	s 0.018	a 14.
Chloromethane (Methyl chloride)	74-87-3	s 0.19	a 33.
2-Chloronaphthalene	91-8-7	s 0.055	a 5.6
2-Chlorophenol	95-57-8	s 0.044	a 5.7
3-Chloropropene	107-05-1	s 0.036	a 28.
Chrysene	218-01-9	s 0.059	a 8.2
o-Cresol	95-48-7	s 0.11	a 5.6
Cresol (m- and p-isomers)		s 0.77	a 3.2
Cyclohexanone	108-94-1	s 0.36	NA
1,2-Dibromo-3-chloropropane	96-12-8	s 0.11	a 15.
1,2-Dibromoethane (Ethylene dibromide)	106-93-4	s 0.028	a 15.
Dibromomethane	74-95-3	s 0.11	a 15.
2,4-Dichlorophenoxyacetic acid (2,4-D)	94-75-7	s 0.72	a 10.
o,p'-DDD	53-19-0	s 0.023	a 0.087
p,p'-DDD	72-54-8	s 0.023	a 0.087
o,p'-DDE	3424-82-6	s 0.031	a 0.087
p,p'-DDE	72-55-9	s 0.031	a 0.087
o,p'-DDT	789-02-6	s 0.0039	a 0.087
p,p'-DDT	50-29-3	s 0.0039	a 0.087
Dibenzo(a,h)anthracene	53-70-3	s 0.055	a 8.2
m-Dichlorobenzene	541-73-1	s 0.036	a 6.2
o-Dichlorobenzene	95-50-1	s 0.088	a 6.2
p-Dichlorobenzene	106-46-7	s 0.090	a 6.2

Dichlorodifluoro- methane	75-71-8	s 0.23	a 7.2
1,1-Dichloroethane	75-34-3	s 0.059	a 7.2
1,2-Dichloroethane	107-06-2	s 0.21	a 7.2
1,1-Dichloroethylene	75-35-4	s 0.025	a 33.
trans-1,2-Dichloro- ethene		s 0.054	a 33.
2,4-Dichlorophenol	120-83-2	s 0.044	a 14.
2,6-Dichlorophenol	87-65-0	s 0.044	a 14.
1,2-Dichloropropane	78-87-5	s 0.85	a 18.
cis-1,3-Dichloro- propene	10061-01- 5	s 0.036	a 18.
trans-1,3-Dichloro- propene	10061-02- 6	s 0.036	a 18.
Dieldrin	60-57-1	s 0.017	a 0.13
Diethyl phthalate	84-66-2	s 0.20	a 28.
p-Dimethylaminoazo- benzene	60-11-3	s 0.13	NA
2,4-Dimethyl phenol	105-67-9	s 0.036	a 14.
Dimethyl phthalate	131-11-3	s 0.047	a 28.
Di-n-butyl phthalate	84-74-2	s 0.057	a 28.
1,4-Dinitrobenzene	100-25-4	s 0.32	a 2.3
4,6-Dinitro-o-cresol	534-52-1	s 0.28	a 160.
2,4-Dinitrophenol	51-28-5	s 0.12	a 160.
2,4-Dinitrotoluene	121-14-2	s 0.32	a 140.
2,6-Dinitrotoluene	606-20-2	s 0.55	a 28.
Di-n-octyl phthalate	117-84-0	s 0.017	a 28.
Di-n- propylnitrosoamine	621-64-7	s 0.40	a 14.
1,2-Diphenyl hydrazine		s 0.087	NA
1,4-Dioxane	123-91-1	s 0.12	a 170.
Disulfoton	298-04-4	s 0.017	a 6.2
Endosulfan I	939-98-8	s 0.023	a 0.066
Endosulfan II	33213-6-5	s 0.029	a 0.13
Endosulfan sulfate	1031-07-8	s 0.029	a 0.13
Endrin	7-20-8	s 0.0028	a 0.13
Endrin aldehyde	7421-93-4	s 0.025	a 0.13
Ethyl acetate	141-78-6	s 0.34	a 33.
Ethyl cyanide		s 0.24	NA
Ethyl benzene	100-41-4	s 0.057	a 6.0
Ethyl ether	60-29-7	s 0.12	a 160.
bis(2-Ethylhexyl) phthalate	117-81-7	s 0.28	a 28.
Ethyl methacrylate	97-63-2	s 0.14	a 160.
Ethylene oxide	75-21-8	s 0.12	NA
Famphur	52-85-7	s 0.017	a 15.
Fluoranthene	206-44-0	s 0.068	a 8.2
Fluorene	86-73-7	s 0.059	a 4.0
Fluorotrichloromethane	75-69-4	s 0.020	a 33.
Heptachlor	76-44-8	s 0.0012	a 0.066
Heptachlor epoxide	1024-57-3	s 0.016	a 0.066
Hexachlorobenzene	118-74-1	s 0.055	a 37.
Hexachlorobutadiene	87-68-3	s 0.055	a 28.
Hexachlorocyclopenta-	77-47-4	s 0.057	a 3.6

diene			
Hexachlorodibenzo-		s	a 0.001
furans		0.000063	
Hexachlorodibenzo-p-		s	a 0.001
dioxins		0.000063	
Hexachloroethane	67-72-1	s 0.055	a 28.
Hexachloropropene	1888-71-7	s 0.035	a 28.
Indeno(1,2,3,-c,d)-	193-39-5	s 0.0055	a 8.2
pyrene			
Iodomethane	74-88-4	s 0.019	a 65.
Isobutanol	78-83-1	s 5.6	a 170.
Isodrin	465-73-6	s 0.021	a 0.066
Isosafrole	120-58-1	s 0.081	a 2.6
Kepone	143-50-8	s 0.0011	a 0.13
Methacrylonitrile	126-98-7	s 0.24	a 84.
Methapyrilene	91-80-5	s 0.081	a 1.5
Methoxychlor	72-43-5	s 0.25	a 0.18
3-Methylcholanthrene	56-49-5	s 0.0055	a 15.
4,4-Methylene-bis-(2-	101-14-4	s 0.50	a 35.
chloroaniline)			
Methylene chloride	75-09-2	s 0.089	a 33.
Methyl ethyl ketone	78-93-3	s 0.28	a 36.
Methyl isobutyl ketone	108-10-1	s 0.14	a 33.
Methyl methacrylate	80-62-6	s 0.14	a 160.
Methyl methansulfonate		s 0.018	NA
Methyl parathion	298-00-1	s 0.014	s 4.6
Naphthalene	91-20-3	s 0.059	a 3.1
2-Naphtylamine	91-59-8	s 0.52	NA
p-Nitroaniline	100-01-6	s 0.028	a 28.
Nitrobenzene	98-95-3	s 0.068	a 14.
5-Nitro-o-toluidine	99-55-8	s 0.32	a 28.
4-Nitrophenol	100-02-7	s 0.12	a 29.
N-Nitrosodiethylamine	55-18-5	s 0.40	a 28.
N-Nitrosodimethylamine	62-75-9	s 0.40	NA
N-Nitroso-di-n-butyl-	924-16-3	s 0.40	a 17.
amine			
N-Nitrosomethylethyl-	105-95-6	s 0.40	a 2.3
amine			
N-Nitrosomorpholine	59-89-2	s 0.40	a 2.3
N-Nitrosopiperidine	100-75-4	s 0.013	a 35.
N-Nitrosopyrrolidine	930-55-2	s 0.013	a 35.
Parathion	56-38-2	s 0.017	a 4.6
Pentachlorobenzene	608-93-5	s 0.055	a 37.
Pentachlorodibenzo-		s	a 0.001
furans		0.000035	
Pentachlorodibenzo-p-		s	a 0.001
dioxins		0.000063	
Pentachloro-	82-68-8	s 0.055	a 4.8
nitrobenzene			
Pentachlorophenol	87-86-5	s 0.089	a 7.4
Phenacetin	62-44-2	s 0.081	a 16.
Phenanthrene	85-01-8	s 0.059	a 3.1
Phenol	108-95-2	s 0.039	a 6.2
Phorate	298-02-2	s 0.021	a 4.6

Propanenitrile (ethyl cyanide)	107-12-0	s 0.24	a 360.
Pronamide	23950-58-5	s 0.093	a 1.5
Pyrene	129-00-0	s 0.067	a 8.2
Pyridine	110-86-1	s 0.014	a 16.
Safrole	94-59-7	s 0.081	a 22.
Silvex (2,4,5-TP)	93-72-1	s 0.72	a 7.9
2,4,5-T	93-76-5	s 0.72	a 7.9
1,2,4,5-Tetrachlorobenzene	95-94-3	s 0.055	a 19.
Tetrachlorodibenzofurans		s 0.000063	a 0.001
Tetrachlorodibenzo-p-dioxins		s 0.000063	a 0.001
2,3,7,8-Tetrachlorodibenzo-p-dioxin		s 0.000063	NA
1,1,1,2-Tetrachloroethane	630-20-6	s 0.057	a 42.
1,1,2,2-Tetrachloroethane	79-34-6	s 0.057	a 42.
Tetrachloroethene	127-18-4	s 0.056	a 5.6
2,3,4,6-Tetrachlorophenol	58-90-2	s 0.030	a 37.
Toluene	108-88-3	s 0.080	a 28.
Toxaphene	8001-35-1	s 0.0095	a 1.3
1,2,4-Trichlorobenzene	120-82-1	s 0.055	a 19.
1,1,1-Trichloroethane	71-55-6	s 0.054	a 5.6
1,1,2-Trichloroethane	79-00-5	s 0.054	a 5.6
Trichloroethylene	79-01-6	s 0.054	a 5.6
2,4,5-Trichlorophenol	95-95-4	s 0.18	a 37.
2,4,6-Trichlorophenol	88-06-2	s 0.035	a 37.
1,2,3-Trichloropropane	96-18-4	s 0.85	a 28.
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	s 0.057	a 28.
Vinyl chloride	75-01-4	s 0.27	a 33.
Xylene(s)		s 0.32	a 28.
Cyanides (Total)	57-12-5	s 1.2	a 1.8
Cyanides (Amenable)	57-12-5	s 0.86	NA
Fluoride	16964-48-8	s 35.	NA
Sulfide	8496-25-8	s 14.	NA
Antimony	7440-36-0	s 1.9	NA
Arsenic	7440-38-2	s 5.0	NA
Barium	7440-39-3	s 1.2	NA
Beryllium	7440-41-7	s 0.82	NA
Cadmium	7440-43-9	s 0.20	NA
Chromium (Total)	7440-47-32	s 0.37	NA
Copper	7440-50-8	s 1.3	NA
Lead	7439-92-1	s 0.28	NA
Mercury	7439-97-6	s 0.15	NA
Nickel	7440-02-2	s 0.55	NA
Selenium	7782-49-2	s 0.82	NA

		Silver	7440-22-4	s 0.29	NA
		Vanadium	7440-62-2	s 0.042	NA
K001	Table A	Naphthalene	91-20-3	a 0.031	a 1.5
		Pentachlorophenol	87-86-5	a 0.031	a 1.5
		Phenanthrene	85-01-8	a 0.031	a 1.5
		Pyrene	129-00-0	a 0.028	a 1.5
		Toluene	106-88-3	a 0.028	a 28.
		Xylenes (Total)		a 0.032	a 33.
		Lead	7439-92-1	a 0.037	NA
K002	Table A	Chromium (Total)	7440-47-32	s 2.9	NA
		Lead	7439-92-1	s 3.4	NA
K003	Table A	Chromium (Total)	7440-47-32	s 2.9	NA
		Lead	7439-92-1	s 3.4	NA
K004	Table A	Chromium (Total)	7440-47-32	s 2.9	NA
		Lead	7439-92-1	s 3.4	NA
K005	Table A	Chromium (Total)	7440-47-32	s 2.9	NA
		Lead	7439-92-1	s 3.4	NA
		Cyanides (Total)	57-12-5	s 0.74	R
K006	Table A	Chromium (Total)	7440-47-32	s 2.9	NA
		Lead	7439-92-1	s 3.4	NA
K007	Table A	Chromium (Total)	7440-47-32	s 2.9	NA
		Lead	7439-92-1	s 3.4	R NA
		Cyanides (Total)	57-12-5	s 0.74	
K008	Table A	Chromium (Total)	7440-47-32	s 2.9	NA
		Lead	7439-92-1	s 3.4	NA
K009		Chloroform	67-66-3	0.1	a 6.0
K010		Chloroform	67-66-3	0.1	6.0
K011		Acetonitrile	75-05-8	38.	1.8
		Acrylonitrile	107-13-1	0.06	1.4
		Acrylamide	79-06-1	19.	23.
		Benzene	71-43-2	0.02	0.03
		Cyanide (Total)	57-12-5	21.	57.
K013		Acetonitrile	75-05-8	38.	a 1.8
		Acrylonitrile	107-13-1	0.06	a 1.4



	Acrylamide	79-06-1	19.	a 23.
	Benzene	71-43-2	0.02	a 0.03
	Cyanide (Total)	57-12-5	21.	57.
K014	Acetonitrile	75-05-8	38.	a 1.8
	Acrylonitrile	107-13-1	0.06	a 1.4
	Acrylamide	79-06-1	19.	a 23.
	Benzene	71-43-2	0.02	a 0.03
	Cyanide (Total)	57-12-5	21.	57.
K015 Table A	Anthracene	<del>120-12-7</del>	<del>1.0a</del>	<del>3.4</del>
	Benzal chloride	<del>98-87-3</del>	<del>0.28</del>	<del>a 6.2</del>
	Sum of Benzo(b)fluoranthene and Benzo(k)-fluoranthene	<del>205-99-2</del> <del>207-08-9</del>	<del>0.029</del>	<del>3.4</del>
	Phenanthrene	<del>85-01-8</del>	<del>0.27</del>	<del>a 3.4</del>
	Toluene	<del>108-88-3</del>	<del>0.15</del>	<del>a 6.0</del>
	Chromium (Total)	<del>7440-47-32</del>	<del>0.32</del>	NA
	Nickel	<del>7440-02-2</del>	<del>0.44</del>	NA
K015	Anthracene	<u>120-12-7</u>	<u>0.059</u>	<u>a 3.4</u>
	Benzal Chloride	<u>98-87-3</u>	<u>0.28</u>	<u>a 6.2</u>
	Sum of Benzo(b)fluoranthene and Benzo(k)-fluoranthene	<u>207-08-9</u>	<u>0.055</u>	<u>3.4</u>
	Phenanthrene	<u>85-01-8</u>	<u>0.059</u>	<u>a 3.4</u>
	Toluene	<u>108-88-3</u>	<u>0.05</u>	<u>a 6.0</u>
	Chromium (Total)	<u>7440-47-32</u>	<u>0.32</u>	NA
	Nickel	<u>7440-02-2</u>	<u>0.44</u>	NA
K016	Hexachlorobenzene	<del>118-74-1</del>	<del>a 0.033</del>	<del>a 28.</del>
	Hexachlorobutadiene	<del>87-68-3</del>	<del>a 0.007</del>	<del>a 5.8</del>
	Hexachlorocyclopentadiene	<del>77-47-4</del>	<del>a 0.007</del>	<del>a 5.6</del>
	Hexachloroethane	<del>67-72-1</del>	<del>a 0.033</del>	<del>a 28.</del>
	Tetrachloroethene	<del>127-18-4</del>	<del>a 0.007</del>	<del>a 6.0</del>
K016	Hexachlorobenzene	<u>118-74-1</u>	<u>0.055</u>	<u>a 28.</u>
	Hexachlorobutadiene	<u>87-68-3</u>	<u>0.055</u>	<u>a 5.6</u>
	Hexachlorocyclopentadiene	<u>77-47-4</u>	<u>0.057</u>	<u>a 5.6</u>
	Hexachloroethane	<u>67-72-1</u>	<u>0.055</u>	<u>a 28.</u>
	Tetrachloroethene	<u>127-18-4</u>	<u>0.056</u>	<u>a 6.0</u>
K017	1,2-Dichloropropane	78-87-5	s a 0.85	a 28.
	1,2,3-Trichloropropane	96-18-4	s a 0.85	a 28.
	Bis(2-chloroethyl)-ether	111-44-4	s a 0.033	a 7.2
K018	Chloroethane	<del>75-00-3</del>	<del>a 0.007</del>	<del>a 6.0</del>
	1,1-Dichloroethane	<del>75-34-3</del>	<del>a 0.007</del>	<del>a 6.0</del>

	<u>1,2-Dichloroethane</u>	<u>107-06-2</u>	<u>a-0.007</u>	<u>a-5.0</u>
	<u>Hexachlorobutadiene</u>	<u>87-68-3</u>	<u>a-0.033</u>	<u>a-5.6</u>
	<u>Hexachloroethane</u>	<u>67-72-1</u>	<u>a-0.007</u>	<u>a-28.</u>
	<u>Pentachloroethane</u>	<u>76-01-7</u>	<u>a-0.007</u>	<u>a-5.6</u>
	<u>1,1,1-Trichloroethane</u>	<u>71-55-6</u>	<u>a-0.007</u>	<u>a-6.0</u>
<u>K018</u>	<u>Chloroethane</u>	<u>76-00-3</u>	<u>0.27</u>	<u>a 6.0</u>
	<u>Chloromethane</u>	<u>74-87-3</u>	<u>0.19</u>	<u>NA</u>
	<u>1,1-Dichloroethane</u>	<u>75-34-3</u>	<u>0.059</u>	<u>a 6.0</u>
	<u>1,2-Dichloroethane</u>	<u>107-06-2</u>	<u>0.21</u>	<u>a 6.0</u>
	<u>Hexachlorobenzene</u>	<u>118-74-1</u>	<u>0.055</u>	<u>a 28.</u>
	<u>Hexachlorobutadiene</u>	<u>87-68-3</u>	<u>0.055</u>	<u>a 5.6</u>
	<u>Pentachloroethane</u>	<u>76-01-7</u>	<u>NA</u>	<u>5.6</u>
	<u>1,1,1-Trichloroethane</u>	<u>71-55-6</u>	<u>0.054</u>	<u>6.0</u>
	<u>Hexachloroethane</u>	<u>67-72-1</u>	<u>0.055</u>	<u>a 28.</u>
<u>K019</u>	<u>Bis(2-chloroethyl)- ether</u>	<u>111-44-4</u>	<u>a-0.007</u>	<u>a-5.6</u>
	<u>Chlorobenzene</u>	<u>108-90-7</u>	<u>a-0.006</u>	<u>a-6.0</u>
	<u>Chloroform</u>	<u>67-66-3</u>	<u>a-0.006</u>	<u>a-6.0</u>
	<u>p-Dichlorobenzene</u>	<u>106-46-7</u>	<u>a-0.008</u>	<u>NA</u>
	<u>1,2-Dichloroethane</u>	<u>107-06-2</u>	<u>a-0.008</u>	<u>NA</u>
	<u>Fluorene</u>	<u>86-73-7</u>	<u>a-0.007</u>	<u>NA</u>
	<u>Hexachloroethane</u>	<u>67-72-1</u>	<u>a-0.033</u>	<u>a-28.</u>
	<u>Naphthalene</u>	<u>91-20-3</u>	<u>a-0.007</u>	<u>a-5.6</u>
	<u>Phenanthrene</u>	<u>85-01-8</u>	<u>a-0.007</u>	<u>a-5.6</u>
	<u>1,2,4,5-Tetrachloro- benzene</u>	<u>95-94-3</u>	<u>a-0.017</u>	<u>NA</u>
	<u>Tetrachloroethene</u>	<u>127-18-4</u>	<u>a-0.007</u>	<u>a-6.0</u>
	<u>1,2,4-Trichlorobenzene</u>	<u>120-82-1</u>	<u>a-0.023</u>	<u>a-19.</u>
	<u>1,1,1-Trichloroethane</u>	<u>71-55-6</u>	<u>a-0.007</u>	<u>a-6.0</u>
<u>K019</u>	<u>Bis(2-chloroethyl) ether</u>	<u>111-44-4</u>	<u>0.033</u>	<u>a 5.6</u>
	<u>Chlorobenzene</u>	<u>108-90-7</u>	<u>0.057</u>	<u>a 6.0</u>
	<u>Chloroform</u>	<u>67-66-3</u>	<u>0.046</u>	<u>a 6.0</u>
	<u>p-Dichlorobenzene</u>	<u>106-46-7</u>	<u>0.09</u>	<u>NA</u>
	<u>1,2-Dichloroethane</u>	<u>107-06-2</u>	<u>0.21</u>	<u>a 6.0</u>
	<u>Fluorene</u>	<u>86-73-7</u>	<u>0.059</u>	<u>NA</u>
	<u>Hexachloroethane</u>	<u>67-72-1</u>	<u>0.055</u>	<u>a 28.</u>
	<u>Naphthalene</u>	<u>91-20-3</u>	<u>0.059</u>	<u>a 5.6</u>
	<u>Phenanthrene</u>	<u>85-01-8</u>	<u>0.059</u>	<u>a 5.6</u>
	<u>1,2,4,5-Tetrachloro- benzene</u>	<u>95-94-3</u>	<u>0.055</u>	<u>NA</u>
	<u>Tetrachloroethene</u>	<u>127-18-4</u>	<u>0.056</u>	<u>a 6.0</u>
	<u>1,2,4-Trichlorobenzene</u>	<u>120-82-1</u>	<u>0.055</u>	<u>a 19.</u>
	<u>1,1,1-Trichloroethane</u>	<u>71-55-6</u>	<u>0.054</u>	<u>a 6.0</u>
<u>K020</u>	<u>1,2-Dichloroethane</u>	<u>107-06-2</u>	<u>a-0.007</u>	<u>a-6.0</u>
	<u>1,1,2,2-Tetrachloro- ethane</u>	<u>79-34-6</u>	<u>a-0.007</u>	<u>a-5.6</u>
	<u>Tetrachloroethene</u>	<u>127-18-4</u>	<u>a-0.007</u>	<u>a-6.0</u>
<u>K020</u>	<u>1,2-Dichloroethane</u>	<u>106-93-4</u>	<u>0.21</u>	<u>a 6.0</u>

	<u>1,1,2,2-Tetrachloroethane</u>	<u>79-34-6</u>	<u>0.057</u>	<u>a 5.6</u>
	<u>Tetrachloroethene</u>	<u>127-18-4</u>	<u>0.056</u>	<u>a 6.0</u>
K021 Table A	Chloroform	67-66-3	s 0.046	a 6.2
	Carbon tetrachloride	58-23-5	s 0.057	a 6.2
	Antimony	58-23-5	s 0.057	a 6.2
K022 Table A	Toluene	108-88-3	s 0.060	a 0.034
	Acetophenone	96-86-2	0.010	a 19.
	Diphenylamine	22-39-4	s 0.52	NA
	Diphenylnitrosamine	86-30-6	s 0.40	NA
	Sum of Diphenylamine and Diphenylnitrosamine		NA	a 13.
	Phenol	108-95-2	0.039	a 12.
	Chromium (Total)	7440-47-32	0.35	NA
	Nickel	7440-02-0	0.47	NA
K023	<del>Phthalic anhydride (measured as Phthalic acid)</del>	<del>85-44-9</del>	<del>a 0.54</del>	<del>a 28.</del>
K023	<u>Phthalic anhydride (measured as Phthalic acid)</u>	<u>85-44-9</u>	<u>0.069</u>	<u>a 28</u>
K024	<del>Phthalic anhydride (measured as Phthalic acid)</del>	<del>85-44-9</del>	<del>a 0.54</del>	<del>a 28.</del>
K024	<u>Phthalic anhydride (measured as Phthalic acid)</u>	<u>85-44-9</u>	<u>0.069</u>	<u>a 28</u>
K028 Table A	1,1-Dichloroethane	75-34-3	a 0.007	a 6.0
	trans-1,2-Dichloroethene		a 0.033	a 6.0
	Hexachlorobutadiene	87-68-3	a 0.007	a 5.6
	Hexachloroethane	67-72-1	a 0.033	a 28.
	Pentachloroethane	16-01-7	a 0.033	a 5.6
	1,1,1,2-Tetrachloroethane	630-20-6	a 0.007	a 5.6
	1,1,1,2-Tetrachloroethane	79-34-6	a 0.007	a 5.6
	1,1,1-Trichloroethane	71-55-6	a 0.007	a 6.0
	1,1,2-Trichloroethane	79-00-5	a 0.007	a 6.0
	Tetrachloroethylene	127-18-4	a 0.007	a 6.0
	Cadmium	7440-43-9	6.4	NA
	Chromium (Total)	7440-47-	0.35	NA

		32		
	Lead	<del>7439-92-1</del>	0.037	NA
	Nickel	<del>7440-02-2</del>	0.47	NA
K028	1,1-Dichloroethane	<del>75-34-3</del>	0.059	a 6.0
	trans-1,2-Dichloroethane		0.054	a 6.0
	Hexachlorobutadiene	87-68-3	0.055	a 5.6
	Hexachloroethane	67-72-1	0.055	a 28.
	Pentachloroethane	76-01-7	NA	a 5.6
	1,1,1,2-Tetrachloroethane	630-20-6	0.057	a 5.6
	1,1,2,2-Tetrachloroethane	79-34-6	0.057	a 5.6
	1,1,1-Trichloroethane	71-55-6	0.054	a 6.0
	1,1,2-Trichloroethane	79-00-5	0.054	a 6.0
	Tetrachloroethylene	127-18-4	0.056	a 6.0
	Cadmium	7440-43-9	6.4	NA
	Chromium (Total)	7440-47-	0.35	NA
		32		
	Lead	<del>7439-92-1</del>	0.037	NA
	Nickel	<del>7440-02-0</del>	0.47	NA
K029	Chloroform	67-66-3	0.46	a 6.0
	1,2-Dichloroethane	107-06-2	0.21	a 6.0
	1,1-Dichloroethylene	75-35-4	0.025	a 6.0
	1,1,1-Trichloroethane	71-55-6	0.054	a 6.0
	Vinyl chloride	75-01-4	0.27	a 6.0
K030	o-Dichlorobenzene	<del>95-50-1</del>	<del>a-0.008</del>	NA
	p-Dichlorobenzene	<del>106-46-7</del>	<del>a-0.006</del>	NA
	Hexachlorobutadiene	<del>87-68-3</del>	<del>a-0.007</del>	a 5.6
	Hexachloroethane	<del>67-72-1</del>	<del>a-0.033</del>	a 28.
	Hexachloropropene	<del>1888-71-7</del>	NA	a 19.
	Pentachlorobenzene	<del>608-93-5</del>	NA	a 28.
	Pentachloroethane	<del>76-01-7</del>	<del>a-0.007</del>	a 5.6
	1,2,4,5-Tetrachlorobenzene	<del>95-94-3</del>	<del>a-0.017</del>	a 14.
	Tetrachloroethane	<del>127-18-4</del>	<del>a-0.007</del>	a 6.0
	1,2,4-Trichlorobenzene	<del>120-82-1</del>	<del>a-0.023</del>	a 19.
K030	o-Dichlorobenzene	95-50-1	0.088	NA
	p-Dichlorobenzene	106-46-7	0.09	NA
	Hexachlorobutadiene	87-68-3	0.055	a 5.6
	Hexachloroethane	67-72-1	0.055	a 28.
	Hexachloropropene	1888-71-7	NA	a 19.
	Pentachlorobenzene	608-93-5	NA	a 28.
	Pentachloroethane	76-01-7	NA	a 5.6
	1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	a 14.
	Tetrachloroethane	127-18-4	0.056	a 6.0
	1,2,4-Trichlorobenzene	120-82-1	0.055	a 19.

K031	Table A	Arsenic	7440-38-2	0.79	NA
K032		Hexachlorocyclopentadiene	77-47-4	s 0.057	a 24.
		Chlordane	57-74-9	s 0.0033	a 0.26
		Heptachlor	76-44-8	s 0.012	a 0.066
		Heptachlor epoxide	1024-57-3	s 0.016	a 0.066
K033		Hexachlorocyclopentadiene	77-47-4	s 0.057	a 2.4
K034		Hexachlorocyclopentadiene	77-47-4	s 0.057	a 2.4
K035		Acenaphthene	83-32-9	NA	a 3.4
		Anthracene	120-12-7	NA	a 3.4
		Benz(a)anthracene	56-55-3	s 0.59	a 3.4
		Benzo(a)pyrene	50-32-8	NA	a 3.4
		Chrysene	218-01-9	s 0.059	a 3.4
		Dibenz(a,h)anthracene	53-70-3	NA	a 3.4
		Fluoranthene	206-44-0	s 0.068	a 3.4
		Fluorene	86-73-7	NA	a 3.4
		Indeno(1,2,3-cd)pyrene	193-39-5	NA	a 3.4
		Cresols (m- and p-isomers)		s 0.77	NA
		Naphthalene	91-20-3	s 0.059	a 3.4
		o-Cresol	95-48-7	s 0.11	NA
		Phenanthrene	85-01-8	s 0.059	a 3.4
		Phenol	108-95-2	0.039	NA
		Pyrene	129-00-0	s 0.067	a 8.2
K036		Disulfoton	298-04-4	s 0.025	a 0.1
K037		Disulfoton	298-04-4	s 0.025	a 0.1
		Toluene	108-88-3	s 0.080	a 28.
K038		Phorate	298-02-2	0.025	a 0.1
K040		Phorate	298-02-2	0.025	a 0.1
K041		Toxaphene	8001-35-1	s 0.0095	a 2.6
K042		1,2,4,5-Tetrachlorobenzene	95-94-3	s 0.055	a 4.4
		o-Dichlorobenzene	95-50-1	s 0.088	a 4.4
		p-Dichlorobenzene	106-46-7	s 0.090	a 4.4
		Pentachlorobenzene	808-93-5	s 0.055	a 4.4
		1,2,4-Trichlorobenzene	120-82-1	s 0.055	a 4.4
K043		<del>2,4-Dichlorophenol</del>	<del>120-83-2</del>	<del>a 0.049</del>	<del>a 0.38</del>
		<del>2,6-Dichlorophenol</del>	<del>87-65-0</del>	<del>a 0.013</del>	<del>a 0.3</del>
		<del>2,4,5-Trichlorophenol</del>	<del>95-95-4</del>	<del>a 0.016</del>	<del>a 8.2</del>
		<del>2,4,6-Trichlorophenol</del>	<del>88-06-2</del>	<del>a 0.039</del>	<del>a 7.8</del>

	Tetrachlorophenols (Total)		a-0.018	a-0.68
	Pentachlorophenol	87-86-5	a-0.22	a-1.9
	Tetrachloroethene	79-01-6	a-0.006	a-1.7
	Hexachlorodibenzo-p- dioxins		a-0.001	a-0.001
	Hexachlorodibenzo- furans		a-0.001	a-0.001
	Pentachlorodibenzo-p- dioxins		a-0.001	a-0.001
	Pentachlorodibenzo- furans		a-0.001	a-0.001
	Tetrachlorodibenzo-p- dioxins		a-0.001	a-0.001
	Tetrachlorodibenzo- furans		a-0.001	a-0.001
K043	2,4-Dichlorophenol	120-83-2	0.044	a 0.38
	2,6-Dichloropheno	187-65-0	0.044	a 0.34
	2,4,5-Trichlorophenol	95-95-4	0.18	a 8.2
	2,4,6-Trichlorophenol	88-06-2	0.035	a 7.6
	Tetrachlorophenols (Total)		NA	a 0.68
	Pentachlorophenol	87-86-5	0.089	a 1.9
	Tetrachloroethene	79-01-6	0.056	a 1.7
	Hexachlorodibenzo-p- dioxins		0.000063	a 0.001
	Hexachlorodibenzo- furans		0.000063	a 0.001
	Pentachlorodibenzo-p- dioxins		0.000063	a 0.001
	Pentachlorodibenzo furans		0.000063	a 0.001
	Tetrachlorodibenzo-p- dioxins		0.000063	a 0.001
	Tetrachlorodibenzo furans		0.000063	a 0.001
K046 Table A	Lead	7439-92-1	0.037	NA
K048 Table A	Benzene	71-43-2	a-0.011	a-14r
	Benzo(a)pyrene	50-32-8	a-0.047	a-12r
	Bis(2-ethylhexyl)- phthalate	117-81-7	a-0.043	a-7.3
	Chrysene	218-01-9	a-0.043	a-15r
	Di-n-butyl-phthalate	84-74-2	a-0.06	a-3.6
	Ethylbenzene	100-41-4	a-0.011	a-14r
	Fluorene	86-73-7	a-0.05	NA
	Naphthalene	91-20-3	a-0.033	a-42r
	Phenanthrene	85-01-8	a-0.039	a-34r
	Phenol	108-95-2	a-0.047	a-3.6
	Pyrene	129-00-0	a-0.045	a-36r

	Toluene	<del>108-88-3</del>	<del>a 0.011</del>	<del>a 14.</del>
	Xylene(s)		<del>a 0.011</del>	<del>a 22.</del>
	Cyanides (Total)	<del>57-12-5</del>	<del>a 0.028</del>	<del>a 1.8</del>
	Chromium (Total)	<del>7440-47-32</del>	<del>0.2</del>	NA
	Lead	<del>7439-92-1</del>	<del>0.037</del>	NA
K048	Benzene	<del>71-43-2</del>	<del>s 0.14</del>	<del>a 14.</del>
	Benzo(a)pyrene	<del>50-32-8</del>	<del>s 0.061</del>	<del>a 12.</del>
	Bis(2-ethylhexyl) phthalate	<del>117-81-7</del>	<del>s 0.28</del>	<del>a 7.3</del>
	Chrysene	<del>218-01-9</del>	<del>s 0.059</del>	<del>a 15.</del>
	Di-n-butylphthalate	<del>84-74-2</del>	<del>s 0.057</del>	<del>a 3.6</del>
	Ethylbenzene	<del>100-41-4</del>	<del>s 0.057</del>	<del>a 14.</del>
	Fluorene	<del>86-73-7</del>	<del>s 0.059</del>	NA
	Naphthalene	<del>91-20-3</del>	<del>s 0.059</del>	<del>a 42.</del>
	Phenanthrene	<del>85-01-8</del>	<del>s 0.059</del>	<del>a 34.</del>
	Phenol	<del>108-95-2</del>	<del>s 0.039</del>	<del>a 3.6</del>
	Pyrene	<del>129-00-0</del>	<del>s 0.067</del>	<del>a 36.</del>
	Toluene	<del>108-88-3</del>	<del>s 0.080</del>	<del>a 14.</del>
	Xylene(s)		<del>s 0.32</del>	<del>a 22.</del>
	Cyanides (Total)	<del>57-12-5</del>	<del>a 0.028</del>	<del>a 1.8</del>
	Chromium (Total)	<del>7440-47-32</del>	<del>0.2</del>	NA
	Lead	<del>7439-92-1</del>	<del>0.037</del>	NA
K049 Table A	Anthracene	<del>120-12-7</del>	<del>a 0.039</del>	<del>a 28.</del>
	Benzene	<del>71-43-2</del>	<del>a 0.011</del>	<del>a 14.</del>
	Benzo(a)pyrene	<del>50-32-8</del>	<del>a 0.047</del>	<del>a 12.</del>
	Bis(2-ethylhexyl) phthalate	<del>117-81-7</del>	<del>a 0.043</del>	<del>a 7.3</del>
	Carbon disulfide	<del>75-15-0</del>	<del>a 0.011</del>	NA
	Chrysene	<del>218-01-9</del>	<del>a 0.043</del>	<del>a 15.</del>
	2,4-Dimethylphenol	<del>105-67-9</del>	<del>a 0.033</del>	NA
	Ethylbenzene	<del>100-41-4</del>	<del>a 0.011</del>	<del>a 14.</del>
	Naphthalene	<del>91-20-3</del>	<del>a 0.033</del>	<del>a 42.</del>
	Phenanthrene	<del>85-01-8</del>	<del>a 0.039</del>	<del>a 34.</del>
	Phenol	<del>108-95-2</del>	<del>a 0.047</del>	<del>a 3.6</del>
	Pyrene	<del>129-00-0</del>	<del>a 0.045</del>	<del>a 36.</del>
	Toluene	<del>108-88-3</del>	<del>a 0.011</del>	<del>a 14.</del>
	Xylene(s)		<del>a 0.011</del>	<del>a 22.</del>
	Cyanides (Total)	<del>57-12-5</del>	<del>a 0.028</del>	<del>a 1.8</del>
	Chromium (Total)	<del>7440-47-32</del>	<del>0.2</del>	NA
	Lead	<del>7439-92-1</del>	<del>0.037</del>	NA
K049	Anthracene	<del>120-12-7</del>	<del>s 0.059</del>	<del>a 28.</del>
	Benzene	<del>71-43-2</del>	<del>s 0.14</del>	<del>a 14.</del>
	Benzo(a)pyrene	<del>117-81-7</del>	<del>s 0.061</del>	<del>a 12.</del>
	Bis(2-ethylhexyl) phthalate	<del>75-150-0</del>	<del>s 0.28</del>	<del>a 7.3</del>
	Carbon disulfide	<del>75-15-0</del>	<del>s 0.014</del>	NA
	Chrysene	<del>2218-01-9</del>	<del>s 0.059</del>	<del>a 15.</del>

	<u>2,4-Dimethyl phenol</u>	<u>105-67-9</u>	<u>s 0.036</u>	<u>NA</u>
	<u>Ethylbenzene</u>	<u>100-41-4</u>	<u>s 0.057</u>	<u>a 14.</u>
	<u>Naphthalene</u>	<u>91-20-3</u>	<u>s 0.059</u>	<u>a 42.</u>
	<u>Phenanthrene</u>	<u>85-01-8</u>	<u>s 0.059</u>	<u>a 34.</u>
	<u>Phenol</u>	<u>108-95-2</u>	<u>s 0.039</u>	<u>a 3.6</u>
	<u>Pyrene</u>	<u>129-00-0</u>	<u>s 0.067</u>	<u>a 36.</u>
	<u>Toluene</u>	<u>108-88-3</u>	<u>s 0.08</u>	<u>a 14.</u>
	<u>Xylene(s)</u>		<u>s 0.32</u>	<u>a 22.</u>
	<u>Cyanides (Total)</u>	<u>56-12-5</u>	<u>a 0.028</u>	<u>a 1.8</u>
	<u>Chromium (Total)</u>	<u>7440-47-</u>	<u>0.2</u>	<u>NA</u>
		<u>32</u>		
<u>K050</u>	<u>Table A</u>			
	<u>Benzo(a)pyrene</u>	<u>50-32-8</u>	<u>a 0.047</u>	<u>a 12.</u>
	<u>Phenol</u>	<u>108-95-2</u>	<u>a 0.047</u>	<u>a 3.6</u>
	<u>Cyanides (Total)</u>	<u>57-12-5</u>	<u>a 0.028</u>	<u>a 1.8</u>
	<u>Chromium (Total)</u>	<u>7440-47-</u>	<u>0.2</u>	<u>NA</u>
		<u>32</u>		
	<u>Lead</u>	<u>7439-92-1</u>	<u>0.037</u>	<u>NA</u>
<u>K050</u>				
	<u>Lead</u>	<u>7439-92-1</u>	<u>0.037</u>	<u>NA</u>
	<u>Benzo(a)pyrene</u>	<u>50-32-8</u>	<u>s 0.061</u>	<u>a 12.</u>
	<u>Phenol</u>	<u>108-95-2</u>	<u>s 0.039</u>	<u>a 3.6</u>
	<u>Cyanides (Total)</u>	<u>57-12-5</u>	<u>a 0.028</u>	<u>a 1.8</u>
	<u>Chromium (Total)</u>	<u>7440-47-</u>	<u>0.2</u>	<u>NA</u>
		<u>32</u>		
	<u>Lead</u>	<u>7439-29-1</u>	<u>0.037</u>	<u>NA</u>
<u>K051</u>	<u>Table A</u>			
	<u>Acenaphthene</u>	<u>83-32-9</u>	<u>a 0.05</u>	<u>NA</u>
	<u>Anthracene</u>	<u>120-12-7</u>	<u>a 0.039</u>	<u>a 28.</u>
	<u>Benzene</u>	<u>71-43-2</u>	<u>a 0.011</u>	<u>a 14.</u>
	<u>Benzo(a)anthracene</u>	<u>50-32-8</u>	<u>a 0.043</u>	<u>a 20.</u>
	<u>Benzo(a)pyrene</u>	<u>50-32-8</u>	<u>a 0.047</u>	<u>a 12.</u>
	<u>Bis(2-ethylhexyl)-</u> <u>phthalate</u>	<u>75-15-0</u>	<u>a 0.043</u>	<u>a 7.3</u>
	<u>Chrysene</u>	<u>218-01-9</u>	<u>a 0.043</u>	<u>a 15.</u>
	<u>Di-n-butyl phthalate</u>	<u>105-67-9</u>	<u>a 0.06</u>	<u>a 3.6</u>
	<u>Ethylbenzene</u>	<u>100-41-4</u>	<u>a 0.011</u>	<u>a 14.</u>
	<u>Fluorene</u>	<u>86-73-7</u>	<u>a 0.05a</u>	<u>NA</u>
	<u>Naphthalene</u>	<u>91-20-3</u>	<u>a 0.033</u>	<u>a 42.</u>
	<u>Phenanthrene</u>	<u>85-01-8</u>	<u>a 0.039</u>	<u>a 34.</u>
	<u>Phenol</u>	<u>108-95-2</u>	<u>a 0.047</u>	<u>a 3.6</u>
	<u>Pyrene</u>	<u>129-00-0</u>	<u>a 0.045</u>	<u>a 36.</u>
	<u>Toluene</u>	<u>108-88-3</u>	<u>a 0.011</u>	<u>a 14.</u>
	<u>Xylene(s)</u>		<u>a 0.011</u>	<u>a 22.</u>
	<u>Cyanides (Total)</u>	<u>57-12-5</u>	<u>a 0.028</u>	<u>a 1.8</u>
	<u>Chromium (Total)</u>	<u>7440-47-</u>	<u>0.2</u>	<u>NA</u>
		<u>32</u>		
	<u>Lead</u>	<u>7439-92-1</u>	<u>0.037</u>	<u>NA</u>
<u>K051</u>				
	<u>Acenaphthene</u>	<u>83-32-9</u>	<u>s 0.059</u>	<u>NA</u>
	<u>Anthracene</u>	<u>120-12-7</u>	<u>s 0.059</u>	<u>a 28.</u>
	<u>Benzene</u>	<u>71-43-2</u>	<u>s 0.14</u>	<u>a 14.</u>



<u>Benzo(a) anthracene</u>	<u>50-32-8</u>	<u>s 0.059</u>	<u>a 20.</u>
<u>Benzo(a)pyrene</u>	<u>117-81-7</u>	<u>s 0.061</u>	<u>a 12.</u>
<u>Bis(2-ethylhexyl)</u>	<u>75-15-0</u>	<u>s 0.28</u>	<u>a 7.3</u>
<u>phthalate</u>			
<u>Chrysene</u>	<u>2218-01-9</u>	<u>s 0.059</u>	<u>a 15.</u>
<u>Di-n-butyl phthalate</u>	<u>105-67-9</u>	<u>s 0.057</u>	<u>a 3.6</u>
<u>Ethylbenzene</u>	<u>100-41-4</u>	<u>s 0.057</u>	<u>a 14.</u>
<u>Fluorene</u>	<u>86-73-7</u>	<u>s 0.059</u>	<u>NA</u>
<u>Naphthalene</u>	<u>91-20-3</u>	<u>s 0.059</u>	<u>a 42.</u>
<u>Phenanthrene</u>	<u>85-01-8</u>	<u>s 0.059</u>	<u>a 34.</u>
<u>Phenol</u>	<u>108-95-2</u>	<u>s 0.039</u>	<u>a 3.6</u>
<u>Pyrene</u>	<u>129-00-0</u>	<u>s 0.067</u>	<u>a 36.</u>
<u>Toluene</u>	<u>108-88-3</u>	<u>s 0.08</u>	<u>a 14.</u>
<u>Xylene(s)</u>		<u>s 0.32</u>	<u>a 22.</u>
<u>Cyanides (Total)</u>	<u>57-12-5</u>	<u>a 0.028</u>	<u>a 1.8</u>
<u>Chromium (Total)</u>	<u>7440-47-</u>	<u>0.2</u>	<u>NA</u>
	<u>32</u>		
<u>Lead</u>	<u>7439-29-1</u>	<u>0.037</u>	<u>NA</u>
<u>Benzene</u>	<u>71-43-2</u>	<u>s 0.14</u>	<u>a 14.</u>
<u>Benzo(a)pyrene</u>	<u>50-32-8</u>	<u>s 0.061</u>	<u>a 12.</u>

K052 Table  
A

<u>Benzene</u>	<u>71-43-2</u>	<u>a 0.011</u>	<u>a 14.</u>
<u>Benzo(a)pyrene</u>	<u>50-32-8</u>	<u>a 0.047</u>	<u>a 12.</u>
<u>o-Cresol</u>	<u>95-48-7</u>	<u>a 0.011</u>	<u>a 6.2</u>
<u>p-Cresol</u>	<u>106-44-5</u>	<u>a 0.011</u>	<u>a 6.2</u>
<u>2,4-Dimethylphenol</u>	<u>105-67-9</u>	<u>a 0.033a</u>	<u>NA</u>
<u>Ethylbenzene</u>	<u>100-41-4</u>	<u>a 0.011</u>	<u>a 14.</u>
<u>Naphthalene</u>	<u>91-20-3</u>	<u>a 0.033</u>	<u>a 42.</u>
<u>Phenanthrene</u>	<u>85-01-8</u>	<u>a 0.039</u>	<u>a 34</u>
<u>Phenol</u>	<u>108-95-2</u>	<u>a 0.047</u>	<u>a 3.6</u>
<u>Toluene</u>	<u>108-88-3</u>	<u>a 0.011</u>	<u>a 14.</u>
<u>Xylene(s)</u>		<u>a 0.011</u>	<u>a 22.</u>
<u>Cyanides (Total)</u>	<u>57-12-5</u>	<u>a 0.028</u>	<u>a 1.8</u>
<u>Chromium (Total)</u>	<u>7440-47-</u>	<u>0.2</u>	<u>NA</u>
	<u>32</u>		
<u>Lead</u>	<u>7439-92-1</u>	<u>0.037</u>	<u>NA</u>

K052

<u>o-Cresol</u>	<u>95-48-7</u>	<u>s 0.11</u>	<u>a 6.2</u>
<u>p-Cresol</u>	<u>106-44-5</u>	<u>s 0.77</u>	<u>a 6.2</u>
<u>2,4-Dimethylphenol</u>	<u>105-67-9</u>	<u>s 0.036</u>	<u>NA</u>
<u>Ethylbenzene</u>	<u>100-41-4</u>	<u>s 0.057</u>	<u>a 14.</u>
<u>Naphthalene</u>	<u>91-20-3</u>	<u>s 0.059</u>	<u>a 42.</u>
<u>Phenanthrene</u>	<u>85-01-8</u>	<u>s 0.059</u>	<u>a 34.</u>
<u>Phenol</u>	<u>108-95-2</u>	<u>s 0.039</u>	<u>a 3.6</u>
<u>Toluene</u>	<u>108-88-3</u>	<u>s 0.08</u>	<u>a 14.</u>
<u>Xylenes</u>		<u>s 0.32</u>	<u>a 22.</u>
<u>Cyanides (Total)</u>	<u>56-12-5</u>	<u>a 0.028</u>	<u>a 1.8</u>
<u>Chromium (Total)</u>	<u>7440-47-</u>	<u>0.2</u>	<u>NA</u>
	<u>32</u>		
<u>Lead</u>	<u>7439-92-1</u>	<u>0.037</u>	<u>NA</u>

K060

<u>Benzene</u>	<u>71-43-2</u>	<u>s 0.17</u>	<u>a 0.071</u>
<u>Benzo(a)pyrene</u>	<u>50-32-8</u>	<u>s 0.035</u>	<u>a 3.6</u>

	Naphthalene	91-20-3	s 0.028	a 3.4
	Phenol	<del>108-95-2</del>	s 0.042	a 3.4
	Cyanides (Total)	57-12-5	1.9	1.2
K061 Tables A & D	Cadmium	7440-43-9	1.61	NA
	Chromium (Total)	7440-47-32	0.32	NA
	Lead	7439-92-1	0.51	NA
	Nickel	7440-02-2	0.44	NA
K062 Table A	Chromium (Total)	7440-47-32	0.32	NA
	Lead	7439-92-1	0.04	NA
	Nickel	7440-02-2	0.44	NA
K069 Tables A & D	Cadmium	7440-43-9	1.6	NA
	Lead	7439-92-1	0.51	NA
K071 Table A	Mercury	7439-97-6	0.030	NA
K073	Carbon tetrachloride	58-23-5	s 0.057	a 6.2
	Chloroform	67-66-3	s 0.046	a 6.2
	Hexachloroethane	67-72-1	s 0.055	a 30.
	Tetrachloroethene	127-18-4	s 0.056	a 6.2
	1,1,1-Trichloroethane	71-55-6	s 0.054	a 6.2
K083 Table A	Benzene	71-43-2	s 0.14	a 6.6
	Aniline	62-53-3	s 0.81	a 14.
	Diphenylamine	22-39-4	s 0.52	NA
	Diphenylnitrosamine	86-30-6	s 0.40	NA
	Sum of Diphenylamine and Diphenylnitrosamine		NA	a 14.
	Nitrobenzene	98-95-3	s 0.068	a 14.
	Phenol	108-95-2	0.039	a 5.6
	Cyclohexanone	108-94-1	0.36	a 30.
	Nickel	7440-02-2	0.47	NA
K084	Arsenic	7440-38-2	0.79	NA
K085	Benzene	71-43-2	s 0.14	a 4.4
	Chlorobenzene	108-90-7	s 0.057	a 4.4
	o-Dichlorobenzene	95-50-1	s 0.088	a 4.4
	m-Dichlorobenzene	541-73-1	s 0.036	a 4.4
	p-Dichlorobenzene	106-46-7	s 0.090	a 4.4
	1,2,4-Trichlorobenzene	120-82-1	s 0.055	a 4.4
	1,2,4,5-Tetrachloro- benzene	95-94-3	s 0.055	a 4.4
	Pentachlorobenzene	608-93-5	0.055	a 4.4
	Hexachlorobenzene	118-74-1	s 0.055	a 4.4

Aroclor 1016	12674-11-2	s 0.013	a 0.9
Aroclor 1221	11104-28-2	s 0.014	a 0.92
Aroclor 1232	11141-16-5	s 0.013	a 0.92
Aroclor 1242	53469-21-9	s 0.017	a 0.92
Aroclor 1248	12672-29-6	s 0.013	a 0.92
Aroclor 1254	11097-69-1	s 0.014	a 1.8
Aroclor 1260	11096-82-5	s 0.014	a 1.8

K086 Table A	Acetone	67-64-1	0.28	a 160.
	Acetophenone	96-86-2	0.010	a 9.7
	Bis(2-ethylhexyl)- phthalate	117-81-7	s 0.28	a 28.
	n-Butyl alcohol	71-36-2	5.6	a 2.6
	Butylbenzylphthalate	85-68-7	s 0.017	a 7.9
	cyclohexanone	108-94-1	0.36	NA
	1,2-Dichlorobenzene	95-50-1	0.088	a 6.0
	Diethyl phthalate	84-66-2	s 0.20	a 28.
	Dimethyl phthalate	131-11-3	s 0.047	a 28.
	Di-n-butyl phthalate	84-74-2	s 0.057	a 28.
	Di-n-octyl phthalate	117-84-0	s 0.017	a 28.
	Ethyl acetate	141-78-6	s 0.34	a 33.
	Ethylbenzene	100-41-4	s 0.057	a 6.0
	Methanol	67-56-1	s 5.6	NA
	Methyl isobutyl ketone	108-10-1	0.14	a 33.
	Methyl ethyl ketone	78-93-1	0.28	a 36.
	Methylene chloride	75-09-2	s 0.089	a 33.
	Naphthalene	91-20-3	s 0.059	a 3.1
	Nitrobenzene	98-95-3	s 0.068	a 14.
	Toluene	108-88-3	s 0.080	a 28.
	1,1,1-Trichloroethane	71-55-6	s 0.054	a 5.6
	Trichloroethylene	79-01-6	s 0.054	a 5.6
	Xylene(s)	(Total)	s 0.32	a 28.
	Cyanides (Total)	57-12-5	1.9	1.5
	Chromium (Total)	7440-47-32	0.32	NA
	Lead	7439-92-1	0.037	NA

K087 Table A	<del>Acenaphthalene</del>	<del>208-96-8</del>	<del>a 0.028</del>	<del>3.4</del>
	<del>Benzene</del>	<del>71-43-2</del>	<del>a 0.014</del>	<del>a 0.071</del>
	<del>Chrysene</del>	<del>218-01-9</del>	<del>a 0.028</del>	<del>a 3.4</del>
	<del>Fluoranthene</del>	<del>206-44-0</del>	<del>a 0.023</del>	<del>a 3.4</del>
	<del>Indeno(1,2,3-cd)pyrene</del>	<del>193-39-5</del>	<del>a 0.028</del>	<del>a 3.4</del>
	<del>Naphthalene</del>	<del>91-20-3</del>	<del>a 0.028</del>	<del>a 3.4</del>
	<del>Phenanthrene</del>	<del>85-01-8</del>	<del>a 0.028</del>	<del>a 3.4</del>
	<del>Toluene</del>	<del>108-88-3</del>	<del>a 0.088</del>	<del>a 0.65</del>

	Xylene(s)		<del>a 0.014</del>	<del>a 0.07</del>
	Lead	<del>7439-92-1</del>	0.037	NA
K087	Acenaphthalene	208-96-8	s 0.059	3.4
	Benzene	71-43-7	s 0.14	a 0.071
	Chrysene	218-01-9	s 0.059	a 3.4
	Fluoranthene	206-44-0	s 0.068	a 3.4
	Indeno (1,2,3-cd)	193-39-5	s 0.0055	a 3.4
	pyrene			
	Naphthalene	91-20-3	s 0.059	a 3.4
	Phenanthrene	85-01-8	s 0.059	a 3.4
	Toluene	108-88-3	s 0.08	a 0.65
	Xylenes		s 0.32	a 0.07
	Lead	7439-92-1	0.037	NA
K093	Phthalic anhydride (measured as Phthalic acid)	<del>85-44-9</del>	<del>a 0.54</del>	<del>a 28.</del>
K093	Phthalic anhydride (measured as Phthalic acid)	85-44-9	0.069	a 28.
K094	Phthalic anhydride (measured as Phthalic acid)	<del>85-44-9</del>	<del>a 0.54</del>	<del>a 28.</del>
K094	Phthalic anhydride (measured as Phthalic acid)	85-44-9	0.069	a 28.
K095	1,1,1,2-Tetrachloroethane	630-20-6	0.057	a 5.6
	1,1,2,2-Tetrachloroethane	79-34-6	0.057	a 5.6
	Tetrachloroethene	127-18-4	0.056	a 6.0
	1,1,2-Trichloroethane	79-00-5	0.054	a 6.0
	Trichloroethylene	73-01-6	0.054	a 5.6
	Hexachloroethane	67-72-1	0.055	a 28.
	Pentachloroethane	76-01-7	0.055	a 5.6
K096	1,1,1,2-Tetrachloroethane	630-20-6	0.057	a 5.6
	1,1,2,2-Tetrachloroethane	79-34-6	0.057	a 5.6
	Tetrachloroethene	127-18-4	0.056	a 6.0
	1,1,2-Trichloroethane	79-00-5	0.054	a 6.0
	Trichloroethene	79-01-6	0.054	a 5.6
	1,3-Dichlorobenzene	541-73-1	0.036	a 5.6
	Pentachloroethane	76-01-7	0.055	a 5.6
1,2,4-Trichlorobenzene	120-82-1	0.055	a 19.	
K097	Hexachlorocyclopentadiene	77-47-4	s 0.057	2.4

	Chlordane	57-74-9	s 0.0033	a 0.26
	Heptachlor	76-44-8	s 0.0012	a 0.066
	Heptachlor epoxide	1024-57-3	s 0.016	a 0.066
K098	Toxaphene	8001-35-1	s 0.0095	a 2.6
K099	2,4-Dichloro- phenoxyacetic acid	94-75-7	a 1.	a 1.
	Hexachlorodibenzo-p- dioxins		a 0.001	a 0.001
	Hexachlorodibenzo- furans		a 0.001	a 0.001
	Pentachlorodibenzo-p- dioxins		a 0.001	a 0.001
	Pentachlorodibenzo- furans		a 0.001	a 0.001
	Tetrachlorodibenzo-p- dioxins		a 0.001	a 0.001
	Tetrachlorodibenzo- furans		a 0.001	a 0.001
K100 Table A	Cadmium	7440-43-9	1.6	NA
	Chromium (Total)	7440-47- 32	0.32	NA
	Lead	7439-92-1	0.51	NA
K101	o-Nitroaniline		a 0.27	a 14.
	Arsenic	7440-38-2	0.79	NA
	Cadmium	7440-43-9	0.24	NA
	Lead	7439-92-1	0.17	NA
	Mercury	7439-97-6	0.082	NA
K102 Table A	o-Nitrophenol		a 0.028	a 13.
	Arsenic	7440-38-2	0.79	NA
	Cadmium	7440-43-9	0.24	NA
	Lead	7439-92-1	0.17	NA
	Mercury	7439-97-6	0.082	NA
K103	Aniline	62-53-3	a 4.5	5.6
	Benzene	71-43-2	a 0.15	a 6.0
	2,4-Dinitrophenol	51-28-5	a 0.61	a 5.6
	Nitrobenzene	98-95-3	a 0.073	a 5.6
	Phenol	108-95-2	a 1.4	a 5.6
K104	Aniline	62-53-3	a 4.5	a 5.6
	Benzene	71-43-2	a 0.15	a 6.0
	2,4-Dinitrophenol	51-28-5	a 0.61	a 5.6
	Nitrobenzene	98-95-3	a 0.073	a 5.6
	Phenol	108-95-2	a 1.4	a 5.6
	Cyanides (Total)	57-12-5	2.7	a 1.8
K105	Benzene	71-43-2	0.14	a 4.4

	Chlorobenzene	108-90-7	0.057	a 4.4
	o-Dichlorobenzene	95-50-1	0.088	a 4.4
	p-Dichlorobenzene	106-46-7	0.090	a 4.4
	2,4,5-Trichlorophenol	95-95-4	0.18	a 4.4
	2,4,6-Trichlorophenol	88-06-2	0.035	a 4.4
	2-Chlorophenol	95-57-8	0.044	a 4.4
	Phenol	108-95-2	0.039	a 4.4
K106	Tables Mercury A & D	7439-97-6	0.030	NA
K115	Table Nickel A	7440-02-2	0.47	NA
<u>K111</u>	<u>2,4-Dinitrotoluene</u>	<u>121-14-2</u>	<u>0.32</u>	<u>a 140.</u>
	<u>2,6-Dinitrotoluene</u>	<u>606-20-2</u>	<u>0.55</u>	<u>a 28.</u>
<u>K117</u>	<u>Ethylene dibromide</u>	<u>106-93-4</u>	<u>0.028</u>	<u>a 15.</u>
	<u>Methyl bromide</u>	<u>74-83-9</u>	<u>0.11</u>	<u>a 15.</u>
	<u>Chloroform</u>	<u>67-66-3</u>	<u>0.046</u>	<u>a 5.6</u>
<u>K118</u>	<u>Ethylene dibromide</u>	<u>106-93-4</u>	<u>0.028</u>	<u>a 15.</u>
	<u>Methyl bromide</u>	<u>74-83-9</u>	<u>0.11</u>	<u>a 15.</u>
	<u>Chloroform</u>	<u>67-66-3</u>	<u>0.046</u>	<u>a 5.6</u>
<u>K131</u>	<u>Methyl bromide</u>	<u>74-83-9</u>	<u>0.11</u>	<u>a 15.</u>
<u>K132</u>	<u>Methyl bromide</u>	<u>74-83-9</u>	<u>0.11</u>	<u>a 15.</u>
<u>K136</u>	<u>Ethylene dibromide</u>	<u>106-93-4</u>	<u>0.028</u>	<u>a 15.</u>
	<u>Methyl bromide</u>	<u>74-83-9</u>	<u>0.11</u>	<u>a 15.</u>
	<u>Chloroform</u>	<u>67-66-3</u>	<u>0.046</u>	<u>a 5.6</u>

a Treatment standards for this organic constituent were established based upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O or 725.Subpart O, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may certify compliance with these treatment standards according to provisions in Section 728.107.

s Based on analysis of composite samples.

R As analyzed using SW-846 Method 9010; sample size: 0.5-10; distillation time: one hour to one hour and fifteen minutes.

NA Not Applicable.

TABLE B (CCW): P AND U LISTED WASTES

Waste Code	Commercial Chemical Name	See Also	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	Concentration (mg/L) Wastewaters	Concentration (mg/L) Nonwastewaters
P004	Aldrin		Aldrin	309-00-2	0.21	0.066
P010	Arsenic acid	Table A	Arsenic	7440-38-2	0.79	NA
P011	Arsenic pentoxide	Table A	Arsenic	7440-38-2	0.79	NA
P012	Arsenic trioxide	Table A	Arsenic	7440-38-2	0.79	NA
P013	Barium cyanide	Table A	Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.1	9.1
P020	2-sec-Butyl-4,6-dinitrophenol (Dinoseb)		2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
P021	Calcium cyanide		Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.1	9.1
P022	Carbon disulfide	Table D	Carbon disulfide	75-15-0	0.014	NA
P024	p-Chloroaniline		p-Chloroaniline	106-47-8	0.46	* 16.
P029	Copper cyanide		Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.1	9.1
P030	Cyanides (soluble salts and complexes)		Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.1	9.1

P036	Dichloro-phenyl-arsine	Table A	Arsenic	7440-38-2	0.79	NA
P037	Dieldrin		Dieldrin	60-57-1	* 0.017	* 0.13
P038	Diethyl-arsine	Table A	Arsenic	7440-38-2	0.79	NA
P039	Disulfoton		Disulfoton	298-04-4	0.017	* 0.1
P047	4,6-Di-nitro-o-cresol		4,6-Di-nitro-o-cresol	534-52-4	* 0.28	*160.
P048	2,4-Di-nitro-phenol		2,4-Di-nitrophenol	51-28-5	* 0.12	*160.
P050	Endosulfan		Endosulfan I	939-98-8	* 0.023	* 0.066
			Endosulfan II	33213-6-5	* 0.029	* 0.13
			Endosulfan sulfate	1031-07-8	* 0.029	* 0.13
P051	Endrin		Endrin	72-20-8	* 0.0028	* 0.13
			Endrin aldehyde	1421-93-4	* 0.025	* 0.13
P056	Fluoride	Table D	Fluoride	18694-48-8	35.	NA
P059	Heptachlor		Heptachlor	76-44-8	* 0.0012	* 0.066
			Heptachlor epoxide	1024-57-3	* 0.016	* 0.066
P060	Isodrin		Isodrin	465-73-6	* 0.021	* 0.066
P063	Hydrogen cyanide		Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.10	9.1
P065	Mercury fulminate	Tables A & D	Mercury	7439-97-6	0.030	NA
P071	Methyl parathion		Methyl parathion	298-00-0	0.025	* 0.1
P073	Nickel carbonyl	Table A	Nickel	7440-02-2	0.44	NA



P074	Nickel cyanide	Table A	Cyanides (Table)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.10	9.1
			Nickel	7440-02-2	0.44	NA
P077	p-Nitro-aniline		p-Nitro-aniline	100-01-6	* 0.028	* 28.
P082	N-Nitroso-dimethyl-amine	Table D	N-Nitroso-dimethyl-amine	62-75-9	* 0.40	NA
P089	Parathion		Parathion	56-38-2	0.025	* 0.1
P092	Phenylmercury acetate	Tables A & D	Mercury	7439-97-6	0.030	NA
P094	Phorate		Phorate	298-02-2	0.025	* 0.1
P097	Famphur		Famphur	52-85-7	0.025	* 0.1
P098	Potassium cyanide		Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.10	9.1
P099	Potassium silver cyanide	Table A	Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.1	9.1
			Silver	7440-22-4	0.29	NA
P101	Ethyl cyanide (Propane-nitrile)		Ethyl cyanide (Propane-nitrile)	107-12-0	* 0.24	*360.
P103	Selenourea	Table A	Selenium	7782-49-2	* 1.0	NA
P104	Silver cyanide	Table A	Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.10	9.1
			Silver	7440-22-4	0.29	NA
P106	Sodium cyanide		Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.10	9.1

P110	Tetraethyl lead	Tables A & D	Lead	7439-92-1	0.040	NA
P113	Thallic oxide	Table D	Thallium	7440-28-0 *	0.14	NA
P114	Thallium selenite	Table A	Selenium	7782-49-2	1.0	NA
P115	Thallium(I) sulfate	Table D	Thallium	7440-28-0 *	0.14	NA
P119	Ammonia vanadate	Table D	Vanadium	7440-62-2 *	28.	NA
P120	Vanadium pentoxide	Table D	Vanadium	7440-62-2 *	28.	NA
P121	Zinc cyanide		Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.10	9.1
P123	Toxaphene		Toxaphene	8001-35-1 *	0.0095	* 1.3
U002	Acetone		Acetone	67-64-1	0.28	*160.
U003	Acetonitrile	Table D	Acetonitrile	75-05-8	0.17	NA
U004	Acetophenone		Acetophenone	98-86-2 *	0.010	* 9.7
U005	2-Acetylaminofluorene		2-Acetylaminofluorene	53-96-3 *	0.059	*140.
U009	Acrylonitrile		Acrylonitrile	107-13-1 *	0.24	* 84.
U012	Aniline		Aniline	62-53-3	0.81	* 14.
U018	Benz(a)-anthracene		Benz(a)-anthracene	56-55-3 *	0.059	* 8.2
U019	Benzene		Benzene	71-43-2 *	0.14	* 36.
U022	Benzo(a)-pyrene		Benzo(a)-pyrene	50-32-8 *	0.061	* 8.2
U024	Bis(2-chloroethoxy)-methane		Bis(2-chloroethoxy)-methane	111-91-1	0.036	* 7.2

U025	Bis(2-chloro-ethyl) ether		Bis(2-chloro-ethyl) ether	111-44-4	0.033	*	7.2
U027	Bis(2-chloro-isopropyl) ether		Bis(2-chloro-isopropyl) ether	39638-32-9	*	0.055	* 7.2
U028	<del>Bis(2-ethyl-hexyl) phthalate</del>		<del>Bis(2-ethylhexyl) phthalate</del>	<del>117-81-7</del>	<del>*</del>	<del>0.54</del>	<del>* 28.</del>
U028	<u>Bis(2-ethyl-hexyl)-phthalate</u>		<u>Bis(2-ethyl-hexyl)-phthalate</u>	<u>117-81-7</u>		<u>0.28</u>	<u>28. X</u>
U029	Bromomethane (Methyl bromide)		Bromomethane (Methyl bromide)	74-83-9	*	0.11	* 15.
U030	4-Bromophenyl phenyl ether		4-Bromophenyl phenyl ether	101-55-3	*	0.055	* 15.
U031	n-Butyl alcohol		n-Butyl alcohol	71-36-3		5.6	* 2.6
U032	Calcium chromate	Table A	Chromium (Total)	7440-47-32		0.32	NA
U036	Chlordane (alpha and gamma)		Chlordane (alpha and gamma)	57-74-9	*	0.00033	* 0.13
U037	Chlorobenzene		Chlorobenzene	108-90-7	*	0.057	* 5.7
U038	Chlorobenzilate	Table D	Chlorobenzilate	510-15-6	*	0.10	NA
U039	p-Chloro-m-cresol		p-Chloro-m-cresol	59-50-7	*	0.018	* 14.
U042	<del>2-Chloro-ethyl vinyl</del>	Table B	<del>2-Chloro-ethyl vinyl</del>	<del>110-75-8</del>		<del>0.057</del>	NA
U043	Vinyl chloride		Vinyl chloride	75-01-4	*	0.27	* 33.

U044	Chloroform		Chloroform	67-66-3	*	0.046	*	5.6
U045	Chloro- methane (Methyl chloride)		Chloro- methane (Methyl chloride)	74-87-3	*	0.19	*	33.
U047	2-Chloro- naphthalen e		2-Chloro- naphthalene	91-58-7	*	0.055	*	5.6
U048	2-Chloro- phenol		2-Chloro- phenol	95-57-8	*	0.044	*	5.7
U050	Chrysene		Chrysene	218-01-9	*	0.059	*	8.2
U051	Creosote	Table A	Naphthalene	91-20-3	*	0.031	*	1.5
			Penta- chloro- phenol	87-86-5	*	0.18	*	7.4
			Phenanthren e	85-01-8	*	0.031	*	1.5
			Pyrene	129-00-0	*	0.028	*	28.
			Toluene	108-88-3	*	0.028	*	33.
			Xylenes (Total)		*	0.032		NA
			Lead	7439-92-1	*	0.037		NA
U052	Cresols (Cresylic acid)		o-Cresol	95-48-7	*	0.11	*	5.6
			Cresols (m- and p-iso- mers)		*	0.77	*	3.2
U057	Cyclo- hexanone	Table D	Cyclo- hexanone	108-94-1		0.36		NA
U060	DDD		o,p'-DDD	53-19-0		0.023	*	0.087
			p,p'-DDD	72-54-8		0.023	*	0.087
U061	DDT		o,p'-DDT	789-02-6	*	0.0039	*	0.087
			p,p'-DDT	50-29-3	*	0.0039	*	0.087
			o,p'-DDD	53-19-0		0.023	*	0.087
			p,p'-DDD	72-54-8		0.023	*	0.087
			o,p'-DDE	3424-82-6	*	0.031	*	0.087
			p,p'-DDE	72-55-9	*	0.031	*	0.087
U063	Dibenzo(a, h) anthra- cene		Dibenzo- (a,h)- anthracene	53-70-3	*	0.055	*	8.2
U066	1,2-Di-		1,2-Di-	96-12-8	*	0.11	*	15.

	bromo-3-chloro-propane	bromo-3-chloro-propane				
U067	1,2-Di-bromo-ethane (Ethylene dibromide)	1,2-Di-bromoethane (Ethylene dibromide)	106-93-4	*	0.028	* 15.
U068	Dibromo-ethane	Di-bromoethane	74-95-3	*	0.11	15.
<del>U069</del>	<del>Di-n-butyl phthalate</del>	<del>Di-n-butyl phthalate</del>	<del>84-74-2</del>	<del>*</del>	<del>0.54</del>	<del>* 28.</del>
<u>U069</u>	<u>Di-n-butyl phthalate</u>	<u>Di-n-butyl phthalate</u>	<u>84-74-2</u>		<u>0.057</u>	<u>28. X</u>
U070	o-Di-chloro-benzene	o-Dichloro-benzene	95-50-1	*	0.088	* 6.2
U071	m-Di-chloro-benzene	m-Dichloro-benzene	541-73-1		0.036	6.2
U072	p-Di-chloro-benzene	p-Dichloro-benzene	104-46-7	*	0.090	* 6.2
U075	Dichloro-difluoro-methane	Dichlorodi-fluoro-methane	75-71-8	*	0.23	* 7.2
U076	1,1-Di-chloro-ethane	1,1-Di-chloro-ethane	75-34-3	*	0.059	7.2
U077	1,2-Di-chloro-ethane	1,2-Di-chloro-ethane	107-06-2	*	0.21	* 7.2
U078	1,1-Di-chloro-ethylene	1,1-Di-chloro-ethylene	75-35-4	*	0.025	* 33.
U079	1,2-Di-chloro-ethylene	trans-1,2-Dichloro-ethylene	156-60-5	*	0.054	33. X
U080	Methylene chloride	Methylene chloride	75-08-2		0.089 Y	33. X

U081	2,4-Di-chloro-phenol	2,4-Di-chloro-phenol	120-83-2	0.044 Y	14. X
U082	2,6-Di-chloro-phenol	2,6-Di-chloro-phenol	87-65-0	0.044 Y	14. X
U083	1,2-Di-chloro-propane	1,2-Di-chloro-propane	78-87-5	0.85 Y	18. X
U084	1,3-Di-chloro-propene	cis-1,3-Di-chloro-propylene	10061-01-5	0.036 Y	18. X
		trans-1,3-Dichloro-propylene	10061-02-6	0.036 Y	18. X
<del>U088</del>	<del>Diethyl phthalate</del>	<del>Diethyl phthalate</del>	<del>84-86-2</del>	<del>0.54 X</del>	<del>28. X</del>
<u>U088</u>	<u>Diethyl phthalate</u>	<u>Diethyl phthalate</u>	<u>84-66-2</u>	<u>0.2</u>	<u>28. X</u>
U093	p-Di-methyl-aminoazo-benzene	Table D p-Dimethyl-aminoazo-benzene	60-11-7	0.13 Y	NA
U101	2,4-Di-methyl-phenol	2,4-Di-methyl-phenol	105-67-9	0.036 Y	14. X
<del>U102</del>	<del>Dimethyl phthalate</del>	<del>Dimethyl phthalate</del>	<del>131-11-3</del>	<del>0.54 X</del>	<del>28. X</del>
<u>U102</u>	<u>Dimethyl phthalate</u>	<u>Dimethyl phthalate</u>	<u>131-11-3</u>	<u>0.047</u>	<u>28. X</u>
U105	2,4-Di-nitro-toluene	2,4-Di-nitro-toluene	121-14-2	0.32 Y	140. X
U106	2,6-Di-nitro-toluene	2,6-Di-nitro-toluene	606-20-2	0.55 Y	28. X
<del>U107</del>	<del>Di-n-octyl phthalate</del>	<del>Di-n-octyl phthalate</del>	<del>117-84-0</del>	<del>0.54 X</del>	<del>28. X</del>
<u>U107</u>	<u>Di-n-octyl phthalate</u>	<u>Di-n-octyl phthalate</u>	<u>117-84-0</u>	<u>0.017</u>	<u>28. X</u>

U108	1,4-Dioxane		1,4-Dioxane	123-91-1	0.12	Y	170.	X
U111	Di-n-propyl-nitroso-amine		Di-n-propyl-nitroso-amine	621-64-7	0.40	Y	14.	X
U112	Ethyl acetate		Ethyl acetate	141-78-6	0.34	Y	33.	X
U117	Ethyl ether		Ethyl ether	60-29-7	0.12	Y	160.	X
U118	Ethyl methacrylate		Ethyl methacrylate	97-63-2	0.14	Y	160.	X
U120	Fluoranthene		Fluoranthene	206-44-0	0.068	Y	8.2	X
U121	Trichloromonofluoromethane		Trichloromonofluoromethane	75-69-4	0.020	Y	33.	X
U127	Hexachlorobenzene		Hexachlorobenzene	118-74-1	0.055	Y	37.	X
U128	Hexachlorobutadiene		Hexachlorobutadiene	87-68-3	0.055	Y	28.	X
U129	Lindane		alpha-BHC	319-84-6	0.00014	Y	0.066	X
			beta-BHC	319-85-7	0.00014		0.066	X
			Delta-BHC	319-86-8	0.023		0.066	X
			gamma-BHC (Lindane)	58-89-9	0.0017		0.066	X
U130	Hexachlorocyclopentadiene		Hexachlorocyclopentadiene	77-47-7	0.057	Y	3.6	X
U131	Hexachloroethane		Hexachloroethane	67-72-1	0.055	Y	28.	X
U134	Hydrogen fluoride	Table D	Fluoride	16964-48-8	35.			NA
U136	Cacodylic acid	Table A	Arsenic	7440-38-2	0.79			NA

U165	Naphthalen e		Naphthalene	91-20-3	0.059 Y	3.1 X
U168	2-Naphthyl- amine	Table D	2-Naphthyl- amine	91-59-8	0.52 Y	NA
U169	Nitro- benzene		Nitro- benzene	98-95-3	0.068 Y	14. X
U170	4-Nitro- phenol		4-Nitro- phenol	100-02-7	0.12 Y	29. X
U172	N-Nitroso- di-n- butylamine		N-Nitroso- di-n-butyl- amine	924-16-3	0.40 Y	17. X
U174	N-Nitroso- diethyl- amine		N-Nitroso- diethyl- amine	55-18-5	0.40 Y	28. X
U179	N-Nitroso- piperidine		N-Nitroso- piperidine	100-75-4	0.013 Y	35. X
U180	N-Nitroso- pyrrolidin e		N-Nitroso- pyrrolidine	930-55-2	0.013 Y	35. X
U181	5-Nitro-o- toluidine		5-Nitro-o- toluidine	99-55-8	0.32 Y	28. X
U183	Penta- chloro- benzene		Penta- chloro- benzene	608-93-5	0.055 Y	37. X
U185	Penta- chloro- nitro- benzene		Penta- chloro- nitro- benzene	82-68-8	0.055 Y	4.8 X
U187	Phenacetin		Phenacetin	62-44-2	0.081	16. X
U188	Phenol		Phenol	108-95-2	0.039	6.2 X
U190	Phthalic anhydride (measured as Phthalic acid)		Phthalic anhydride (measured as Phthalic acid)	<del>85-44-9</del>	<del>0.54 X</del>	<del>28. X</del>



U190	Phthalic anhydride (measured as Phthalic acid)		Phthalic anhydride (measured as Phthalic acid)	85-44-9	0.069	28. X
U192	Pronamide		Pronamide	23950-58-5	0.093	1.5 X
U196	Pyridine		Pyridine	110-86-1	0.014 Y	16. X
U203	Safrole		Safrole	94-59-7	0.061	22. X
U204	Selenium dioxide	Table A	Selenium	7782-49-2	1.0	NA
U205	Selenium sulfide	Table A	Selenium	7782-49-2	1.0	NA
U207	1,2,4,5-Tetra-chloroben-zene		1,2,4,5-Tetra-chloroben-zene	95-94-3	0.055 Y	19. X
U208	1,1,1,2-Tetra-chloroeth-ane		1,1,1,2-Tetra-chloroeth-ane	630-20-6	0.057	42. X
U209	1,1,2,2-Tetra-chloroeth-ane		1,1,2,2-Tetra-chloroeth-ane	79-34-5	0.057 Y	42. X
U210	Tetra-chloro-ethylene		Tetra-chloro-ethylene	127-18-4	0.056 Y	5.6 X
U211	Carbon tetra-chloride		Carbon tetra-chloride	56-53-5	0.057 Y	5.6 X
U214	Thallium(I) acetate	Table D	Thallium	7440-28-0	0.14 Y	NA
U215	Thallium(I) carbonate	Table D	Thallium	7440-28-0	0.14 Y	NA
U216	Thallium(I) chloride	Table D	Thallium	7440-28-0	0.14 Y	NA

U217	Thallium(I Table ) nitrate D	Thallium	7440-28-0	0.14	Y	NA
U220	Toluene	Toluene	108-88-3	0.080	Y	28. X
U225	Tribromo- methane (Bromo- form)	Tribromo- methane (Bromoform)	75-25-2	0.63	Y	15. X
U226	1,1,1-Tri- chloro- ethane	1,1,1-Tri- chloro- ethane	71-55-6	0.054	Y	5.6 X
U227	1,1,2-Tri- chloro- ethane	1,1,2-Tri- chloro- ethane	79-00-5	0.054	Y	5.6 X
U228	Trichloro- ethylene	Trichloro- ethylene	79-01-6	0.054	Y	5.6 X
U235	tris-(2,3- Dibromo- propyl)- phosphate	tris-(2,3- Dibromo- propyl)- phosphate	126-72-7	0.025		0.10 X
U239	Xylenes	Xylene		s 0.32	Y	28. X
U240	2,4-Di- chloro- phenoxy- acetic acid	2,4-Di- chloro- phenoxy- acetic acid	94-75-7	0.72		10. X
U243	Hexa- chloro- propene	Hexachloro- propene	1988-71-7	0.095	Y	28.
U247	Methoxy- chlor	Methoxy- chlor	72-43-5	0.25	Y	0.18 X

X Treatment standards for this organic constituent were established based upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart 0 or 725.Subpart 0, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may certify compliance with these treatment standards according to provisions in Section 728.107.

Y Based on analysis of composite samples.

Z As analyzed using SW-846 Method 9010; sample size: 0.5-10; distillation time: one hour to one hour fifteen minutes.

NA Not Applicable.

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

Section 728. Table D Technology-Based Standards by RCRA Waste Code

Waste Codes	See Also	CAS No.	Technology Code, Waste-waters	Technology Code, Nonwaste-waters	Waste Descriptions and/or Treatment Subcategory
D001	Tables A & B	NA	DEACT and meet F039 or FSUBS RORGS or INCIN	NA DEACT and meet F039 or FSUBS RORGS or INCIN	Ignitable liquids description based on 35 Ill. Adm. Code 721.121(a)(1)-High TOC subcategory managed in non-CWA/ non-CWA/groundwater/ non-class MSDWA systems
D001	NA	NA	NA DEACT	DEACT	Ignitable liquids description based on 35 Ill. Adm. Code 721.121(a)(1)-High TOC subcategory managed in non-CWA/ equivalent to class MSDWA systems
D001	NA	NA	NA	FSUBS; RORGS; or INCIN	Ignitable liquids description based on 35 Ill. Adm. Code 721.121(a)(1)-High TOC Ignitable Liquids Subcategory--Greater than or equal to 10% total organic carbon

<del>D001</del>	<del>NA</del>	<del>NA</del>	<del>DEACT</del>	<del>[REDACTED]</del>
<del>D001</del>	<del>NA</del>	<del>NA</del>	<del>DEACT</del>	<del>[REDACTED]</del>
<del>D001</del>	<del>NA</del>	<del>DEACT</del>	<del>DEACT</del>	<del>[REDACTED]</del>
D002	<del>Rebites</del> <del>Art B</del>	NA	<del>DEACT</del> and <del>DEACT F039</del>	<del>DEACT</del> and <del>DEACT F039</del> Acid, alkaline, and other subcategory based on 35 Ill. Adm. Code 721.122(a) <del>[REDACTED]</del> <del>[REDACTED]</del> <del>[REDACTED]</del> <del>[REDACTED]</del> <del>[REDACTED]</del> <del>[REDACTED]</del>
D002		NA	DEACT	DEACT Acid, alkaline, and other subcategory based on 35 Ill. Adm. Code 721.122(a) <del>[REDACTED]</del> <del>[REDACTED]</del> <del>[REDACTED]</del> <del>[REDACTED]</del> <del>[REDACTED]</del> <del>[REDACTED]</del>
<del>D002</del>	<del>NA</del>	<del>DEACT</del>	<del>DEACT</del>	<del>[REDACTED]</del>
D003		NA	DEACT	DEACT Reactive sulfides based on 35 Ill. Adm. Code 721.123(a) (5)
D003		NA	DEACT	DEACT Explosives based on 35 Ill. Adm. Code 721.123(a)(6), (7) and (8)
D003		NA	NA	DEACT Water reactives based on 35 Ill. Adm. Code 721.123(a) (2), (3) and (4)
D003		NA	DEACT	DEACT Other reactives based on 35 Ill. Adm. Code 721.123(a) (1)

D006		7440-43-9	NA	RTHEPM	Cadmium containing batteries
D008		7439-82-1	NA	RLEAD	Lead acid batteries (Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180).)
D009	Tables A & B	7439-87-6	NA	IMERC; or RMERC	Mercury: (High Mercury Subcategory--greater than or equal to 260 mg/kg total Mercury--contains mercury and organics (and are not incinerator residues))
D009	Tables A & B	7439-87-6	NA	RMERC	Mercury: (High Mercury Subcategory--greater than or equal to 260 mg/kg total Mercury--inorganics (including incinerator residues and residues from RMERC))
D012	Table B	72-20-8	BIODG; or INCIN	NA	Endrin
D013	Table B	58-89-9	CARBN; or INCIN	NA	Lindane
D014	Table B	72-43-6	WETOX; or INCIN	NA	Methoxychlor
D015	Table B	3001-35-1	BIODG; or INCIN	NA	Toxaphene

D016	Table B	94-75-7	CHOXD; BIODG; or INCIN	NA	2,4-D
D017	Table B	93-72-1	CHOXD; or INCIN	NA	2,4,5-TP
F005	Tables A & B	79-46-9	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	2-Nitropropane
F005	Tables A & B	110-80-5	BIODG; or INCIN	INCIN	2-Ethoxyethanol
F024	Tables A & B	NA	INCIN	INCIN	-----
K025		NA	LLEXT fb SSTRIP fb CARBN; or INCIN	INCIN	Distillation bottoms from the production of nitrobenzene by the nitration of benzene
K026		NA	INCIN	INCIN	Stripping still tails from the pro- duction of methyl ethyl pyridines
K027		NA	CARBN; or INCIN	FSUBS; or INCIN	Centrifuge and distillation residues from toluene diisocyanate production
K039		NA	CARBN; or INCIN	FSUBS; or INCIN	Filter cake from the filtration of di- ethylphosphoro- dithioc acid in the production of phor- ate
K044		NA	DEACT	DEACT	Wastewater treatment sludges from the manufacturing and processing of explosives
K045		NA	DEACT	DEACT	Spent carbon from the treatment of wastewater con- taining explosives

K047		NA	DEACT	DEACT	Pink/red water from TNT operations
K061	Table B	NA	NA	NLDBR	Emission control dust/sludge from the primary production of steel in electric furnaces (High Zinc Subcategory--greater than or equal to 15% total Zinc)
K069	Tables A & B	NA	NA	RLEAD	Emission control dust/sludge from secondary lead smelting: Non-Calcium Sulfate Subcategory
K106	Tables A & B	NA	NA	RMERC	Wastewater treatment sludge from the mercury cell process in chlorine production: (High Mercury Subcategory--greater than or equal to 260 mg/kg total mercury)
<u>K107</u>		NA	<u>INCIN; or CHOXD fb. CARBN; or BIODG fb CARBN</u>	<u>INCIN.</u>	<u>Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides</u>
<u>K108</u>		NA	<u>INCIN; or CHOXD fb. CARBN; or BIODG fb CARBN</u>	<u>INCIN.</u>	<u>Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides</u>

K109	NA	<u>INCIN; or</u> <u>INCIN.</u> <u>CHOXD fb.</u> <u>CARBN; or</u> <u>BIODG fb</u> <u>CARBN</u>	<u>Spent filter</u> <u>cartridges from</u> <u>product purification</u> <u>from the production</u> <u>of 1,1-dimethyl-</u> <u>hydrazine (UDMH)</u> <u>from carboxylic acid</u> <u>hydrazides</u>
K110	NA	<u>INCIN; or</u> <u>INCIN.</u> <u>CHOXD fb.</u> <u>CARBN; or</u> <u>BIODG fb</u> <u>CARBN</u>	<u>Condensed column</u> <u>overheads from</u> <u>intermediate</u> <u>separation from the</u> <u>production of 1,1-</u> <u>dimethylhydrazine</u> <u>(UDMH) from</u> <u>carboxylic acid</u> <u>hydrazides</u>
K112	NA	<u>INCIN; or</u> <u>INCIN.</u> <u>CHOXD fb.</u> <u>CARBN; or</u> <u>BIODG fb</u> <u>CARBN</u>	<u>Reaction by-product</u> <u>water from the</u> <u>drying column in the</u> <u>production of</u> <u>toluenediamine via</u> <u>hydrogenation of</u> <u>dinitrotoluene</u>
K113	NA	CARBN; or FSUBS; or INCIN INCIN	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of di- nitrotoluene
K114	NA	CARBN; or FSUBS; or INCIN INCIN	Vicinals from the purification of tol- uenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene
K115	NA	CARBN; or FSUBS; or INCIN INCIN	Heavy ends from the purification of toluenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene



K116	NA	CARBN; or INCIN	FSUBS; or INCIN	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine
K123	NA	<u>INCIN; or CHOXD fb (BIODG or CARBN)</u>	<u>INCIN.</u>	<u>Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebis-dithiocarbamic acid and its salts</u>
K124	NA	<u>INCIN; or CHOXD fb (BIODG or CARBN)</u>	<u>INCIN.</u>	<u>Reactor vent scrubber water from the production of ethylenebisdi-thiocarbamic acid and its salts</u>
K125	NA	<u>INCIN; or CHOXD fb (BIODG or CARBN)</u>	<u>INCIN.</u>	<u>Filtration, evaporation, and centrifugation solids from the production of ethylenebisdi-thiocarbamic acid and its salts</u>
K126	NA	<u>INCIN; or CHOXD fb (BIODG or CARBN)</u>	<u>INCIN.</u>	<u>Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylene bisdithiocarbamic acid and its salts</u>
P001	81-81-2	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Warfarin (>0.3%)
P002	591-08-2	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	1-Acetyl-2-thiourea

P003	107-02-8	(WETOX or FSUBS; or Acrolein CHOXD) fb INCIN CARBN; or INCIN	
P005	107-18-6	(WETOX or FSUBS; or Allyl alcohol CHOXD) fb INCIN CARBN; or INCIN	
P006	20859-73-8	CHOXD; CHOXD; Aluminum phosphide CHRED; or CHRED; or INCIN INCIN	
P007	2763-96-4	(WETOX or INCIN 5-Aminoethyl 3- CHOXD) fb isoxazolol CARBN; or INCIN	
P008	504-24-5	(WETOX or INCIN 4-Aminopyridine CHOXD) fb CARBN; or INCIN	
P009	131-74-8	CHOXD; FSUBS; Ammonium picrate CHRED; CHOXD; CARBN; CHRED; or BIODG; or INCIN INCIN	
P014	108-95-5	(WETOX or INCIN Thiophenol (Benzene CHOXD) fb thiol) CARBN; or INCIN	
P015	7440-41-7	NA RMETL; or Beryllium dust RTHRM	
P016	542-88-1	(WETOX or INCIN Bis(chloromethyl)- CHOXD) fb ether CARBN; or INCIN	
P017	598-31-2	(WETOX or INCIN Bromoacetone CHOXD) fb CARBN; or INCIN	
P018	357-57-3	(WETOX or INCIN Brucine CHOXD) fb CARBN; or INCIN	
P022	Table B 75-15-0	NA INCIN Carbon disulfide	

P023	107-20-0	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Chloroacetaldehyde
P026	5344-82-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	1-(o-Chlorophenyl)- thiourea
P027	542-76-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	3-Chloropropio- nitrile
P028	100-44-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Benzyl chloride
P031	460-19-5	CHOXD; WETOX; or INCIN	CHOXD; WETOX; or INCIN	Cyanogen
P033	506-77-4	CHOXD; WETOX; or INCIN	CHOXD; WETOX; or INCIN	Cyanogen chloride
P034	131-89-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	2-Cyclohexyl-4,6-di- nitrophenol
P040	297-97-2	CARBN; or INCIN	FSUBS; or INCIN	O,O-Diethyl O- pyrazinyl phosphoro- thioate
P041	311-45-5	CARBN; or INCIN	FSUBS; or INCIN	Diethyl-p-nitro- phenyl phosphate
P042	51-43-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Epinephrine
P043	55-91-4	CARBN; or INCIN	FSUBS; or INCIN	Diisopropylfluoro- phosphate (DFP)
P044	60-51-5	CARBN; or INCIN	FSUBS; or INCIN	Dimethoate

P045		39196-18-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN		Thiofanox
P046		122-09-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN		alpha, alpha-Di- methylphenethylamine
P047		534-52-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN		4,6-Dinitro-o-cresol salts
P049		541-53-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN		2,4-Dithiobiuret
P054		151-56-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN		Aziridine
P056	Table B	7782-41-4	NA	ADGAS fb NEUTR		Fluorine
P057		640-19-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN		Fluoroacetamide
P058		62-74-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN		Fluoroacetic acid, sodium salt
P062		757-58-4	CARBN; or INCIN	FSUBS or INCIN		Hexaethyltetra- phosphate
P064		624-83-9	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN		Isocyanic acid, ethyl ester
P065	Tables A & B	628-86-4	NA	RMERC		Mercury fulminate: (High Mercury Subcategory--gre ater than or equal to 260 mg/kg total Mercury--ei ther incinerator res- idues or residues from RMERC)

P065	Tables A & B	628-86-4	NA	IMERC	Mercury fulminate: (All nonwastewaters that are not incinerator residues from RMERC; regard- less of Mercury Content)	
P066		16752-77-5	(WETOX CHOXD) CARBN; INCIN	or fb or	INCIN	Methomyl
P067		75-55-8	(WETOX CHOXD) CARBN; INCIN	or fb or	INCIN	2-Methylaziridine
P068		60-34-4	CHOXD; CHRED; CARBN; BIODG; INCIN	or FSUBS; CHOXD; CHRED; INCIN	OR	Methyl hydrazine
P069		75-86-5	(WETOX CHOXD) CARBN; INCIN	or fb or	INCIN	Methylactonitrile
P070		116-06-3	(WETOX CHOXD) CARBN; INCIN	or fb or	INCIN	Aldicarb
P072		86-88-4	(WETOX CHOXD) CARBN; INCIN	or fb or	INCIN	1-Naphthyl-2-thio- urea
P075		54-11-5*	(WETOX CHOXD) CARBN; INCIN	or fb or	INCIN	Nicotine and salts
P076		10102-43-9	ADGAS		ADGAS	Nitric oxide
P078		10102-44-0	ADGAS		ADGAS	Nitrogen dioxide
P081		55-63-0	CHOXD; CHRED; CARBN; BIODG; INCIN	or FSUBS; CHOXD; CHRED; INCIN	or	Nitroglycerin

P082	Table B	65-75-9	NA	INCIN	N-Nitrosodimethyl-amine		
P084		4549-40-0	(WETOX CHOXD) CARBN; INCIN	or fb or	INCIN	N-Nitrosomethyl- vinylamine	
P085		152-16-9	CARBN; INCIN	or	FSUBS; INCIN	or	Octamethylpyro- phosphoramidate
P087		20816-12-0	NA		RMETL; RTHRM	or	Osmium tetroxide
P088		145-73-3	(WETOX CHOXD) CARBN; INCIN	or fb or	FSUBS; INCIN	or	Endothall
P092	Tables A & B	62-38-4	NA		RMERC		Phenyl mercury acetate: (High Mercury Sub- category--greater than or equal to 260 mg/kg total Mercury--either in- cinerator residues or residues from RMERC)
P092	Tables A & B	62-38-4	NA		IMERC; RMERC	or	Phenyl mercury acetate: (All nonwastewaters that are not incinerator residues and are not residues from RMERC: regardless of Mercury Content)
P093		103-85-5	(WETOX CHOXD) CARBN; INCIN	or fb or	INCIN		Phenylthiourea
P095		75-44-5	(WETOX CHOXD) CARBN; INCIN	or fb or	INCIN		Phosgene
P096		7803-51-2	CHOXD; CHRED; INCIN	or	CHOXD; CHRED; INCIN	or	Phosphine

P102	107-19-7	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Propargyl alcohol
P105	26628-22-8	CHOXD; CHRED; CARBN BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	Sodium azide
P108	57-24-9*	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Strychnine and salts
P109	3689-24-5	CARBN; or INCIN	FSUBS; or INCIN	Tetraethyldithio- pyrophosphate
P112	509-14-8	CHOXD; CHRED; CARBN; BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	Tetranitromethane
P113	Table B 1314-32-5	NA	RTHRM; or STABL	Thallic oxide
P115	Table B 7446-18-6	NA	RTHRM; or STABL	Thallium (I) sulfate
P116	79-19-6	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Thiosemicarbazide
P118	75-70-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Trichloromethane- thiol
P119	Table B 7803-55-6	NA	STABL	Ammonium vanadate
P120	Table B 1314-62-1	NA	STABL	Vanadium pentoxide
P122	1314-84-7	CHOXD; CHRED; or INCIN	CHOXD; CHRED; or INCIN	Zinc Phosphide ( $<10\%$ )
U001	75-07-0	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Acetaldehyde

U003	Table B 75-05-8	NA	INCIN	Acetonitrile
U006	75-36-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Acetyl chloride
U007	79-06-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Acrylamide
U008	79-10-7	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Acrylic acid
U010	50-07-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Mitomycin C
U011	51-82-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Amitrole
U014	492-80-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Auramine
U015	115-02-6	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Azaserine
U016	225-51-4	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Benz(c)acridine
U017	98-87-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Benzal chloride
U020	98-09-9	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Benzenesulfonyl chloride



U021		92-87-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Benzidine
U023		98-07-7	CHOXD; CHRED; CARBN; BIODG; INCIN	FSUBS; CHOXD; CHRED; or INCIN	Benzotrichloride
U026		494-03-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Chlornaphazin
U033		353-50-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Carbonyl fluoride
U034		75-87-6	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Trichloro- acetaldehyde (Chloral)
U035		305-03-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Chlorambucil
U038	Table B	510-15-6	NA	INCIN	Chlorobenzilate
U041		106-89-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	1-Chloro-2,3-epoxy- propane (Epichloro- hydrin)
U042	Table B	110-75-8	NA	INCIN	2-Chloroethyl vinyl ether
U046		107-30-2	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Chloromethyl methyl ether
U049		3165-93-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	4-Chloro-o-toluidine hydrochloride

U053	4170-30-3	(WETOX or FSUBS; or Crotonaldehyde CHOXD) fb INCIN CARBN; or INCIN
U055	98-82-8	(WETOX or FSUBS; or Cumene CHOXD) fb INCIN CARBN; or INCIN
U056	110-82-7	(WETOX or FSUBS; or Cyclohexanone CHOXD) fb INCIN CARBN; or INCIN
U057	Table B 108-94-1	NA FSUBS; or Cyclohexanone INCIN
U058	50-18-0	CARBN; or FSUBS; or Cyclophosphamide INCIN INCIN
U059	20830-81-3	(WETOX or INCIN Daunomycin CHOXD) fb CARBN; or INCIN
U062	2303-16-4	(WETOX or INCIN Diallate CHOXD) fb CARBN; or INCIN
U064	189-55-9	(WETOX or FSUBS; or 1,2,7,8-Dibenzo- CHOXD) fb INCIN pyrene CARBN; or INCIN
U073	91-94-1	(WETOX or INCIN 3,3'-Dichlorobenz- CHOXD) fb idine CARBN; or INCIN
U074	1476-11-5	(WETOX or INCIN cis-1,4-Dichloro-2- CHOXD) fb butene; trans-1,4- CARBN; or Dichloro-2-butene INCIN
U085	1464-53-5	(WETOX or FSUBS; or 1,2:3,4-Diepoxy- CHOXD) fb INCIN butane CARBN; or INCIN

U086	1615-80-1	CHOXD; CHRED; CARBN BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	N,N-Diethylhydrazine
U087	3288-58-2	CARBN; or INCIN	FSUBS; or INCIN	O,O-Diethyl S- methyldithio- phosphate
U089	56-53-1	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Diethyl stilbestrol
U090	94-58-6	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Dihydrosafrole
U091	119-90-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	3,3'-Dimethoxy- benzidine
U092	124-40-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Dimethylamine
U093	Table B 621-90-9	NA	INCIN	p-Dimethylaminoazo- benzene
U094	57-97-6	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	7,12-Dimethylbenz- (a)anthracene
U095	119-93-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	3,3'-Dimethylbenz- idine
U096	80-15-9	CHOXD; CHRED; CARBN BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	alpha, alpha- Dimethyl-benzyl hydroperoxide
U097	79-44-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Dimethylcarbamoyl chloride

U098	57-14-7	CHOXD; CHRED; CARBN; BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	1,1-Dimethyl- hydrazine
U099	540-73-8	CHOXD; CHRED; CARBN; BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	1,2-Dimethyl- hydrazine
U103	77-78-1	CHOXD; CHRED; CARBN; BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	Dimethyl sulfate
U109	122-66-7	CHOXD; CHRED; CARBN; BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	1,2-Diphenyl- hydrazine
U110	142-84-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Dipropylamine
U113	140-88-5	(WETOX or CHOXD, fb CARBN; or INCIN	FSUBS; or INCIN	Ethyl acrylate
U114	111-54-6	(WETCX or CHOXD) fb CARBN; or INCIN	INCIN	Ethylenebisdithio- carbamic acid
U115	75-21-8	(WETOX or CHOXD) fb CARBN; or INCIN	CHOXD; or INCIN	Ethylene oxide
U116	96-45-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Ethylene thiourea
U119	62-50-0	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Ethyl methane- sulfonate

U122	50-00-0	(WETOX or FSUBS; or Formaldehyde CHOXD) fb INCIN CARBN; or INCIN	
U123	64-18-6	(WETOX or FSUBS; or Formic acid CHOXD) fb INCIN CARBN; or INCIN	
U124	110-00-9	(WETOX or FSUBS; or Furan CHOXD) fb INCIN CARBN; or INCIN	
U125	98-01-1	(WETOX or FSUBS; or Furfural CHOXD) fb INCIN CARBN; or INCIN	
U126	765-34-4	(WETOX or FSUBS; or Glycidaldehyde CHOXD) fb INCIN CARBN; or INCIN	
U132	70-30-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Hexachlorophene
U133	302-01-2	CHOXD; FSUBS; Hydrazine CHRED; CHOXD; CARBN CHRED; or BIODG; or INCIN INCIN	
U134	Table B 7664-39-3	NA	ADGAS fb Hydrogen Fluoride NEUTR; or NEUTR
U135	7783-06-4	CHOXD; CHOXD; Hydrogen Sulfide CHRED; or CHRED; or INCIN INCIN	
U143	303-34-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Lasiocarpine
U147	108-31-6	(WETOX or FSUBS; or Maleic anhydride CHOXD) fb INCIN CARBN; or INCIN	

U146		123-33-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Maleic hydrazide
U149		109-77-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Malononitrile
U150		148-82-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Melphalan
U151	Tables A & B	7439-97-6	NA	RMERC	Mercury: (High Mercury Sub- category--greater than or equal to 260 mg/kg total Mercury)
U153		74-93-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Methanethiol
U154		67-56-1	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Methanol
U156		79-22-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Methyl chloro- carbonate
U160		1328-23-4	CHOXD; CHRED; CARBN BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	Methyl ethyl ketone peroxide
U163		70-25-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Methyl-N'-nitro-N- Nitrosoguanidine
U164		56-04-2	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Methylthiouracil

U166	130-15-4	(WETOX or FSUBS; or 1,4-Naphthoquinone CHOXD) fb INCIN CARBN; or INCIN	
U167	134-32-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	1-Naphthylamine
U168	Table B 91-59-8	NA	INCIN 2-Naphthylamine
U171	79-46-9	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	2-Nitropropane
U173	1116-54-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	N-Nitroso-diethanol- amine
U176	759-73-9	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	N-Nitroso-N-ethyl- urea
U177	684-93-5	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	N-Nitroso-N-methyl- urea
U178	615-53-2	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	N-Nitroso-N-methyl- urethane
U182	123-63-7	(WETOX or FSUBS; or Paraldehyde CHOXD) fb INCIN CARBN; or INCIN	
U184	76-01-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Pentachloroethane
U186	504-60-9	(WETOX or FSUBS; or 1,3-Pentadiene CHOXD) fb INCIN CARBN; or INCIN	

U189	1314-80-3	CHOXD; CHRED; or INCIN	CHOXD; CHRED; or INCIN	Phosphorus sulfide	
U191	109-06-8	(WETOX CHOXD) CARBN; INCIN	or fb or INCIN	2-Picoline	
U193	1120-71-4	(WETOX CHOXD) CARBN; INCIN	or fb or INCIN	1,3-Propane sultone	
U194	107-10-8	(WETOX CHOXD) CARBN; INCIN	or fb or INCIN	n-Propylamine	
U197	106-51-4	(WETOX CHOXD) CARBN; INCIN	or fb or INCIN	FSUBS; or INCIN	p-Benzoquinone
U200	50-55-5	(WETOX CHOXD) CARBN; INCIN	or fb or INCIN	INCIN	Reserpine
U201	108-46-3	(WETOX CHOXD) CARBN; INCIN	or fb or INCIN	FSUBS; or INCIN	Resorcinol
U202	81-07-2*	(WETOX CHOXD) CARBN; INCIN	or fb or INCIN	INCIN	Saccharin and salts
U206	18883-66-4	(WETOX CHOXD) CARBN; INCIN	or fb or INCIN	INCIN	Streptozatocin
U213	109-99-9	(WETOX CHOXD) CARBN; INCIN	or fb or INCIN	FSUBS; or INCIN	Tetrahydrofuran
U214	Table B 563-68-8	NA	RTHRM; STABL	or	Thallium (I) acetate
U215	Table B 6533-73-9	NA	RTHRM; STABL	or	Thallium (I) carbonate



U216	Table B 7791-12-0	NA	RTERM; STABL	or	Thallium (I) chloride
U217	Table B 10102-45-1	NA	RTHRM; STABL	or	Thallium (I) nitrate
U218	62-55-5	(WETOX CHOXD) CARBN; INCIN	or fb or	INCIN	Thioacetamide
U219	62-56-6	(WETOX CHOXD) CARBN; INCIN	or fb or	INCIN	Thiourea
U221	25376-45-8	CARBN; INCIN	or	FSUBS; INCIN	or Toluenediamine
U222	636-21-5	(WETOX CHOXD) CARBN; INCIN	or fb or	INCIN	o-Toluidine hydro- chloride
U223	26471-62-5	CARBN; INCIN	or	FSUBS; INCIN	or Toluene diisocyanate
U234	99-35-4	(WETOX CHOXD) CARBN; INCIN	or fb or	INCIN	sym-Trinitrobenzene
U236	72-57-1	(WETOX CHOXD) CARBN; INCIN	or fb or	INCIN	Trypan Blue
U237	66-75-1	(WETOX CHOXD) CARBN; INCIN	or fb or	INCIN	Uracil mustard
U238	51-79-6	(WETOX CHOXD) CARBN; INCIN	or fb or	INCIN	Ethyl carbamate
U240	94-75-7*	(WETOX CHOXD) CARBN; INCIN	or fb or	INCIN	2,4-Dichlorophenoxy- acetic acid (salts and esters)

U244	137-26-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Thiram
U246	506-68-3	CHOXD; WETOX; or INCIN	CHOXD; WETOX; or INCIN	Cyanogen bromide
U248	81-81-2	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Warfarin (greater than or equal to 3%)
U249	1314-84-7	CHOXD; CHRED; or INCIN	CHOXD; CHRED; or INCIN	Zinc Phosphide ( $<10\%$ )
U328	<u>95-53-4</u>	<u>INCIN; or</u> <u>CHOXD fb,</u> <u>(BIODG or</u> <u>CARBN);</u> <u>or BIODG</u> <u>fb CARBN</u>	<u>INCIN; or</u> <u>Thermal</u> <u>Destructi</u> <u>on.</u>	<u>o-toluidine</u>
U353	<u>106-49-0</u>	<u>INCIN; or</u> <u>CHOXD fb,</u> <u>(BIODG or</u> <u>CARBN);</u> <u>or BIODG</u> <u>fb CARBN</u>	<u>INCIN; or</u> <u>Thermal</u> <u>Destructi</u> <u>on.</u>	<u>p-toluidine</u>
U359	<u>110-80-5</u>	<u>INCIN; or</u> <u>CHOXD fb,</u> <u>(BIODG or</u> <u>CARBN);</u> <u>or BIODG</u> <u>fb CARBN</u>	<u>INCIN; or</u> <u>FSUBS.</u>	<u>2-ethoxy-ethanol</u>

\* CAS Number given for parent compound only.

\*\* This waste code exists in gaseous form and is not categorized as wastewater or nonwastewater forms.

NA Not Applicable.

BOARD NOTE: When a combination of these technologies (i.e., a treatment train) is specified as a single treatment standard, the order of application is specified in this Table by indicating the five letter technology code that must be applied first, then the designation "fb" (an abbreviation for "Followed by"), then the five letter technology code for the technology that must be applied next, and so on. When more than one technology (or treatment train) are specified as alternative treatment standards,

the five letter technology codes (or the treatment trains) are separated by a semicolon (;) with the last technology preceded by the word "or". This indicates that any one of these BDAT technologies or treatment trains can be used for compliance with the standard. See Section 728. Table C for a listing of the technology codes and technology-based treatment standards. Derived from 40 CFR 268.42, Table 2, as adopted at 54 Fed. Reg. 22694, June 1, 1990.

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

Section 728. Table F. Alternative Treatment Standards For Hazardous Debris

a) Hazardous debris must be treated by either the standards indicated in this Table or by the waste-specific treatment standards for the waste contaminating the debris. The treatment standards must be met for each type of debris contained in a mixture of debris types, unless the debris is converted into treatment residue as a result of the treatment process. Debris treatment residuals are subject to the waste-specific treatment standards for the waste contaminating the debris.

b) Definitions. For the purposes of this Table, the following terms are defined as follows:

"Clean debris surface" means the surface, when viewed without magnification, shall be free of all visible contaminated soil and hazardous waste except that residual staining from soil and waste consisting of light shadows, slight streaks, or minor discolorations, and soil and waste in cracks, crevices, and pits may be present provided that such staining and waste and soil in cracks, crevices, and pits shall be limited to no more than 5% of each square inch of surface area.

"Contaminant restriction" means that the technology is not BDAT for that contaminant. If debris containing a restricted contaminant is treated by the technology, the contaminant must be subsequently treated by a technology for which it is not restricted in order to be land disposed (and excluded from Subtitle C regulation).

"Dioxin-listed wastes" means wastes having any of EPA Hazardous Waste numbers F020, F021, F022, F023, F026, or F027.

c) Notes. In the Table, the following text is to be read in conjunction with the tabulated text where the

appropriate notations appear:

<sup>1</sup> Acids, solvents, and chemical reagents may react with some debris and contaminants to form hazardous compounds. For example, acid washing of cyanide-contaminated debris could result in the formation of hydrogen cyanide. Some acids may also react violently with some debris and contaminants, depending on the concentration of the acid and the type of debris and contaminants. Debris treaters should refer to the safety precautions specified in Material Safety Data Sheets for various acids to avoid applying an incompatible acid to a particular debris/contaminant combination. For example, concentrated sulfuric acid may react violently with certain organic compounds, such as acrylonitrile.

<sup>2</sup> If reducing the particle size of debris to meet the treatment standards results in material that no longer meets the 60 mm minimum particle size limit for debris, such material is subject to the waste-specific treatment standards for the waste contaminating the material, unless the debris has been cleaned and separated from contaminated soil and waste prior to size reduction. At a minimum, simple physical or mechanical means must be used to provide such cleaning and separation of nondebris materials to ensure that the debris surface is free of caked soil, waste, or other nondebris material.

<sup>3</sup> Thermal desorption is distinguished from thermal destruction in that the primary purpose of thermal desorption is to volatilize contaminants and to remove them from the treatment chamber for subsequent destruction or other treatment.

<sup>4</sup> The demonstration of "equivalent technology" under Section 728.142(b) must document that the technology treats contaminants subject to treatment to a level equivalent to that required by the performance and design and operating standards for other technologies in this table such that residual levels of hazardous contaminants will not pose a hazard to human health and the environment absent management controls.

<sup>5</sup> Any soil, waste, and other nondebris material that remains on the debris surface (or remains mixed with the debris) after treatment is considered a treatment residual that must be

separated from the debris using, at a minimum, simple physical or mechanical means. Examples of simple physical or mechanical means are vibratory or trommel screening or water washing. The debris surface need not be cleaned to a "clean debris surface" as defined in subsection (b) above when separating treated debris from residue; rather, the surface must be free of caked soil, waste, or other nondebris material. Treatment residuals are subject to the waste-specific treatment standards for the waste contaminating the debris.

<u>Technology description</u>	<u>Performance or design and operating standard</u>	<u>Contaminant restrictions</u>
<u>A. Extraction Technologies:</u>		
<u>1. Physical Extraction</u>		
<u>a. Abrasive Blasting: Removal of contaminated debris surface layers using water and/or air pressure to propel a solid media (e.g., steel shot, aluminum oxide grit, plastic beads).</u>	<u>Glass, Metal, Plastic, Rubber; Treatment to a clean debris surface. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood; Removal of at least 0.6 cm of the surface layer; treatment to a clean debris surface.</u>	<u>All Debris: None.</u>
<u>b. Scarification, Grinding, and Planing: Process utilizing striking piston heads, saws, or rotating grinding wheels such that contaminated debris surface layers are removed.</u>	<u>Same as above</u>	<u>Same as above</u>

c. Spalling: Drilling or chipping holes at appropriate locations and depth in the contaminated debris surface and applying a tool which exerts a force on the sides of those holes such that the surface layer is removed. The surface layer removed remains hazardous debris subject to the debris treatment standards.

Same as above

d. Vibratory Finishing: Process utilizing scrubbing media, flushing fluid, and oscillating energy such that hazardous contaminants or contaminated debris surface layers are removed.

Same as above

Same as above

e. High Pressure Steam and Water Sprays: Application of water or steam sprays of sufficient temperature, pressure, residence time, agitation, surfactants, and detergents to remove hazardous contaminants from debris surfaces or to remove contaminated debris surface layers

Same as above

Same as above.

2. Chemical Extraction

a. Water Washing and Spraying: Application of water sprays or water baths of sufficient temperature, pressure, residence time, agitation, surfactants, acids, bases, and detergents to remove hazardous contaminants from debris surfaces and surface pores or to remove contaminated debris surface layers.

All Debris: Treatment to a clean debris surface; Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood; Debris must be no more than 1.2 cm (1/2 inch) in one dimension (i.e., thickness limit), except that this thickness limit may be waived under an "Equivalent Technology" approval under 35 Ill. Adm. Code 28.142(b); debris surfaces must be in contact with water solution for at least 15 minutes

Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Contaminant must be soluble to at least 5% by weight in water solution or 5% by weight in emulsion; if debris is contaminated with a dioxin-listed waste, an "Equivalent Technology" approval under 35 Ill. Adm. Code 28.142(b) must be obtained.

b. Liquid Phase Solvent Extraction: Removal of hazardous contaminants from debris surfaces and surface pores by applying a nonaqueous liquid or liquid solution which causes the hazardous contaminants to enter the liquid phase and be flushed away from the debris along with the liquid or liquid solution while using appropriate agitation, temperature, and residence time.

Same as above

Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Same as above, except that contaminant must be soluble to at least 5% by weight in the solvent.

organic vapors  
residence time  
mixing, fluxing  
agents, and/or carbon  
in a smelting,  
melting, or refining  
furnace to separate  
metals from debris.

Same as above, except  
that debris must be  
separated from  
treatment residuals  
using simple physical  
or mechanical means,  
and, prior to further  
treatment, such  
residuals must meet  
the waste-specific  
treatment standards  
for organic compounds  
in the waste  
contaminating the  
debris.

Same as above.

### 3. Thermal Extraction

a. High Temperature  
Metals Recovery:  
Application of  
sufficient heat,  
residence time,  
mixing, fluxing  
agents, and/or carbon  
in a smelting,  
melting, or refining  
furnace to separate  
metals from debris.

For refining  
furnaces, treated  
debris must be  
separated from  
treatment residuals  
using simple physical  
or mechanical means,  
and, prior to further  
treatment, such  
residuals must meet  
the waste-specific  
treatment standards  
for organic compounds  
in the waste  
contaminating the  
debris.

Debris contaminated  
with a dioxin-limited  
waste must obtain an  
Equivalent  
Technology approval  
under 35 C.F.R. 146.14  
Code 726.142(B)



b. Thermal Desorption: Heating in an enclosed chamber under either oxidizing or nonoxidizing atmospheres at sufficient temperature and residence time to vaporize hazardous contaminants from contaminated surfaces and surface pores and to remove the contaminants from the heating chamber in a gaseous exhaust gas.

All Debris: Obtain an "Equivalent Technology" approval under 35 Ill. Adm. Code 728.142(b):<sup>4</sup> treated debris must be separated from treatment residuals using simple physical or mechanical means,<sup>5</sup> and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris.  
Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 10 cm (4 inches) in one dimension (i.e., thickness limit),<sup>2</sup> except that this thickness limit may be waived under the "Equivalent Technology" approval

All Debris: Metals other than mercury.

B. Destruction Technologies:

1. Biological Destruction (Biodegradation):  
Removal of hazardous contaminants from debris surfaces and surface pores in an aqueous solution and biodegradation of organic or nonmetallic inorganic compounds (i.e., inorganics that contain phosphorus, nitrogen, or sulfur) in units operated under either aerobic or anaerobic conditions.

All Debris: Obtain an "Equivalent Technology" approval under 35 Ill. Adm. Code 728.142(b):  
treated debris must be separated from treatment residuals using simple physical or mechanical means, and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris.  
Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood:  
Debris must be no more than 1.2 cm (1/2 inch) in one dimension (i.e., thickness limit),<sup>2</sup> except that this thickness limit may be waived under the "Equivalent Technology" approval

All Debris: Metal contaminants.

2. Chemical Destruction

a. Chemical Oxidation: Chemical or electrolytic oxidation utilizing the following oxidation reagents (or waste reagents) or combination of reagents-(1) hypochlorite (e.g., bleach); (2) chlorine; (3) chlorine dioxide; (4) ozone or UV (ultraviolet light) assisted ozone; (5) peroxides; (6) persulfates; (7) perchlorates; (8) permanganates; and/or (9) other oxidizing reagents of equivalent destruction efficiency. Chemical oxidation specifically includes what is referred to as alkaline chlorination.

All Debris: Obtain an "Equivalent Technology" approval under 35 Ill. Adm. Code. 142(b);<sup>4</sup> treated debris must be separated from treatment residuals using simple physical or mechanical means,<sup>5</sup> and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris.  
Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 1.2 cm ( $\frac{1}{2}$  inch) in one dimension (i.e., thickness limit),<sup>2</sup> except that this thickness limit may be waived under the "Equivalent Technology" approval

All Debris: Metal contaminants.



Microencapsulation:  
Stabilization of the  
debris with the  
following reagents  
(or waste reagents)  
such that the  
leachability of the  
hazardous  
contaminants is  
reduced: (1) Portland  
cement; or (2) lime/  
pozzolans (e.g., fly  
ash and cement kiln  
dust). Reagents  
(e.g., iron salts,  
silicates, and clays)  
may be added to  
enhance the set/cure  
time and/or  
compressive strength,  
or to reduce the  
leachability of the  
hazardous  
constituents.<sup>1</sup>

Microencapsulation:  
Stabilization of the  
debris with the  
following reagents  
(or waste reagents)  
such that the  
leachability of the  
hazardous  
contaminants is  
reduced: (1) Portland  
cement; or (2) lime/  
pozzolans (e.g., fly  
ash and cement kiln  
dust). Reagents  
(e.g., iron salts,  
silicates, and clays)  
may be added to  
enhance the set/cure  
time and/or  
compressive strength,  
or to reduce the  
leachability of the  
hazardous  
constituents.<sup>1</sup>

None.

2. Microencapsulation:  
Stabilization of the  
debris with the  
following reagents  
(or waste reagents)  
such that the  
leachability of the  
hazardous  
contaminants is  
reduced: (1) Portland  
cement; or (2) lime/  
pozzolans (e.g., fly  
ash and cement kiln  
dust). Reagents  
(e.g., iron salts,  
silicates, and clays)  
may be added to  
enhance the set/cure  
time and/or  
compressive strength,  
or to reduce the  
leachability of the  
hazardous  
constituents.<sup>1</sup>

Leachability of the      None.  
hazardous  
contaminants must be  
reduced.

<p><u>3. Sealing:</u>  <u>Application of an appropriate material which adheres tightly to the debris surface to avoid exposure of the surface to potential leaching media. When necessary to effectively seal the surface, sealing entails pretreatment of the debris surface to remove foreign matter and to clean and roughen the surface. Sealing materials include epoxy, silicone, and urethane compounds, but paint may not be used as a sealant</u></p>	<p><u>Sealing must avoid exposure of the debris surface to potential leaching media and sealant must be resistant to degradation by the debris and its contaminants and materials into which it may come into contact after placement (leachate, other waste, microbes).</u></p>	<p><u>None.</u></p>
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(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 728, Table G      Alternative Treatment Standards Based on HMTR

<u>Waste code</u>	<u>See Also</u>	<u>Regulated Hazardous Constituent</u>	<u>CAS No. for Regulated Hazardous Constituent</u>	<u>Nonwastewater Concentration (mg/l) TCLP</u>
F006	<u>Tables A &amp; B</u>	Antimony	<u>7440-36-0</u>	<u>2.1</u>
		Arsenic	<u>7440-38-2</u>	<u>0.055</u>
		Barium	<u>7440-39-3</u>	<u>7.6</u>
		Beryllium	<u>7440-41-7</u>	<u>0.014</u>
		Cadmium	<u>7440-43-9</u>	<u>0.19</u>
		Chromium (total)	<u>7440-47-32</u>	<u>0.33</u>
		Cyanide (mg/kg) (total)	<u>57-12-5</u>	<u>1.8</u>
		Lead	<u>7439-92-1</u>	<u>0.37</u>
		Mercury	<u>7439-97-6</u>	<u>0.009</u>
		Nickel	<u>7440-02-0</u>	<u>5.0</u>
		Selenium	<u>7782-49-2</u>	<u>0.16</u>
		Silver	<u>7440-22-4</u>	<u>0.30</u>
		Thallium		<u>0.078</u>
		Zinc	<u>7440-66-6</u>	<u>5.3</u>
K062	<u>Tables A &amp; B</u>	Antimony	<u>7440-36-0</u>	<u>2.1</u>

<u>Arsenic</u>	<u>7440-38-2</u>	<u>0.055</u>
<u>Barium</u>	<u>7440-39-3</u>	<u>7.6</u>
<u>Beryllium</u>	<u>7440-41-7</u>	<u>0.014</u>
<u>Cadmium</u>	<u>7440-43-9</u>	<u>0.19</u>
<u>Chromium</u>	<u>7440-47-32</u>	<u>0.33</u>
<u>(total)</u>		
<u>Lead</u>	<u>7439-92-1</u>	<u>0.37</u>
<u>Mercury</u>	<u>7439-97-6</u>	<u>0.009</u>
<u>Nickel</u>	<u>7440-02-0</u>	<u>5.0</u>
<u>Selenium</u>	<u>7782-49-2</u>	<u>0.16</u>
<u>Silver</u>	<u>7440-22-4</u>	<u>0.30</u>
<u>Thallium</u>		<u>0.078</u>
<u>Zinc</u>	<u>7440-66-6</u>	<u>5.3</u>

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective  
\_\_\_\_\_)

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

PART 739  
STANDARDS FOR THE MANAGEMENT OF USED OIL

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739.100 Definitions

SUBPART B: APPLICABILITY

Section  
739.110 Applicability  
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739.120 Applicability  
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SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS AND  
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739.130 Do-it-yourselfer used oil collection centers  
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739.140 Applicability  
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SUBPART G: STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION

USED OIL FOR ENERGY RECOVERY

- Section
- 739.160 Applicability
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- 739.163 Rebuttable presumption for used oil
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SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

- Section
- 739.170 Applicability
- 739.171 Prohibitions
- 739.172 On-specification used oil fuel
- 739.173 Notification
- 739.174 Tracking
- 739.175 Notices

SUBPART I: STANDARDS FOR USE AS A DUST SUPPRESSANT DISPOSAL OF USED OIL

- Section
- 739.180 Applicability
- 739.181 Disposal
- 739.182 Use as a dust suppressant

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

SOURCE: Adopted in R93-4 at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: DEFINITIONS

Section 739.100 Definitions

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

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

BOARD NOTE: This definition is different from the definition for "Aboveground tank" given in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the

main distinction is that the definition for this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates tanks which contain hazardous wastes. The above definition is limited to this Part only.

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

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

"Existing tank" means a tank that is used for the storage or processing of used oil and that is in operation, or for which installation has commenced on or prior to the effective date of the authorized used oil program for the State in which the tank is located. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin installation of the tank and if either:

A continuous on-site installation program has begun, or

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

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

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

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

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

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

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

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

"Re-refining distillation bottoms" means the heavy fraction produced by vacuum distillation of filtered and dehydrated used oil. The composition of still bottoms varies with column operation and feedstock.

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

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

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

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

"Used oil collection center" means any site or facility that is registered by the Agency to manage used oil and

accepts or aggregates and stores used oil collected from used oil generators regulated under Subpart C of this Part who bring used oil to the collection center in shipments of no more than 55 gallons under the provisions of Section 739.124. Used oil collection centers may also accept used oil from household do-it-yourselfers.

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

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

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

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

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

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

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

#### SUBPART B: APPLICABILITY

##### Section 739.110      Applicability

This Section identifies those materials which are subject to regulation as used oil under this Part. This Section also

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

- a) Used oil. USEPA presumes that used oil is to be recycled unless a used oil handler disposes of used oil, or sends used oil for disposal. Except as provided in Section 739.111, the regulations of this Part apply to used oil, and to materials identified in this Section as being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.
- b) Mixtures of used oil and hazardous waste.
  - 1) Listed hazardous waste.
    - A) Mixtures of used oil and hazardous waste that is listed in 35 Ill. Adm. Code 721.Subpart D are subject to regulation as hazardous waste under 35 Ill. Adm. Code 703, 720 through 726 and 728, rather than as used oil under this Part.
    - B) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 35 Ill. Adm. Code 721.Appendix H). USEPA Publication SW-846, Third Edition, is available for the cost of \$110.00 from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, (202) 783-3238 (document number 955-001-00000-1).
  - i) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Section 739.124(c), to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner, or

disposed.

- ii) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.
- 2) Characteristic hazardous waste. Mixtures of used oil and hazardous waste that exhibits a hazardous waste characteristic identified in 35 Ill. Adm. Code 721.Subpart C are subject to:
- A) Except as provided in subsection (b)(2)(C) of this Section, regulation as hazardous waste under 35 Ill. Adm. Code 703, 720 through 726 and 728 rather than as used oil under this Part, if the resultant mixture exhibits any characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C; or
  - B) Regulation as used oil under this Part, if the resultant mixture does not exhibit any characteristics of hazardous waste identified under 35 Ill. Adm. Code 721.Subpart C.
  - C) Regulation as used oil under this Part, if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability and is not listed in 35 Ill. Adm. Code 721.Subpart D (e.g., mineral spirits), provided that the mixture does not exhibit the characteristic of ignitability under 35 Ill. Adm. Code 721.121.
- 3) Conditionally exempt small quantity generator hazardous waste. Mixtures of used oil and conditionally exempt small quantity generator hazardous waste regulated under 35 Ill. Adm. Code 721.105 are subject to regulation as used oil under this Part.
- c) Mixtures of used oil with non-hazardous solid wastes. Mixtures of used oil and non-hazardous solid waste are subject to regulation as used oil under this Part.
  - d) Mixtures of used oil with products.
    - 1) Except as provided in subsection (d)(2) below, mixtures of used oil and fuels or other products

are subject to regulation as used oil under this Part.

- 2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this Part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of Subpart C of this Part.

e) Materials derived from used oil.

- 1) Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants) are:

- A) Not used oil and thus are not subject to this Part, and

- B) Not solid wastes and are thus not subject to the hazardous waste regulations of Parts 35 Ill. Adm. Code 703, 720 through 726 and 728 as provided in 35 Ill. Adm. Code 721.103(c)(2)(A).

- 2) Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under this Part.

- 3) Except as provided in subsection (e)(4) below, materials derived from used oil that are disposed of or used in a manner constituting disposal are:

- A) Not used oil and thus are not subject to this Part, and

- B) Are solid wastes and thus are subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 720 through 726 and 728 if the materials are identified as hazardous waste.

- 4) Re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are:

- A) Not subject to this Part at this time, and

- B) Not subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 720 through 726 and 728 at this time.

- f) Wastewater. Wastewater, the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (including wastewaters at

facilities which have eliminated the discharge of wastewater), contaminated with de minimis quantities of used oil are not subject to the requirements of this Part. For purposes of this subsection, "de minimis" quantities of used oils are defined as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception will not apply if the used oil is discarded as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.

- g) Used oil introduced into crude oil or natural gas pipelines. Used oil that is placed directly into a crude oil or natural gas pipeline is subject to the management standards of this Part only prior to the point of introduction to the pipeline. Once the used oil is introduced to the pipeline, the material is exempt from the requirements of this Part.
- h) Used oil on vessels. Used oil produced on vessels from normal shipboard operations is not subject to this Part until it is transported ashore.
  - A) PCB contaminated used oil. PCB-containing used oil regulated 35 Ill. Adm. Code 761 is exempt from regulation under this Part.
  - B) This Section is adopted to maintain correlation with the Federal regulations.

Section 739.111 Used oil specifications

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

Table 1-Used Oil Not exceeding Any Specification Level Is Not Subject to this Part When Burned for Energy Recovery<sup>1</sup>

Constituent/property	Allowable level
Arsenic	5 ppm maximum.
Cadmium	2 ppm maximum.



Chromium	10 ppm maximum.
Lead	100 ppm maximum.
Flash point	100 °F minimum.
Total halogens	4,000 ppm maximum <sup>2</sup> .

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

FOOTNOTE: <sup>2</sup> Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under Section 739.110(b)(1). Such used oil is subject to 35 Ill. Adm. Code 726.Subpart H rather than this Part when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

#### Section 739.112 Prohibitions

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

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section 739.120 Applicability

- a) General. This subpart applies to all generators of used oil, except:
- 1) Household "do-it-yourselfer" used oil generators. Household "do-it-yourselfer" used oil generators are not subject to regulation under this Part.
  - 2) Vessels. Vessels at sea or at port are not subject to this Subpart. For purposes of this Subpart, used oil produced on vessels from normal shipboard operations is considered to be generated at the time it is transported ashore. The owner or operator of the vessel and the person(s) removing or accepting used oil from the vessel are co-generators of the used oil and are both responsible for managing the waste in compliance with this Subpart once the used oil is transported ashore. The co-generators may decide among them which party will fulfill the requirements of this Subpart.
  - 3) Diesel fuel. Mixtures of used oil and diesel fuel mixed by the generator of the used oil for use in the generator's own vehicles are not subject to this Part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil fuel is subject to the requirements of this Subpart.
  - 4) Farmers. Farmers who generate an average of 25 gallons per month or less of used oil from vehicles or machinery used on the farm in a calendar year are not subject to the requirements of this Part.
- b) Other applicable provisions. Used oil generators who conduct the following activities are subject to the requirements of other applicable provisions of this Part as indicated in subsections (b)(1) through (5) below:
- 1) Generators who transport used oil, except under the self-transport provisions of Section 739.124 (a) and (b), must also comply with 739.Subpart E.
  - 2) Generators who process or re-refine used oil must also comply with 739.Subpart F.
  - 3) Generators who burn off-specification used oil for energy recovery, except under the on-site space heater provisions of Section 739.123, must also comply with 739.Subpart G.

- 4) Generators who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 must also comply with 739.Subpart H.
- 5) Generators who dispose of used oil, including the use of used oil as a dust suppressant, must also comply with 739.Subpart I.

Section 739.121 Hazardous waste mixing

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

Section 739.122 Used oil storage

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

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

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

Section 739.123 On-site burning in space heaters

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

Section 739.124 Off-site shipments

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

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

- a) Self-transportation of small amounts to approved registered collection centers. Generators may transport, without an ~~EPA identification number~~ an Illinois special waste identification number, used oil that is generated at the generator's site and used oil collected from household do-it-yourselfers to a used oil collection center provided that:
  - 1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;
  - 2) The generator transports no more than 55 gallons of used oil at any time; and
  - 3) The generator transports the used oil to a used oil collection center that has registered by written notification with the Agency to manage used oil. This notification shall include information sufficient for the Agency to identify, locate and communicate with the facility. The notification shall be submitted on forms provided by the Agency.
  
- b) Self-transportation of small amounts to aggregation points owned by the generator. Generators may transport, without an ~~EPA~~ Illinois special waste identification number, used oil that is generated at the generator's site to an aggregation point provided that:
  - 1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;
  - 2) The generator transports no more than 55 gallons of used oil at any time; and
  - 3) The generator transports the used oil to an aggregation point that is owned or operated by the same generator.
  
- c) Tolling arrangements. Used oil generators may arrange for used oil to be transported by a transporter without an ~~EPA~~ Illinois special waste identification number if the used oil is reclaimed under a contractual agreement pursuant to which reclaimed oil is returned by the processor to the generator for use as a lubricant, cutting oil, or coolant. The contract (known as a "tolling arrangement") must indicate:

- 1) The type of used oil and the frequency of shipments;
- 2) That the vehicle used to transport the used oil to the processing facility and to deliver recycled used oil back to the generator is owned and operated by the used oil processor; and
- 3) That reclaimed oil will be returned to the generator.

SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS AND  
AGGREGATION POINTS

Section 739.130 Do-it-yourselfer used oil collection centers

- a) Applicability. This Section applies to owners or operators of all do-it-yourselfer (DIY) used oil collection centers. A DIY used oil collection center is any site or facility that accepts or aggregates and stores used oil collected only from household do-it-yourselfers.
- b) DIY used oil collection center requirements. Owners or operators of all DIY used oil collection centers must comply with the generator standards in Subpart C of this Part.

Section 739.131 Used oil collection centers

- a) Applicability. This Section applies to owners or operators of used oil collection centers. A used oil collection center is any site or facility that accepts, aggregates or stores used oil collected from used oil generators regulated under Subpart C of this Part who bring used oil to the collection center in shipments of no more than 55 gallons under the provisions of Section 739.124(a). Used oil collection centers may also accept used oil from household do-it-yourselfers.

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

- b) Used oil collection center requirements. Owners or operators of all used oil collection centers must:
  - 1) Comply with the generator standards in Subpart C of this Part; and
  - 2) Be registered by the Agency to manage used oil. The used oil collection center shall register by

written notification with the Agency to manage used oil. This notification shall include information sufficient for the Agency to identify, locate and communicate with the facility. The notification shall be submitted on forms provided by the Agency.

Section 739.132 Used oil aggregation points owned by the generator

- a) Applicability. This Section applies to owners or operators of all used oil aggregation points. A used oil aggregation point is any site or facility that accepts, aggregates, or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons under the provisions of Section 739.124(b). Used oil aggregation points may also accept used oil from household do-it-yourselfers.

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

- b) Used oil aggregation point requirements. Owners or operators of all used oil aggregation points must comply with the generator standards in Subpart C of this Part.

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

Section 739.140 Applicability

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

gallons or less from the generator to a used oil aggregation point owned or operated by the same generator as specified in Section 739.124(b).

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

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

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



specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 must also comply with Subpart H of this part; and

- 5) Transporters who dispose of used oil, including the use of used oil as a dust suppressant, must also comply with Subpart I of this Part.

Section 739.141      Restrictions on transporters who are not also processors

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

Section 739.142      Notification

- a) Identification numbers. Used oil transporters who have not previously complied with the notification requirements of RCRA Section 3010 must comply with these requirements and obtain an EPA Illinois special waste identification number.
- b) Mechanics of notification. A used oil transporter who has not received an EPA Illinois special waste identification number may obtain one pursuant to 35 Ill. Adm. Code Part 809 by notifying the Regional Administrator of their used oil activity by submitting either:
  - 1) ~~A completed EPA Form 8700-12 (To obtain EPA Form 8700-12 call RCRA/Superfund Hotline at 1-800-424-9346 or 703-920-9810); or~~
  - 2) ~~A letter requesting an EPA identification number. Call RCRA/Superfund Hotline to determine where to send a letter requesting an EPA identification number. The letter should include the following information:~~
    - c) ~~Transporter company name;~~

- ~~D) Owner of the transporter company;~~
- ~~E) Mailing address for the transporter;~~
- ~~F) Name and telephone number for the transporter point of contact;~~
- ~~G) Type of transport activity (i.e., transport only, transport and transfer facility, transfer facility only);~~
- ~~H) Location of all transfer facilities at which used oil is stored;~~
- ~~I) Name and telephone number for a contact at each transfer facility.~~

Section 739.143 Used oil transportation

- a) Deliveries. A used oil transporter must deliver all used oil received to:
  - 1) Another used oil transporter, provided that the transporter has obtained an EPA Illinois special waste identification number;
  - 2) A used oil processing facility who has obtained an EPA Illinois special waste identification number;
  - 3) An off-specification used oil burner facility who has obtained an EPA Illinois special waste identification number; or
  - 4) An on-specification used oil burner facility.
- b) Shipping. Used oil transporters must comply with all applicable packaging, labeling, and placarding requirements of the U.S. Department of Transportation under 49 CFR parts 171, 178 and 179. Used oil that meets the definition of combustible liquid (flash point below 200 °F but at or greater than 100 °F) or flammable liquid (flash point below 100 °F) is subject to Department of Transportation Hazardous Materials Regulations at 49 CFR Parts 100 through 177.
- c) Used oil discharges.
  - 1) In the event of a discharge of used oil during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).
  - 2) If a discharge of used oil occurs during

transportation and an official (State or local government or a Federal Agency) acting within the scope of official responsibilities determines that immediate removal of the used oil is necessary to protect human health or the environment, that official may authorize the removal of the used oil by transporters who do not have EPA Illinois special waste identification numbers.

- 3) An air, rail, highway, or water transporter who has discharged used oil must:
  - A) Give notice, if required by 49 CFR 171.15 to the National Response Center (800-424-8802 or 202-426-2675); and
  - B) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590.
- 4) A water transporter who has discharged used oil must give notice as required by 33 CFR 153.203.
- 5) A transporter must clean up any used oil discharged that occurs during transportation or take such action as may be required or approved by federal, state, or local officials so that the used oil discharge no longer presents a hazard to human health or the environment.

Section 739.144      Rebuttable presumption for used oil

- a) To ensure that used oil is not a hazardous waste under the rebuttable presumption of Section 739.110(b)(1)(ii), the used oil transporter must determine whether the total halogen content of used oil being transporter or stored at a transfer facility is above or below 1,000 ppm.
- b) The transporter must make this determination by:
  - 1) Testing the used oil; or
  - 2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used.
- c) If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain

hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 35 Ill. Adm. Code 721. Appendix H). EPA Publication SW-846, Third Edition, is available for the cost of \$110.00 from the Government Printing Office, Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7954. (202) 783-3238 (document number 955-001-00000-1).

- 1) The rebuttable presumption does not apply to metalworking oils and fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Section 739.124(c), to reclaim metalworking oils and fluids. The presumption does apply to metalworking oils and fluids if such oils and fluids are recycled in any other manner, or disposed.
  - 2) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFC are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.
- d) Record retention. Records of analyses conducted or information used to comply with subsections (a), (b), and (c) of this Section must be maintained by the transporter for at least 3 years.

#### Section 739.145 Used oil storage at transfer facilities

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

- a) Applicability. This Section applies to used oil transfer facilities. Used oil transfer facilities are transportation related facilities including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 35 days. Transfer facilities that store used oil for more than 35 days are subject to regulation under Subpart F.

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

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

Section 739.146      Tracking

- a) Acceptance. Used oil transporters must keep a record of

each used oil shipment accepted for transport. Records for each shipment must include:

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

Section 739.147 Management of residues

Transporters who generate residues from the storage or transport of used oil must manage the residues as specified in Section

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section 739.150 Applicability

- a) The requirements of this Subpart apply to owners and operators of facilities that process used oil. Processing means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation and re-refining. The requirements of this Subpart do not apply to:
  - 1) Transporters that conduct incidental processing operations that occur during the normal course of transportation as provided in Section 739.141; or
  - 2) Burners that conduct incidental processing operations that occur during the normal course of used oil management prior to burning as provided in Section 739.161(b).
  
- b) Other applicable provisions. Used oil processors who conduct the following activities are also subject to the requirements of other applicable provisions of this Part as indicated in subsections (b)(1) through (b)(5) of this Section.
  - 1) Processors who generate used oil must also comply with Subpart C of this Part;
  - 2) Processors who transport used oil must also comply with Subpart E of this Part;
  - 3) Except as provided in subsections (b)(3)(A) and (b)(3)(B) of this Section, processors who burn off-specification used oil for energy recovery must also comply with Subpart G of this Part. Processors burning used oil for energy recovery under the following conditions are not subject to Subpart G of this Part:
    - A) The used oil is burned in an on-site space heater that meets the requirements of Section 739.123; or
    - B) The used oil is burned for purposes of processing used oil, which is considered



burning incidentally to used oil processing;

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

Section 739.151 Notification

- a) Identification numbers. Used oil processors and re-refiners who have not previously complied with the notification requirements of RCRA Section 3010 must comply with these requirements and obtain an EPA Illinois special waste identification number.
- b) Mechanics of notification. A used oil processor or re-refiner who has not received an EPA Illinois special waste identification number may obtain one pursuant to 35 Ill. Adm. Code Part 809 number ~~may obtain one by notifying the Regional Administrator of their used oil activity by submitting either:~~
  - 1) ~~A completed EPA Form 8700-12 (To obtain EPA Form 8700-12 call RCRA/Superfund Hotline at 1-800-424-9346 or 703-920-9810); or~~
  - 2) ~~A letter requesting an EPA identification number. Call RCRA/Superfund Hotline to determine where to send a letter requesting an EPA identification number. The letter should include the following information:~~
    - A) ~~Processor or re-refiner company name;~~
    - B) ~~Owner of the processor or re-refiner company;~~
    - C) ~~Mailing address for the processor or re-refiner;~~
    - D) ~~Name and telephone number for the processor or re-refiner point of contact;~~
    - E) ~~Type of used oil activity (i.e., process only, process and re-refine);~~
    - F) ~~Location of the processor or re-refiner facility;~~

- a) Preparedness and prevention. Owners and operators of used oil processors and re-refiners facilities must comply with the following requirements:
- 1) Maintenance and operation of facility. Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment.
  - 2) Required equipment. All facilities must be equipped with the following, unless none of the hazards posed by used oil handled at the facility could require a particular kind of equipment specified in subsections (a)(2)(A) through (a)(2)(D) of this Section:
    - A) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
    - B) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
    - C) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment and decontamination equipment; and
    - D) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.
  - 3) Testing and maintenance of equipment. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.
  - 4) Access to communications or alarm system.
    - A) Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel

involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in subsection (a)(2) of this Section.

- B) If there is ever just one employee on the premises while the facility is operating, the employee must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required in subsection (a)(2) of this Section.
- 5) Required aisle space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.
  - 6) Arrangements with local authorities.
    - A) The owner or operator must attempt to make the following arrangements, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations:
      - i) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;
      - ii) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;
      - iii) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and

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

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

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

1) Purpose and implementation of contingency plan.

A) Each owner or operator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water.

B) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of used oil which could threaten human health or the environment.

2) Content of contingency plan.

A) The contingency plan must describe the actions facility personnel must take to comply with subsections (b)(1) and (b)(6) of this Section in response to fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water at the facility.

B) If the owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 112, or 40 CFR 1510, or some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate used oil management provisions that are sufficient to comply with the requirements of this Part.

C) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local

emergency response teams to coordinate emergency services, pursuant to subsection (a)(6) of this Section.

- D) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see subsection (b)(5) of this Section), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.
  - E) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.
  - F) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of used oil or fires).
- 3) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan must be:
- A) Maintained at the facility; and
  - B) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
- 4) Amendment of contingency plan. The contingency plan must be reviewed, and immediately amended, if necessary, whenever:
- A) Applicable regulations are revised;
  - B) The plan fails in an emergency;
  - C) The facility changes-in its design,

construction, operation, maintenance, or other circumstances-in a way that materially increases the potential for fires, explosions, or releases of used oil, or changes the response necessary in an emergency;

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

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

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

manifests and, if necessary, by chemical analysts.

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

or isolating containers.

- F) If the facility stops operation in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.
- G) Immediately after an emergency, the emergency coordinator must provide for recycling, storing, or disposing of recovered used oil, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.
- H) The emergency coordinator must ensure that, in the affected area(s) of the facility: No waste or used oil that may be incompatible with the released material is recycled, treated, stored, or disposed of until cleanup procedures are completed; and all emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed. The owner or operator must notify the Regional Administrator, and appropriate State and local authorities that the facility is in compliance with subsection (h) of this Section before operations are resumed in the affected area(s) of the facility.
- I) The owner or operator must note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Regional Administrator. The report must include: Name, address, and telephone number of the owner or operator; Name, address, and telephone number of the facility; Date, time, and type of incident (e.g., fire, explosion); Name and quantity of material(s) involved; The extent of injuries, if any; An assessment of actual or potential hazards to human health or the environment, where this is applicable; Estimated quantity and disposition of recovered material that resulted from the incident.

Section 739.153

Rebuttable presumption for used oil

- a) To ensure that used oil is not a hazardous waste under the rebuttable presumption of Section 739.110(b)(1)(ii),



the owner or operator of a used oil processing facility must determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm.

- b) The owner or operator must make this determination by:
- 1) Testing the used oil; or
  - 2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used.
- c) If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 35 Ill. Adm. Code 721.Appendix H). EPA Publication SW-846, Third Edition, is available for the cost of \$110.00 from the Government Printing Office, Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7954. (202) 783-3238 (document number 955-001-00000-1).
- 1) The rebuttable presumption does not apply to metalworking oils and fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Section 739.124(c), to reclaim metalworking oils and fluids. The presumption does apply to metalworking oils and fluids if such oils and fluids are recycled in any other manner, or disposed.
  - 2) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFC are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

Section 739.154      Used oil management

As specified in Section 739.110(f), wastewaters containing "de minimis" quantities of used oil are not subject to the requirements of this Part, including the prohibition on storage in units other than tanks or containers. Used oil processors are subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart. Used oil generators are also subject to the Underground Storage Tank (35

Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.

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

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

replace any leaking used oil storage containers or tanks prior to returning them to service.

i. Closure.

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

Section 739.155 Analysis plan

Owners or operators of used oil processing and re-refining facilities must develop and follow a written analysis plan describing the procedures that will be used to comply with the analysis requirements of Section 739.153 and, if applicable, Section 739.172. The owner or operator must keep the plan at the facility.

- a) Rebuttable presumption for used oil in Section 739.153.

At minimum, the plan must specify the following:

- 1) Whether sample analyses or knowledge of the halogen content of the used oil will be used to make this determination.
  - 2) If sample analyses are used to make this determination:
    - A) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either:
      - i) One of the sampling methods in 35 Ill. Adm. Code 721.Appendix I; or
      - ii) A method shown to be equivalent under 35 Ill. Adm. Code 720.120 and 720.121;
    - B) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and
    - C) The methods used to analyze used oil for the parameters specified in Section 739.153; and
  - 3) The type of information that will be used to determine the halogen content of the used oil.
- b) On-specification used oil fuel in Section 739.172. At a minimum, the plan must specify the following if Section 739.172 is applicable:
- 1) Whether sample analyses or other information will be used to make this determination;
  - 2) If sample analyses are used to make this determination:
    - A) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either:
      - i) One of the sampling methods in 35 Ill. Adm. Code 721.Appendix I; or
      - ii) A method shown to be equivalent under 35 Ill. Adm. Code 720.120 and 720.121;
    - B) Whether used oil will be sampled and analyzed prior to or after any processing;

- C) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and
  - D) The methods used to analyze used oil for the parameters specified in Section 739.172; and
- 3) The type of information that will be used to make the on-specification used oil fuel determination.

Section 739.156      Tracking

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

- 4) The EPA Illinois special waste identification number of the burner, processor, or disposal facility who will receive the used oil;
  - 5) The quantity of used oil shipped;
  - 6) The date of shipment.
- c) Record retention. The records described in subsections (a) and (b) above must be maintained for at least three years.

Section 739.157      Operating record and reporting

a) Operating record.

- 1) The owner or operator must keep a written operating record at the facility.
- 2) The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility;
  - A) Records and results of used oil analyses performed as described in the analysis plan required under Section 739.155; and
  - B) Summary reports and details of all incidents that require implementation of the contingency plan as specified in Section 739.152(b).

b) Reporting. A used oil processor must report to the Regional Administrator, in the form of a letter, on a biennial basis (by March 1 of each even numbered year), the following information concerning used oil activities during the previous calendar year;

- 1) The EPA Illinois special waste identification number, name, and address of the processor;
- 2) The calendar year covered by the report; and
- 3) The quantities of used oil accepted for processing and the manner in which the used oil is processed, including the specific processes employed.

Section 739.158      Off-site shipments of used oil

Used oil processors who initiate shipments of used oil off-site must ship the used oil using a used oil transporter who has obtained an EPA Illinois special waste identification number.

Section 739.159      Management of residues

Owners and operators who generate residues from the storage, processing, or re-refining of used oil must manage the residues as specified in Section 739.110(e).

SUBPART G: STANDARDS FOR USED OIL BURNERS WHO BURN  
OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section 739.160 Applicability

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



persons burning used oil that meets the used oil fuel specification of Section 739.111, provided that the burner complies with the requirements of Subpart H of this Part.

Section 739.161      Restriction on burning

a) Off-specification used oil fuel may be burned for energy recovery in only the following devices:

- 1) Industrial furnaces identified in 35 Ill. Adm. Code 720.110;
- 2) Boilers, as defined in 35 Ill. Adm. Code 720.110, that are identified as follows:
  - A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;
  - B) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale; or
  - C) Used oil-fired space heaters provided that the burner meets the provisions of Section 739.123; or
- 3) Hazardous waste incinerators subject to regulation under 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O.

b)

- 1) With the following exception, used oil burners may not process used oil unless they also comply with the requirements of Subpart F of this Part.
- 2) Used oil burners may aggregate off-specification used oil with virgin oil or on-specification used oil for purposes of burning, but may not aggregate for purposes of producing on-specification used oil.

Section 739.162      Notification

a) Identification numbers. Used oil burners who have not previously complied with the notification requirements of RCRA Section 3010 must comply with these requirements and obtain an EPA Illinois special waste identification number.

b) Mechanics of notification. A used oil burner who has not received an EPA identification number may obtain one by notifying the Regional Administrator of their used oil activity by submitting either:

1) A completed EPA Form 8700-12 (To obtain EPA Form 8700-12 call RCRA/Superfund Hotline at 1-800-424-9346 or 703-920-9810); or

2) A letter requesting an EPA identification number. Call the RCRA/Superfund Hotline to determine where to send a letter requesting an EPA identification number. The letter should include the following information:

A) Burner company name;

B) Owner of the burner company;

C) Mailing address for the burner;

D) Name and telephone number for the burner point of contact;

E) Type of used oil activity; and

F) Location of the burner facility.

Section 739.163 Rebuttable presumption for used oil

a) To ensure that used oil managed at a used oil burner facility is not hazardous waste under the rebuttable presumption of Section 739.110(b)(1)(ii), a used oil burner must determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm.

b) The used oil burner must determine if the used oil contains above or below 1,000 ppm total halogens by:

1) Testing the used oil;

2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used; or

3) If the used oil has been received from a processor subject to regulation under Subpart F of this Part, using information provided by the processor.

c) If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 35 Ill. Adm. Code 721.Subpart

D. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 35 Ill. Adm. Code 721. Appendix H). EPA Publication SW-846, Third Edition, is available for the cost of \$110.00 from the Government Printing Office, Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7954. 202-783-3238 (document number 955-001-00000-1).

- 1) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Section 739.124(c), to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils and fluids are recycled in any other manner, or disposed.
  - 2) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.
- d) Record retention. Records of analyses conducted or information used to comply with subsections (a), (b), and (c) above must be maintained by the burner for at least 3 years.

#### Section 739.164 Used oil storage

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

- a) Storage units. Used oil burners may not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- b) Condition of units. Containers and aboveground tanks used to store oil at burner facilities must be:

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

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

Section 739.165      Tracking

- a) Acceptance. Used oil burners must keep a record of each used oil shipment accepted for burning. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include the following information:
- 1) The name and address of the transporter who delivered the used oil to the burner;

- 2) The name and address of the generator or processor from whom the used oil was sent to the burner;
  - 3) The ~~EPA~~Illinois special waste identification number of the transporter who delivered the used oil to the burner;
  - 4) The ~~EPA~~Illinois special waste identification number (if applicable) of the generator or processor from whom the used oil was sent to the burner;
  - 5) The quantity of used oil accepted; and
  - 6) The date of acceptance.
- b) Record retention. The records described in subsection (a) of this Section must be maintained for at least three years.

Section 739.166 Notices

- a) Certification. Before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor, the burner must provide to the generator, transporter, or processor a one-time written and signed notice certifying that:
- 1) The burner has notified EPA stating the location and general description of his used oil management activities; and
  - 2) The burner will burn the used oil only in an industrial furnace or boiler identified in Section 739.161(a).
- b) Certification retention. The certification described in subsection (a) of this Section must be maintained for three years from the date the burner last receives shipment of off-specification used oil from that generator, transporter, or processor.

Section 739.167 Management of residues

Burners who generate residues from the storage or burning of used oil must manage the residues as specified in Section 739.110(e).

Subpart H: STANDARDS FOR USED OIL FUEL MARKETERS

Section 739.170 Applicability

- a) Any person who conducts either of the following activities is subject to the requirements of this Section:

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

#### Section 739.171 Prohibitions

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

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

Section 739.172      On-specification used oil fuel

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

Section 739.173      Notification

- a) A used oil fuel marketer subject to the requirements of this Section who has not previously complied with the notification requirements of RCRA Section 3010 must comply with these requirements and obtain an EPA Illinois special waste identification number.
- b) A marketer who has not received an EPA identification number may obtain one by notifying the Regional Administrator of their used oil activity by submitting either:
  - 1) A completed EPA Form 8700-12; or
  - 2) A letter requesting an EPA identification number. The letter should include the following information:
    - A) Marketer company name;
    - B) Owner of the marketer;
    - C) Mailing address for the marketer;
    - D) Name and telephone number for the marketer point of contact; and
    - E) Type of used oil activity (i.e., generator directing shipments of off-specification used oil to a burner).

Section 739.174      Tracking

- a) Off-specification used oil delivery. Any used oil



generator who directs a shipment of off-specification used oil to a burner must keep a record of each shipment of used oil to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:

- 1) The name and address of the transporter who delivers the used oil to the burner;
  - 2) The name and address of the burner who will receive the used oil;
  - 3) The EPA Illinois special waste number of the transporter who delivers the used oil to the burner;
  - 4) The EPA Illinois special waste number of the burner;
  - 5) The quantity of used oil shipped; and
  - 6) The date of shipment.
- b) On-specification use<sup>d</sup> oil delivery. A generator, transporter, processor, or burner who first claims that used oil that is to be burned for energy recovery meets the fuel specifications under Section 739.111 must keep a record of each shipment of used oil to an on-specification used oil burner. Records for each shipment must include the following information:
- 1) The name and address of the facility receiving the shipment;
  - 2) The quantity of used oil fuel delivered;
  - 3) The date of shipment or delivery; and
  - 4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under Section 739.112(a).
- c) Record retention. The records described in subsections (a) and (b) above must be maintained for at least three years.

Section 739.175 Notices

- a) Certification. Before a used oil generator, transporter, or processor directs the first shipment of off-specification used oil fuel to a burner, he must obtain a one-time written and signed notice from the burner certifying that:

- 1) The burner has notified EPA stating the location and general description of used oil management activities; and
  - 2) The burner will burn the off-specification used oil only in an industrial furnace or boiler identified in Section 739.161(a).
- b) Certification retention. The certification described in subsection (a) above must be maintained for three years from the date the last shipment of off-specification used oil is shipped to the burner.

SUBPART I: STANDARDS FOR USE AS A DUST SUPPRESSANT DISPOSAL OF USED OIL

Section 739.180 Applicability

The requirements of this Subpart apply to all used oils that cannot be recycled and are therefore being disposed.

Section 739.181 Disposal

- a) Disposal of hazardous used oils. Used oils that are identified as a hazardous waste and cannot be recycled in accordance with this Part must be managed in accordance with the hazardous waste management requirements of 35 Ill. Adm. Code 703, 720 through 726, and 728.
- b) Disposal of nonhazardous used oils. Used oils that are not hazardous wastes and cannot be recycled under this Part must be disposed in accordance with the requirements of 35 Ill. Adm. Code 807 through 815 and 40 CFR 257 and 258.

Section 739.182 Use as a dust suppressant

- a) The use of used oil as a dust suppressant is prohibited, except when such activity takes place in one of the states listed in subsection (c) of this Section.
- b) A State may petition (e.g., as part of its authorization petition submitted to EPA under 35 Ill. Adm. Code 721.105 or by a separate submission) EPA to allow the use of used oil (that is not mixed with hazardous waste and does not exhibit a characteristic other than ignitability) as a dust suppressant. The State must show that it has a program in place to prevent the use of used oil and hazardous waste mixtures or used oil exhibiting a characteristic other than ignitability as a dust suppressant. In addition, such programs must minimize the impacts of use as a dust suppressant on the environment.

- c) This subsection corresponds to 40 CFR 268.182(c) which lists the States with an authorized program for use of used oil as a dust suppressant. This subsection is adopted to retain correlation with the Federal rules.