

**EXEMPT**

JCAR350720-0804970r01

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

6 PART 720  
7 HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL  
8

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38  
39 720.APPENDIX A Overview of Federal RCRA Subtitle C (Hazardous Waste) Regulations  
40

41 AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the  
42 Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].  
43

44 SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and  
 45 codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg.  
 46 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24,  
 47 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10  
 48 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective  
 49 December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended  
 50 in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg.  
 51 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January  
 52 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16  
 53 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278,  
 54 effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20,  
 55 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14  
 56 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective  
 57 May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-  
 58 1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489,  
 59 effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992;  
 60 amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill.  
 61 Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective  
 62 April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in  
 63 R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg.  
 64 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1,  
 65 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997;  
 66 amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-  
 67 3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at  
 68 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective  
 69 July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in  
 70 R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266,  
 71 effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9,  
 72 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended  
 73 in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg.  
 74 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005;  
 75 amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7  
 76 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill.  
 77 Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. \_\_\_\_\_,  
 78 effective \_\_\_\_\_.

80 SUBPART B: DEFINITIONS AND REFERENCES

81  
 82 **Section 720.110 Definitions**

83  
 84 When used in 35 Ill. Adm. Code 720 through 728, 733, 738, and 739 only, the following terms  
 85 have the meanings given below:  
 86

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

91  
92 "Active life" of a facility means the period from the initial receipt of hazardous  
93 waste at the facility until the Agency receives certification of final closure.

94  
95 "Active portion" means that portion of a facility where treatment, storage, or  
96 disposal operations are being or have been conducted after May 19, 1980, and  
97 which is not a closed portion. (See also "closed portion" and "inactive portion.")

98  
99 "Administrator" means the Administrator of the United States Environmental  
100 Protection Agency or the Administrator's designee.

101  
102 "Agency" means the Illinois Environmental Protection Agency.

103  
104 "Ancillary equipment" means any device, including, but not limited to, such  
105 devices as piping, fittings, flanges, valves, and pumps, that is used to distribute,  
106 meter, or control the flow of hazardous waste from its point of generation to  
107 storage or treatment tanks, between hazardous waste storage and treatment tanks  
108 to a point of disposal onsite, or to a point of shipment for disposal off-site.

109  
110 "Aquifer" means a geologic formation, group of formations, or part of a formation  
111 capable of yielding a significant amount of groundwater to wells or springs.

112  
113 "Authorized representative" means the person responsible for the overall  
114 operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant  
115 manager, superintendent, or person of equivalent responsibility.

116  
117 "Battery" means a device that consists of one or more electrically connected  
118 electrochemical cells that is designed to receive, store, and deliver electric energy.  
119 An electrochemical cell is a system consisting of an anode, cathode, and an  
120 electrolyte, plus such connections (electrical and mechanical) as may be needed to  
121 allow the cell to deliver or receive electrical energy. The term battery also  
122 includes an intact, unbroken battery from which the electrolyte has been removed.

123  
124 "Board" means the Illinois Pollution Control Board.

125  
126 "Boiler" means an enclosed device using controlled flame combustion and having  
127 the following characteristics:

128  
129           Boiler physical characteristics.

130  
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The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and the unit's combustion chamber and primary energy recovery sections must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery sections (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery sections are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream) and fluidized bed combustion units; and

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

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

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

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

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

173 "Certification" means a statement of professional opinion based upon knowledge  
174 and belief.  
175  
176 "Closed portion" means that portion of a facility that an owner or operator has  
177 closed in accordance with the approved facility closure plan and all applicable  
178 closure requirements. (See also "active portion" and "inactive portion.")  
179  
180 "Component" means either the tank or ancillary equipment of a tank system.  
181  
182 "Confined aquifer" means an aquifer bounded above and below by impermeable  
183 beds or by beds of distinctly lower permeability than that of the aquifer itself; an  
184 aquifer containing confined groundwater.  
185  
186 "Container" means any portable device in which a material is stored, transported,  
187 treated, disposed of, or otherwise handled.  
188  
189 "Containment building" means a hazardous waste management unit that is used to  
190 store or treat hazardous waste pursuant to the provisions of Subpart DD of 35 Ill.  
191 Adm. Code 724 and Subpart DD of 35 Ill. Adm. Code 725.  
192  
193 "Contingency plan" means a document setting out an organized, planned and  
194 coordinated course of action to be followed in case of a fire, explosion, or release  
195 of hazardous waste or hazardous waste constituents that could threaten human  
196 health or the environment.  
197  
198 "Corrosion expert" means a person who, by reason of knowledge of the physical  
199 sciences and the principles of engineering and mathematics, acquired by a  
200 professional education and related practical experience, is qualified to engage in  
201 the practice of corrosion control on buried or submerged metal piping systems and  
202 metal tanks. Such a person must be certified as being qualified by the National  
203 Association of Corrosion Engineers (NACE) or be a registered professional  
204 engineer who has certification or licensing that includes education and experience  
205 in corrosion control on buried or submerged metal piping systems and metal  
206 tanks.  
207  
208 "CRT collector" means a person who receives used, intact CRTs for recycling,  
209 repair, resale, or donation.  
210  
211 "CRT glass manufacturer" means an operation or part of an operation that uses a  
212 furnace to manufacture CRT glass.  
213  
214 "CRT processing" means conducting all of the following activities:  
215

- 216                   Receiving broken or intact CRTs;
- 217
- 218                   Intentionally breaking intact CRTs or further breaking or separating
- 219                   broken CRTs; and
- 220
- 221                   Sorting or otherwise managing glass removed from CRT monitors.
- 222

223 "Designated facility" means either of the following entities:

224

225                   A hazardous waste treatment, storage, or disposal facility that has been

226                   designated on the manifest by the generator, pursuant to 35 Ill. Adm. Code

227                   722.120, of which any of the following is true:

228

229                               The facility has received a RCRA permit (or interim status)

230                               pursuant to 35 Ill. Adm. Code 702, 703, and 705;

231

232                               The facility has received a RCRA permit from USEPA pursuant to

233                               40 CFR 124 and 270 (2005);

234

235                               The facility has received a RCRA permit from a state authorized

236                               by USEPA pursuant to 40 CFR 271 (2005); or

237

238                               The facility is regulated pursuant to 35 Ill. Adm. Code

239                               721.106(c)(2) or Subpart F of 35 Ill. Adm. Code 266; or

240

241                   ~~Effective September 5, 2006,~~ a generator site designated by the

242                   hazardous waste generator on the manifest to receive back its own waste

243                   as a return shipment from a designated hazardous waste treatment, storage,

244                   or disposal facility that has rejected the waste in accordance with 35 Ill.

245                   Adm. Code 724.172(f) or 725.172(f).

246

247                   If a waste is destined to a facility in a state other than Illinois that has been

248                   authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained

249                   authorization to regulate that waste as hazardous, then the designated facility must

250                   be a facility allowed by the receiving state to accept such waste.

251

252                   "Destination facility" means a facility that treats, disposes of, or recycles a

253                   particular category of universal waste, except those management activities

254                   described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A

255                   facility at which a particular category of universal waste is only accumulated is

256                   not a destination facility for the purposes of managing that category of universal

257                   waste.

258

259 "Dike" means an embankment or ridge of either natural or manmade materials  
260 used to prevent the movement of liquids, sludges, solids, or other materials.  
261  
262 "Dioxins and furans" or "D/F" means tetra, penta-, hexa-, hepta-, and octa-  
263 chlorinated dibenzo dioxins and furans.  
264  
265 "Director" means the Director of the Illinois Environmental Protection Agency.  
266  
267 "Discharge" or "hazardous waste discharge" means the accidental or intentional  
268 spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous  
269 waste into or on any land or water.  
270  
271 "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or  
272 placing of any solid waste or hazardous waste into or on any land or water so that  
273 such solid waste or hazardous waste or any constituent thereof may enter the  
274 environment or be emitted into the air or discharged into any waters, including  
275 groundwaters.  
276  
277 "Disposal facility" means a facility or part of a facility at which hazardous waste  
278 is intentionally placed into or on any land or water and at which waste will remain  
279 after closure. The term disposal facility does not include a corrective action  
280 management unit (CAMU) into which remediation wastes are placed.  
281  
282 "Drip pad" means an engineered structure consisting of a curbed, free-draining  
283 base, constructed of non-earthen materials and designed to convey preservative  
284 kick-back or drippage from treated wood, precipitation and surface water runoff to  
285 an associated collection system at wood preserving plants.  
286  
287 "Elementary neutralization unit" means a device of which the following is true:  
288  
289 It is used for neutralizing wastes that are hazardous only because they  
290 exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122  
291 or which are listed in Subpart D of 35 Ill. Adm. Code 721 only for this  
292 reason; and  
293  
294 It meets the definition of tank, tank system, container, transport vehicle,  
295 or vessel in this Section.  
296  
297 "EPA hazardous waste number" or "USEPA hazardous waste number" means the  
298 number assigned by USEPA to each hazardous waste listed in Subpart D of 35 Ill.  
299 Adm. Code 721 and to each characteristic identified in Subpart C of 35 Ill. Adm.  
300 Code 721.  
301

302 "EPA identification number" or "USEPA identification number" means the  
303 number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to  
304 each generator; transporter; and treatment, storage, or disposal facility.  
305

306 "EPA region" or "USEPA region" means the states and territories found in any  
307 one of the following ten regions:  
308

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

311  
312           Region II: New York, New Jersey, Commonwealth of Puerto Rico, and  
313           the U.S. Virgin Islands.

314  
315           Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia,  
316           and the District of Columbia.

317  
318           Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama,  
319           Georgia, South Carolina, and Florida.

320  
321           Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio.

322  
323           Region VI: New Mexico, Oklahoma, Arkansas, Louisiana, and Texas.

324  
325           Region VII: Nebraska, Kansas, Missouri, and Iowa.

326  
327           Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah,  
328           and Colorado.

329  
330           Region IX: California, Nevada, Arizona, Hawaii, Guam, American  
331           Samoa, and Commonwealth of the Northern Mariana Islands.

332  
333           Region X: Washington, Oregon, Idaho, and Alaska.

334  
335 "Equivalent method" means any testing or analytical method approved by the  
336 Board pursuant to Section 720.120.  
337

338 "Existing hazardous waste management (HWM) facility" or "existing facility"  
339 means a facility that was in operation or for which construction commenced on or  
340 before November 19, 1980. A facility had commenced construction if the owner  
341 or operator had obtained the federal, State, and local approvals or permits  
342 necessary to begin physical construction and either of the following had occurred:  
343

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

345  
346 The owner or operator had entered into contractual obligations that could  
347 not be canceled or modified without substantial loss for physical  
348 construction of the facility to be completed within a reasonable time.

349  
350 "Existing portion" means that land surface area of an existing waste management  
351 unit, included in the original Part A permit application, on which wastes have  
352 been placed prior to the issuance of a permit.

353  
354 "Existing tank system" or "existing component" means a tank system or  
355 component that is used for the storage or treatment of hazardous waste and which  
356 was in operation, or for which installation was commenced, on or prior to July 14,  
357 1986. Installation will be considered to have commenced if the owner or operator  
358 has obtained all federal, State, and local approvals or permits necessary to begin  
359 physical construction of the site or installation of the tank system and if either of  
360 the following is true:

361  
362 A continuous on-site physical construction or installation program has  
363 begun; or

364  
365 The owner or operator has entered into contractual obligations that cannot  
366 be canceled or modified without substantial loss for physical construction  
367 of the site or installation of the tank system to be completed within a  
368 reasonable time.

369  
370 "Explosives or munitions emergency" means a situation involving the suspected  
371 or detected presence of unexploded ordnance (UXO), damaged or deteriorated  
372 explosives or munitions, an improvised explosive device (IED), other potentially  
373 explosive material or device, or other potentially harmful military chemical  
374 munitions or device, that creates an actual or potential imminent threat to human  
375 health, including safety, or the environment, including property, as determined by  
376 an explosives or munitions emergency response specialist. Such situations may  
377 require immediate and expeditious action by an explosives or munitions  
378 emergency response specialist to control, mitigate, or eliminate the threat.

379  
380 "Explosives or munitions emergency response" means all immediate response  
381 activities by an explosives and munitions emergency response specialist to  
382 control, mitigate, or eliminate the actual or potential threat encountered during an  
383 explosives or munitions emergency. An explosives or munitions emergency  
384 response may include in-place render-safe procedures, treatment, or destruction of  
385 the explosives or munitions or transporting those items to another location to be  
386 rendered safe, treated, or destroyed. Any reasonable delay in the completion of an  
387 explosives or munitions emergency response caused by a necessary, unforeseen,

388 or uncontrollable circumstance will not terminate the explosives or munitions  
389 emergency. Explosives and munitions emergency responses can occur on either  
390 public or private lands and are not limited to responses at RCRA facilities.

391  
392 "Explosives or munitions emergency response specialist" means an individual  
393 trained in chemical or conventional munitions or explosives handling,  
394 transportation, render-safe procedures, or destruction techniques. Explosives or  
395 munitions emergency response specialists include United States Department of  
396 Defense (USDOD) emergency explosive ordnance disposal (EOD), technical  
397 escort unit (TEU), and USDOD-certified civilian or contractor personnel and  
398 other federal, State, or local government or civilian personnel who are similarly  
399 trained in explosives or munitions emergency responses.

400  
401 "Facility" means the following:

402  
403 All contiguous land and structures, other appurtenances, and  
404 improvements on the land used for treating, storing, or disposing of  
405 hazardous waste. A facility may consist of several treatment, storage, or  
406 disposal operational units (e.g., one or more landfills, surface  
407 impoundments, or combinations of them).

408  
409 For the purpose of implementing corrective action pursuant to 35 Ill. Adm.  
410 Code 724.201 or 35 Ill. Adm. Code 727.201, all contiguous property under  
411 the control of the owner or operator seeking a permit under Subtitle C of  
412 RCRA. This definition also applies to facilities implementing corrective  
413 action pursuant to RCRA section 3008(h).

414  
415 Notwithstanding the immediately-preceding paragraph of this definition, a  
416 remediation waste management site is not a facility that is subject to 35 Ill.  
417 Adm. Code 724.201, but a facility that is subject to corrective action  
418 requirements if the site is located within such a facility.

419  
420 "Federal agency" means any department, agency, or other instrumentality of the  
421 federal government, any independent agency or establishment of the federal  
422 government, including any government corporation and the Government Printing  
423 Office.

424  
425 "Federal, State, and local approvals or permits necessary to begin physical  
426 construction" means permits and approvals required under federal, State, or local  
427 hazardous waste control statutes, regulations, or ordinances.

428  
429 "Final closure" means the closure of all hazardous waste management units at the  
430 facility in accordance with all applicable closure requirements so that hazardous

431 waste management activities pursuant to 35 Ill. Adm. Code 724 and 725 are no  
432 longer conducted at the facility unless subject to the provisions of 35 Ill. Adm.  
433 Code 722.134.

434  
435 "Food-chain crops" means tobacco, crops grown for human consumption, and  
436 crops grown for feed for animals whose products are consumed by humans.

437  
438 "Freeboard" means the vertical distance between the top of a tank or surface  
439 impoundment dike and the surface of the waste contained therein.

440  
441 "Free liquids" means liquids that readily separate from the solid portion of a  
442 waste under ambient temperature and pressure.

443  
444 "Generator" means any person, by site, whose act or process produces hazardous  
445 waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a  
446 hazardous waste to become subject to regulation.

447  
448 "Groundwater" means water below the land surface in a zone of saturation.

449  
450 "Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code  
451 721.103.

452  
453 "Hazardous waste constituent" means a constituent that caused the hazardous  
454 waste to be listed in Subpart D of 35 Ill. Adm. Code 721, or a constituent listed in  
455 35 Ill. Adm. Code 721.124.

456  
457 "Hazardous waste management unit" is a contiguous area of land on or in which  
458 hazardous waste is placed, or the largest area in which there is significant  
459 likelihood of mixing hazardous waste constituents in the same area. Examples of  
460 hazardous waste management units include a surface impoundment, a waste pile,  
461 a land treatment area, a landfill cell, an incinerator, a tank and its associated  
462 piping and underlying containment system, and a container storage area. A  
463 container alone does not constitute a unit; the unit includes containers, and the  
464 land or pad upon which they are placed.

465  
466 "Inactive portion" means that portion of a facility that is not operated after  
467 November 19, 1980. (See also "active portion" and "closed portion.")

468  
469 "Incinerator" means any enclosed device of which the following is true:

470  
471 The facility uses controlled flame combustion, and both of the following  
472 are true of the facility:

473

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

476  
477 The facility is not listed as an industrial furnace; or  
478

479 The facility meets the definition of infrared incinerator or plasma arc  
480 incinerator.

481  
482 "Incompatible waste" means a hazardous waste that is unsuitable for the  
483 following:

484  
485 Placement in a particular device or facility because it may cause corrosion  
486 or decay of containment materials (e.g., container inner liners or tank  
487 walls); or

488  
489 Commingling with another waste or material under uncontrolled  
490 conditions because the commingling might produce heat or pressure, fire,  
491 or explosion, violent reaction, toxic dusts, mists, fumes or gases, or  
492 flammable fumes or gases.

493  
494 (See Appendix E to 35 Ill. Adm. Code 724 and Appendix E to 35 Ill.  
495 Adm. Code 725 for references that list examples.)

496  
497 "Industrial furnace" means any of the following enclosed devices that are integral  
498 components of manufacturing processes and that use thermal treatment to  
499 accomplish recovery of materials or energy:

500  
501 Cement kilns;

502  
503 Lime kilns;

504  
505 Aggregate kilns;

506  
507 Phosphate kilns;

508  
509 Coke ovens;

510  
511 Blast furnaces;

512  
513 Smelting, melting and refining furnaces (including pyrometallurgical  
514 devices such as cupolas, reverberator furnaces, sintering machines,  
515 roasters, and foundry furnaces);

516

517 Titanium dioxide chloride process oxidation reactors;  
518  
519 Methane reforming furnaces;  
520  
521 Pulping liquor recovery furnaces;  
522  
523 Combustion devices used in the recovery of sulfur values from spent  
524 sulfuric acid;  
525  
526 Halogen acid furnaces (HAFs) for the production of acid from halogenated  
527 hazardous waste generated by chemical production facilities where the  
528 furnace is located on the site of a chemical production facility, the acid  
529 product has a halogen acid content of at least three percent, the acid  
530 product is used in a manufacturing process, and, except for hazardous  
531 waste burned as fuel, hazardous waste fed to the furnace has a minimum  
532 halogen content of 20 percent, as generated; and  
533  
534 Any other such device as the Agency determines to be an industrial  
535 furnace on the basis of one or more of the following factors:  
536  
537       The design and use of the device primarily to accomplish recovery  
538       of material products;  
539  
540       The use of the device to burn or reduce raw materials to make a  
541       material product;  
542  
543       The use of the device to burn or reduce secondary materials as  
544       effective substitutes for raw materials, in processes using raw  
545       materials as principal feedstocks;  
546  
547       The use of the device to burn or reduce secondary materials as  
548       ingredients in an industrial process to make a material product;  
549  
550       The use of the device in common industrial practice to produce a  
551       material product; and  
552  
553       Other relevant factors.  
554  
555 "Individual generation site" means the contiguous site at or on which one or more  
556 hazardous wastes are generated. An individual generation site, such as a large  
557 manufacturing plant, may have one or more sources of hazardous waste but is  
558 considered a single or individual generation site if the site or property is  
559 contiguous.

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

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

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

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

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

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

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

"Lamp" or "universal waste lamp" means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infrared regions of the electromagnetic spectrum. Examples of common universal waste lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high-pressure sodium, and metal halide lamps.

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

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit (CAMU).

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

"LDS" means leak detection system.

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

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

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

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

"Manifest" means the shipping document USEPA Form 8700-22 (including, if necessary, USEPA Form 8700-22A) originated and signed by the generator or offeror that contains the information required by Subpart B of 35 Ill. Adm. Code 722 and the applicable requirements of 35 Ill. Adm. Code 722 through 727.

~~"Manifest document number" means, until September 5, 2006, 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.~~

~~"Manifest tracking number" means, effective September 5, 2006, the alphanumeric identification number (i.e., a unique three letter suffix preceded by nine numerical digits) that is pre-printed in Item 4 of the manifest by a registered source.~~

646 "Mercury-containing equipment" means a device or part of a device (including  
 647 thermostats, but excluding batteries and lamps) that contains elemental mercury  
 648 integral to its function.  
 649

650 "Military munitions" means all ammunition products and components produced or  
 651 used by or for the United States Department of Defense or the United States  
 652 Armed Services for national defense and security, including military munitions  
 653 under the control of the United States Department of Defense (USDOD), the  
 654 United States Coast Guard, the United States Department of Energy (USDOE),  
 655 and National Guard personnel. The term military munitions includes: confined  
 656 gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot  
 657 control agents, smokes, and incendiaries used by USDOD components, including  
 658 bulk explosives and chemical warfare agents, chemical munitions, rockets, guided  
 659 and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition,  
 660 small arms ammunition, grenades, mines, torpedoes, depth charges, cluster  
 661 munitions and dispensers, demolition charges, and devices and components of  
 662 these items and devices. Military munitions do not include wholly inert items,  
 663 improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear  
 664 components of these items and devices. However, the term does include non-  
 665 nuclear components of nuclear devices, managed under USDOE's nuclear  
 666 weapons program after all sanitization operations required under the Atomic  
 667 Energy Act of 1954 (42 USC 2014 et seq.), as amended, have been completed.  
 668

669 "Mining overburden returned to the mine site" means any material overlying an  
 670 economic mineral deposit that is removed to gain access to that deposit and is  
 671 then used for reclamation of a surface mine.  
 672

673 "Miscellaneous unit" means a hazardous waste management unit where hazardous  
 674 waste is treated, stored, or disposed of and that is not a container; tank; surface  
 675 impoundment; pile; land treatment unit; landfill; incinerator; boiler; industrial  
 676 furnace; underground injection well with appropriate technical standards pursuant  
 677 to 35 Ill. Adm. Code 730; containment building; corrective action management  
 678 unit (CAMU); unit eligible for a research, development, and demonstration permit  
 679 pursuant to 35 Ill. Adm. Code 703.231; or staging pile.  
 680

681 "Movement" means hazardous waste that is transported to a facility in an  
 682 individual vehicle.  
 683

684 "New hazardous waste management facility" or "new facility" means a facility  
 685 that began operation, or for which construction commenced after November 19,  
 686 1980. (See also "Existing hazardous waste management facility.")  
 687

688 "New tank system" or "new tank component" means a tank system or component

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

694  
695 "Onground tank" means a device meeting the definition of tank that is situated in  
696 such a way that the bottom of the tank is on the same level as the adjacent  
697 surrounding surfaces so that the external tank bottom cannot be visually  
698 inspected.

699  
700 "On-site" means the same or geographically contiguous property that may be  
701 divided by public or private right-of-way, provided the entrance and exit between  
702 the properties is at a crossroads intersection and access is by crossing as opposed  
703 to going along the right-of-way. Noncontiguous properties owned by the same  
704 person but connected by a right-of-way that the owner controls and to which the  
705 public does not have access is also considered on-site property.

706  
707 "Open burning" means the combustion of any material without the following  
708 characteristics:

709  
710 Control of combustion air to maintain adequate temperature for efficient  
711 combustion;

712  
713 Containment of the combustion reaction in an enclosed device to provide  
714 sufficient residence time and mixing for complete combustion; and

715  
716 Control of emission of the gaseous combustion products.

717  
718 (See also "incineration" and "thermal treatment.")

719  
720 "Operator" means the person responsible for the overall operation of a facility.

721  
722 "Owner" means the person that owns a facility or part of a facility.

723  
724 "Partial closure" means the closure of a hazardous waste management unit in  
725 accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or  
726 725 at a facility that contains other active hazardous waste management units.  
727 For example, partial closure may include the closure of a tank (including its  
728 associated piping and underlying containment systems), landfill cell, surface  
729 impoundment, waste pile, or other hazardous waste management unit, while other  
730 units of the same facility continue to operate.  
731

732 "Performance Track member facility" means a facility that has been accepted by  
 733 USEPA for membership in the National Environmental Performance Track  
 734 Program (Program) and which is still a member of that Program. The National  
 735 Environmental Performance Track Program is a voluntary, facility-based,  
 736 program for top environmental performers. Program members must demonstrate  
 737 a good record of compliance and past success in achieving environmental goals,  
 738 and must commit to future specific quantified environmental goals, environmental  
 739 management systems, local community outreach, and annual reporting of  
 740 measurable results.

741 BOARD NOTE: The National Environmental Performance Track program is  
 742 operated exclusively by USEPA. USEPA established the program in 2000 (see  
 743 65 Fed. Reg. 41655 (July 6, 2000)) and amended it in 2004 (see 69 Fed. Reg.  
 744 27922 (May 17, 2004)). USEPA confers membership in the program on  
 745 application of interested and eligible entities. Information about the program is  
 746 available from a website maintained by USEPA: [www.epa.gov/](http://www.epa.gov/performancetrack)  
 747 performancetrack.

748  
 749 "Person" means an individual, trust, firm, joint stock company, federal agency,  
 750 corporation (including a government corporation), partnership, association, state,  
 751 municipality, commission, political subdivision of a state, or any interstate body.

752  
 753 "Personnel" or "facility personnel" means all persons who work at or oversee the  
 754 operations of a hazardous waste facility and whose actions or failure to act may  
 755 result in noncompliance with 35 Ill. Adm. Code 724 or 725.

756  
 757 "Pesticide" means any substance or mixture of substances intended for  
 758 preventing, destroying, repelling, or mitigating any pest or intended for use as a  
 759 plant regulator, defoliant, or desiccant, other than any article that fulfills one of  
 760 the following descriptions:

761  
 762 It is a new animal drug under section 201(v) of the Federal Food, Drug  
 763 and Cosmetic Act (FFDCA; 21 USC 321(v)), incorporated by reference in  
 764 Section 720.111(c);

765  
 766 It is an animal drug that has been determined by regulation of the federal  
 767 Secretary of Health and Human Services pursuant to FFDCA section 512  
 768 (21 USC 360b), incorporated by reference in Section 720.111(c), to be an  
 769 exempted new animal drug; or

770  
 771 It is an animal feed under FFDCA section 201(w) (21 USC 321(w)),  
 772 incorporated by reference in Section 720.111(c), that bears or contains any  
 773 substances described in either of the two preceding paragraphs of this  
 774 definition.

775 BOARD NOTE: The second exception of corresponding 40 CFR 260.10  
776 reads as follows: "Is an animal drug that has been determined by  
777 regulation of the Secretary of Health and Human Services not to be a new  
778 animal drug." This is very similar to the language of section 2(u) of the  
779 Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC  
780 136(u)). The three exceptions, taken together, appear intended not to  
781 include as pesticide any material within the scope of federal Food and  
782 Drug Administration regulation. The Board codified this provision with  
783 the intent of retaining the same meaning as its federal counterpart while  
784 adding the definiteness required under Illinois law.  
785

786 "Pile" means any noncontainerized accumulation of solid, non-flowing hazardous  
787 waste that is used for treatment or storage, and that is not a containment building.  
788

789 "Plasma arc incinerator" means any enclosed device that uses a high intensity  
790 electrical discharge or arc as a source of heat followed by an afterburner using  
791 controlled flame combustion and which is not listed as an industrial furnace.  
792

793 "Point source" means any discernible, confined, and discrete conveyance,  
794 including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well,  
795 discrete fissure, container, rolling stock, concentrated animal feeding operation, or  
796 vessel or other floating craft from which pollutants are or may be discharged.  
797 This term does not include return flows from irrigated agriculture.  
798

799 "Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code  
800 310.110.  
801

802 "Qualified groundwater scientist" means a scientist or engineer who has received  
803 a baccalaureate or postgraduate degree in the natural sciences or engineering, and  
804 has sufficient training and experience in groundwater hydrology and related  
805 fields, as demonstrated by state registration, professional certifications, or  
806 completion of accredited university courses that enable the individual to make  
807 sound professional judgments regarding groundwater monitoring and contaminant  
808 rate and transport.

809 BOARD NOTE: State registration includes, but is not limited to, registration as a  
810 professional engineer with the Department of Professional Regulation, pursuant to  
811 225 ILCS 325 and 68 Ill. Adm. Code 1380. Professional certification includes,  
812 but is not limited to, certification under the certified groundwater professional  
813 program of the National Ground Water Association.  
814

815 "RCRA" means the Solid Waste Disposal Act, as amended by the Resource  
816 Conservation and Recovery Act of 1976, as amended (42 USC 6901 et seq.).  
817

818 "RCRA standardized permit" means a RCRA permit issued pursuant to Subpart J  
819 of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 702 that authorizes  
820 management of hazardous waste. The RCRA standardized permit may have two  
821 parts: a uniform portion issued in all cases and a supplemental portion issued at  
822 the discretion of the Agency.

823  
824 "Regional Administrator" means the Regional Administrator for the USEPA  
825 region in which the facility is located or the Regional Administrator's designee.  
826

827 "Remediation waste" means all solid and hazardous wastes, and all media  
828 (including groundwater, surface water, soils, and sediments) and debris that are  
829 managed for implementing cleanup.

830  
831 "Remediation waste management site" means a facility where an owner or  
832 operator is or will be treating, storing, or disposing of hazardous remediation  
833 wastes. A remediation waste management site is not a facility that is subject to  
834 corrective action pursuant to 35 Ill. Adm. Code 724.201, but a remediation waste  
835 management site is subject to corrective action requirements if the site is located  
836 in such a facility.

837  
838 "Replacement unit" means a landfill, surface impoundment, or waste pile unit  
839 from which all or substantially all of the waste is removed, and which is  
840 subsequently reused to treat, store, or dispose of hazardous waste. Replacement  
841 unit does not include a unit from which waste is removed during closure, if the  
842 subsequent reuse solely involves the disposal of waste from that unit and other  
843 closing units or corrective action areas at the facility, in accordance with a closure  
844 or corrective action plan approved by USEPA or the Agency.

845  
846 "Representative sample" means a sample of a universe or whole (e.g., waste pile,  
847 lagoon, groundwater) that can be expected to exhibit the average properties of the  
848 universe or whole.

849  
850 "Runoff" means any rainwater, leachate, or other liquid that drains over land from  
851 any part of a facility.

852  
853 "Runon" means any rainwater, leachate, or other liquid that drains over land onto  
854 any part of a facility.

855  
856 "Saturated zone" or "zone of saturation" means that part of the earth's crust in  
857 which all voids are filled with water.

858  
859 "SIC code" means "Standard Industrial Classification code," as assigned to a site  
860 by the United States Department of Transportation, Federal Highway

861 Administration, based on the particular activities that occur on the site, as set forth  
862 in its publication "Standard Industrial Classification Manual," incorporated by  
863 reference in Section 720.111(a).

864  
865 "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal,  
866 commercial, or industrial wastewater treatment plant, water supply treatment  
867 plant, or air pollution control facility, exclusive of the treated effluent from a  
868 wastewater treatment plant.

869  
870 "Sludge dryer" means any enclosed thermal treatment device that is used to  
871 dehydrate sludge and which has a total thermal input, excluding the heating value  
872 of the sludge itself, of 2,500 Btu/lb or less of sludge treated on a wet-weight basis.

873  
874 "Small quantity generator" means a generator that generates less than 1,000 kg of  
875 hazardous waste in a calendar month.

876  
877 "Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

878  
879 "Sorbent" means a material that is used to soak up free liquids by either  
880 adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or  
881 both.

882  
883 "Staging pile" means an accumulation of solid, non-flowing "remediation waste"  
884 (as defined in this Section) that is not a containment building and that is used only  
885 during remedial operations for temporary storage at a facility. Staging piles must  
886 be designated by the Agency according to 35 Ill. Adm. Code 724.654.

887  
888 "State" means any of the several states, the District of Columbia, the  
889 Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and  
890 the Commonwealth of the Northern Mariana Islands.

891  
892 "Storage" means the holding of hazardous waste for a temporary period, at the end  
893 of which the hazardous waste is treated, disposed of, or stored elsewhere.

894  
895 "Sump" means any pit or reservoir that meets the definition of tank and those  
896 troughs or trenches connected to it that serve to collect hazardous waste for  
897 transport to hazardous waste storage, treatment, or disposal facilities; except that,  
898 as used in the landfill, surface impoundment, and waste pile rules, sump means  
899 any lined pit or reservoir that serves to collect liquids drained from a leachate  
900 collection and removal system or leak detection system for subsequent removal  
901 from the system.

902  
903 "Surface impoundment" or "impoundment" means a facility or part of a facility

904 that is a natural topographic depression, manmade excavation, or diked area  
905 formed primarily of earthen materials (although it may be lined with manmade  
906 materials) that is designed to hold an accumulation of liquid wastes or wastes  
907 containing free liquids and which is not an injection well. Examples of surface  
908 impoundments are holding, storage, settling and aeration pits, ponds, and lagoons.  
909

910 "Tank" means a stationary device, designed to contain an accumulation of  
911 hazardous waste that is constructed primarily of nonearthen materials (e.g., wood,  
912 concrete, steel, plastic) that provide structural support.  
913

914 "Tank system" means a hazardous waste storage or treatment tank and its  
915 associated ancillary equipment and containment system.  
916

917 "TEQ" means toxicity equivalence, the international method of relating the  
918 toxicity of various dioxin and furan congeners to the toxicity of 2,3,7,8-tetra-  
919 chlorodibenzo-p-dioxin.  
920

921 "Thermal treatment" means the treatment of hazardous waste in a device that uses  
922 elevated temperatures as the primary means to change the chemical, physical, or  
923 biological character or composition of the hazardous waste. Examples of thermal  
924 treatment processes are incineration, molten salt, pyrolysis, calcination, wet air  
925 oxidation, and microwave discharge. (See also "incinerator" and "open burning.")  
926

927 "Thermostat" means a temperature control device that contains metallic mercury  
928 in an ampule attached to a bimetal sensing element and mercury-containing  
929 ampules that have been removed from such a temperature control device in  
930 compliance with 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).  
931

932 "Totally enclosed treatment facility" means a facility for the treatment of  
933 hazardous waste that is directly connected to an industrial production process and  
934 which is constructed and operated in a manner that prevents the release of any  
935 hazardous waste or any constituent thereof into the environment during treatment.  
936 An example is a pipe in which waste acid is neutralized.  
937

938 "Transfer facility" means any transportation related facility, including loading  
939 docks, parking areas, storage areas, and other similar areas where shipments of  
940 hazardous waste are held during the normal course of transportation.  
941

942 "Transport vehicle" means a motor vehicle or rail car used for the transportation  
943 of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car,  
944 etc.) is a separate transport vehicle.  
945

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

947 water.

948  
949 "Transporter" means a person engaged in the off-site transportation of hazardous  
950 waste by air, rail, highway, or water.

951  
952 "Treatability study" means the following:

953  
954 A study in which a hazardous waste is subjected to a treatment process to  
955 determine the following:

956  
957 Whether the waste is amenable to the treatment process;

958  
959 What pretreatment (if any) is required;

960  
961 The optimal process conditions needed to achieve the desired  
962 treatment;

963  
964 The efficiency of a treatment process for a specific waste or  
965 wastes; and

966  
967 The characteristics and volumes of residuals from a particular  
968 treatment process;

969  
970 Also included in this definition for the purpose of 35 Ill. Adm. Code  
971 721.104(e) and (f) exemptions are liner compatibility, corrosion and other  
972 material compatibility studies, and toxicological and health effects studies.  
973 A treatability study is not a means to commercially treat or dispose of  
974 hazardous waste.

975  
976 "Treatment" means any method, technique, or process, including neutralization,  
977 designed to change the physical, chemical, or biological character or composition  
978 of any hazardous waste so as to neutralize the waste, recover energy or material  
979 resources from the waste, or render the waste non-hazardous or less hazardous;  
980 safer to transport, store, or dispose of; or amenable for recovery, amenable for  
981 storage, or reduced in volume.

982  
983 "Treatment zone" means a soil area of the unsaturated zone of a land treatment  
984 unit within which hazardous constituents are degraded, transformed, or  
985 immobilized.

986  
987 "Underground injection" means the subsurface emplacement of fluids through a  
988 bored, drilled, or driven well or through a dug well, where the depth of the dug  
989 well is greater than the largest surface dimension. (See also "injection well.")

990  
991 "Underground tank" means a device meeting the definition of tank whose entire  
992 surface area is totally below the surface of and covered by the ground.  
993  
994 "Unfit-for-use tank system" means a tank system that has been determined,  
995 through an integrity assessment or other inspection, to be no longer capable of  
996 storing or treating hazardous waste without posing a threat of release of hazardous  
997 waste to the environment.  
998  
999 "United States" means the 50 states, the District of Columbia, the Commonwealth  
1000 of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the  
1001 Commonwealth of the Northern Mariana Islands.  
1002  
1003 "Universal waste" means any of the following hazardous wastes that are managed  
1004 pursuant to the universal waste requirements of 35 Ill. Adm. Code 733:  
1005  
1006           Batteries, as described in 35 Ill. Adm. Code 733.102;  
1007  
1008           Pesticides, as described in 35 Ill. Adm. Code 733.103;  
1009  
1010           Mercury-containing equipment, as described in 35 Ill. Adm. Code  
1011 733.104; and  
1012  
1013           Lamps, as described in 35 Ill. Adm. Code 733.105.  
1014  
1015 "Universal waste handler" means either of the following:  
1016  
1017           A generator (as defined in this Section) of universal waste; or  
1018  
1019           The owner or operator of a facility, including all contiguous property, that  
1020 receives universal waste from other universal waste handlers, accumulates  
1021 the universal waste, and sends that universal waste to another universal  
1022 waste handler, to a destination facility, or to a foreign destination.  
1023  
1024 "Universal waste handler" does not mean either of the following:  
1025  
1026           A person that treats (except under the provisions of Section  
1027 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles  
1028 universal waste; or  
1029  
1030           A person engaged in the off-site transportation of universal waste  
1031 by air, rail, highway, or water, including a universal waste transfer  
1032 facility.

1033  
1034 "Universal waste transporter" means a person engaged in the off-site  
1035 transportation of universal waste by air, rail, highway, or water.  
1036  
1037 "Unsaturated zone" or "zone of aeration" means the zone between the land surface  
1038 and the water table.  
1039  
1040 "Uppermost aquifer" means the geologic formation nearest the natural ground  
1041 surface that is an aquifer, as well as lower aquifers that are hydraulically  
1042 interconnected with this aquifer within the facility's property boundary.  
1043  
1044 "USDOT" or "Department of Transportation" means the United States  
1045 Department of Transportation.  
1046  
1047 "Used oil" means any oil that has been refined from crude oil, or any synthetic oil,  
1048 that has been used and as a result of such use is contaminated by physical or  
1049 chemical impurities.  
1050  
1051 "USEPA" or "EPA" means the United States Environmental Protection Agency.  
1052  
1053 "Vessel" includes every description of watercraft used or capable of being used as  
1054 a means of transportation on the water.  
1055  
1056 "Wastewater treatment unit" means a device of which the following is true:  
1057  
1058       It is part of a wastewater treatment facility that has an NPDES permit  
1059       pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or  
1060       authorization to discharge pursuant to 35 Ill. Adm. Code 310;  
1061  
1062       It receives and treats or stores an influent wastewater that is a hazardous  
1063       waste as defined in 35 Ill. Adm. Code 721.103, or generates and  
1064       accumulates a wastewater treatment sludge that is a hazardous waste as  
1065       defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater  
1066       treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code  
1067       721.103; and  
1068  
1069       It meets the definition of tank or tank system in this Section.  
1070  
1071 "Water (bulk shipment)" means the bulk transportation of hazardous waste that is  
1072 loaded or carried on board a vessel without containers or labels.  
1073  
1074 "Well" means any shaft or pit dug or bored into the earth, generally of a  
1075 cylindrical form, and often walled with bricks or tubing to prevent the earth from

1076 caving in.

1077

1078 "Well injection" (See "underground injection.")

1079

1080 "Zone of engineering control" means an area under the control of the owner or  
1081 operator that, upon detection of a hazardous waste release, can be readily cleaned  
1082 up prior to the release of hazardous waste or hazardous constituents to  
1083 groundwater or surface water.

1084

1085 (Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1087 **Section 720.111 References**

1088

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1118 Code 725.984.

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1120 "Guide for Inspection of Refinery Equipment," Chapter XIII,  
1121 "Atmospheric and Low Pressure Storage Tanks," 4<sup>th</sup> Edition, 1981,  
1122 reaffirmed December 1987, referenced in 35 Ill. Adm. Code 724.291,  
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1142 Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585:  
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- NFPA. Available from the National Fire Protection Association, 1 Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:
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1280 document number PB84-128677, referenced in 35 Ill. Adm. Code  
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BOARD NOTE: EPA-530/SW-846 is also available on the Internet for free download in segments in PDF format from the USEPA website at: [www.epa.gov/SW-846](http://www.epa.gov/SW-846).

OECD. Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France ([www.oecd.org](http://www.oecd.org)), also OECD Washington Center, 2001 L Street, NW, Suite 650, Washington, DC 20036-4922, 202-785-6323 or 800-456-6323 ([www.oecdwash.org](http://www.oecdwash.org)):

OECD "Amber List of Wastes," Appendix 4 to the OECD Council Decision C(92)39/Final (March 30, 1992, revised May 1993) (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations), USEPA-approved for 35 Ill. Adm. Code 722.189, referenced in 35 Ill. Adm. Code 722.181.

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OECD "Green List of Wastes," Appendix 3 to the OECD Council Decision C(92)39/Final (March 30, 1992, revised May 1994) (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations), USEPA-approved for 35 Ill. Adm. Code 722.189, referenced in 35 Ill. Adm. Code 722.181.

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OECD Guideline for Testing of Chemicals, "Ready Biodegradability,"

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1484  
1485 USDOD. Available from the United States Department of Defense:  
1486  
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1504 BOARD NOTE: DOD 6055.9-STD is available on-line for download in pdf  
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1510 USEPA, Office of Ground Water and Drinking Water. Available from United  
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1512 Programs Division, WH 550 E, Washington, D.C. 20460:

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1514 "Inventory of Injection Wells," USEPA Form 7520-16 (Revised 8-01),  
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1518 Injection Wells," USEPA publication number EPA-570/9-87-002, August  
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1522 USEPA (MD-14), Research Triangle Park, NC 27711:

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1526 450/R-92-019, USEPA-approved for Appendix I to 35 Ill. Adm. Code  
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1529 BOARD NOTE: EPA-454/R-92-019 is also available for purchase from  
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1531 document from the USEPA website at following Internet address:  
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1535 Agency, Region 6, Multimedia Permitting and Planning Division, 1445 Ross  
1536 Avenue, Dallas, TX 75202 (phone: 214-665-7430):

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1542  
1543 Government Bill of Lading (GBL) (GSA Standard Form 1103, rev 9/2003,  
1544 supplemented as necessary with GSA Standard Form 1109, rev 09/1998),  
1545 as in effect on November 8, 1995, referenced in Section 726.303.

- 1546                                    BOARD NOTE: Available on-line for download in various formats from  
 1547                                    www.gsa.gov/forms/forms.htm.  
 1548  
 1549                    b)    Code of Federal Regulations. Available from the Superintendent of Documents,  
 1550                                    U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:  
 1551  
 1552                                    10 CFR 20.2006 ~~(2007)~~(2006) (Transfer for Disposal and Manifests),  
 1553                                    referenced in 35 Ill. Adm. Code 702.110, 726.425, and 726.450.  
 1554  
 1555                                    Table II, column 2 in Appendix B to 10 CFR 20 ~~(2007)~~(2006) (Water  
 1556                                    Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110,  
 1557                                    730.103, and 730.151.  
 1558  
 1559                                    Appendix G to 10 CFR 20 ~~(2007)~~(2006) (Requirements for Transfers of  
 1560                                    Low-Level Radioactive Waste Intended for Disposal at Licensed Land  
 1561                                    Disposal Facilities and Manifests), referenced in 35 Ill. Adm. Code  
 1562                                    726.440.  
 1563  
 1564                                    10 CFR 71 ~~(2007)~~(2006) (Packaging and Transportation of Radioactive  
 1565                                    Material), referenced generally in 35 Ill. Adm. Code 726.430.  
 1566  
 1567                                    10 CFR 71.5 ~~(2007)~~(2006) (Transportation of Licensed Material),  
 1568                                    referenced in 35 Ill. Adm. Code 726.425.  
 1569  
 1570                                    33 CFR 153.203 ~~(2007)~~(2005), as amended at 70 Fed. Reg. 74669  
 1571                                    ~~(December 16, 2005)~~ (Procedure for the Notice of Discharge), referenced  
 1572                                    in 35 Ill. Adm. Code 723.130 and 739.143.  
 1573  
 1574                                    40 CFR 3.2 ~~(2007)~~, as added at 70 Fed. Reg. 59848 ~~(Oct. 13, 2005)~~ (How  
 1575                                    Does This Part Provide for Electronic Reporting?), referenced in Section  
 1576                                    720.104.  
 1577  
 1578                                    40 CFR 3.3 ~~(2007)~~, as added at 70 Fed. Reg. 59848 ~~(Oct. 13, 2005)~~ (What  
 1579                                    Definitions Are Applicable to This Part?), referenced in Section 720.104.  
 1580  
 1581                                    40 CFR 3.10 ~~(2007)~~, as added at 70 Fed. Reg. 59848 ~~(Oct. 13, 2005)~~  
 1582                                    (What Are the Requirements for Electronic Reporting to EPA?), referenced  
 1583                                    in Section 720.104.  
 1584  
 1585                                    40 CFR 3.2000 ~~(2007)~~, as added at 70 Fed. Reg. 59848 ~~(Oct. 13, 2005)~~  
 1586                                    (What Are the Requirements Authorized State, Tribe, and Local Programs'  
 1587                                    Reporting Systems Must Meet?), referenced in Section 720.104.  
 1588

1589 40 CFR 51.100(ii) ~~(2007)~~(2005) (Definitions), referenced in 35 Ill. Adm.  
1590 Code 726.200.

1591  
1592 Appendix W to 40 CFR 51 ~~(2007)~~(2005), as amended at 70 Fed. Reg.  
1593 68218 ~~(November 9, 2005)~~ (Guideline on Air Quality Models), referenced  
1594 in 35 Ill. Adm. Code 726.204.

1595  
1596 BOARD NOTE: Also available from NTIS (see above for contact  
1597 information) as "Guideline on Air Quality Models," Revised 1986,  
1598 USEPA publication number EPA 450/12-78-027R, NTIS document  
1599 numbers PB86-245248 (Guideline) and PB88-150958 (Supplement).

1600  
1601 Appendix B to 40 CFR 52.741 ~~(2007)~~(2005) (VOM Measurement  
1602 Techniques for Capture Efficiency), referenced in 35 Ill. Adm. Code  
1603 703.213, 703.352, 724.982, 724.984, 724.986, 724.989, 725.983, 725.985,  
1604 725.987, and 725.990.

1605  
1606 40 CFR 60 ~~(2007)~~(2005), as amended at 70 Fed. Reg. 51266 (Aug. 30,  
1607 2005), 70 Fed. Reg. 55568 (Sep. 22, 2005), 70 Fed. Reg. 59848 (Oct. 13,  
1608 2005), 70 Fed. Reg. 73138 (Dec. 9, 2005), 70 Fed. Reg. 74679 (Dec. 16,  
1609 2005), and 70 Fed. Reg. 74870 (Dec. 16, 2005) (Standards of Performance  
1610 for New Stationary Sources), referenced generally in 35 Ill. Adm. Code  
1611 724.964, 724.980, 725.964, and 725.980.

1612  
1613 Subpart VV of 40 CFR 60 ~~(2007)~~(2005) (Standards of Performance for  
1614 Equipment Leaks of VOC in the Synthetic Organic Chemicals  
1615 Manufacturing Industry), referenced in 35 Ill. Adm. Code 724.989 and  
1616 725.990.

1617  
1618 Appendix A to 40 CFR 60 ~~(2007)~~(2005) (Test Methods), referenced  
1619 generally in 35 Ill. Adm. Code 726.205 (in addition to the references cited  
1620 below for specific methods):

1621  
1622 Method 1 (Sample and Velocity Traverses for Stationary Sources),  
1623 referenced in 35 Ill. Adm. Code 726.205.

1624  
1625 Method 2 (Determination of Stack Gas Velocity and Volumetric  
1626 Flow Rate (Type S Pitot Tube)), referenced in 35 Ill. Adm. Code  
1627 724.933, 724.934, 725.933, 725.934, and 726.205.

1628  
1629 Method 2A (Direct Measurement of Gas Volume through Pipes  
1630 and Small Ducts), referenced in 35 Ill. Adm. Code 724.933,  
1631 725.933, and 726.205.

1632  
1633 Method 2B (Determination of Exhaust Gas Volume Flow Rate  
1634 from Gasoline Vapor Incinerators), referenced in 35 Ill. Adm.  
1635 Code 726.205.  
1636  
1637 Method 2C (Determination of Gas Velocity and Volumetric Flow  
1638 Rate in Small Stacks or Ducts (Standard Pitot Tube)), referenced in  
1639 35 Ill. Adm. Code 724.933, 725.933, and 726.205.  
1640  
1641 Method 2D (Measurement of Gas Volume Flow Rates in Small  
1642 Pipes and Ducts), referenced in 35 Ill. Adm. Code 724.933,  
1643 725.933, and 726.205.  
1644  
1645 Method 2E (Determination of Landfill Gas Production Flow Rate),  
1646 referenced in 35 Ill. Adm. Code 726.205.  
1647  
1648 Method 2F (Determination of Stack Gas Velocity and Volumetric  
1649 Flow Rate with Three-Dimensional Probes), referenced in 35 Ill.  
1650 Adm. Code 726.205.  
1651  
1652 Method 2G (Determination of Stack Gas Velocity and Volumetric  
1653 Flow Rate with Two-Dimensional Probes), referenced in 35 Ill.  
1654 Adm. Code 726.205.  
1655  
1656 Method 2H (Determination of Stack Gas Velocity Taking into  
1657 Account Velocity Decay Near the Stack Wall), referenced in 35 Ill.  
1658 Adm. Code 726.205.  
1659  
1660 Method 3 (Gas Analysis for the Determination of Dry Molecular  
1661 Weight), referenced in 35 Ill. Adm. Code 724.443 and 726.205.  
1662  
1663 Method 3A (Determination of Oxygen and Carbon Dioxide  
1664 Concentrations in Emissions from Stationary Sources  
1665 (Instrumental Analyzer Procedure)), referenced in 35 Ill. Adm.  
1666 Code 726.205.  
1667  
1668 Method 3B (Gas Analysis for the Determination of Emission Rate  
1669 Correction Factor or Excess Air), referenced in 35 Ill. Adm. Code  
1670 726.205.  
1671  
1672 Method 3C (Determination of Carbon Dioxide, Methane, Nitrogen,  
1673 and Oxygen from Stationary Sources), referenced in 35 Ill. Adm.  
1674 Code 726.205.

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- Method 4 (Determination of Moisture Content in Stack Gases),  
referenced in 35 Ill. Adm. Code 726.205.
- Method 5 (Determination of Particulate Matter Emissions from  
Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.
- Method 5A (Determination of Particulate Matter Emissions from  
the Asphalt Processing and Asphalt Roofing Industry), referenced  
in 35 Ill. Adm. Code 726.205.
- Method 5B (Determination of Nonsulfuric Acid Particulate Matter  
Emissions from Stationary Sources), referenced in 35 Ill. Adm.  
Code 726.205.
- Method 5D (Determination of Particulate Matter Emissions from  
Positive Pressure Fabric Filters), referenced in 35 Ill. Adm. Code  
726.205.
- Method 5E (Determination of Particulate Matter Emissions from  
the Wool Fiberglass Insulation Manufacturing Industry),  
referenced in 35 Ill. Adm. Code 726.205.
- Method 5F (Determination of Nonsulfate Particulate Matter  
Emissions from Stationary Sources), referenced in 35 Ill. Adm.  
Code 726.205.
- Method 5G (Determination of Particulate Matter Emissions from  
Wood Heaters (Dilution Tunnel Sampling Location)), referenced  
in 35 Ill. Adm. Code 726.205.
- Method 5H (Determination of Particulate Emissions from Wood  
Heaters from a Stack Location), referenced in 35 Ill. Adm. Code  
726.205.
- Method 5I (Determination of Low Level Particulate Matter  
Emissions from Stationary Sources), referenced in 35 Ill. Adm.  
Code 726.205.
- Method 18 (Measurement of Gaseous Organic Compound  
Emissions by Gas Chromatography), referenced in 35 Ill. Adm.  
Code 724.933, 724.934, 725.933, and 725.934.

- 1718 Method 21 (Determination of Volatile Organic Compound Leaks),  
 1719 referenced in 35 Ill. Adm. Code 703.213, 724.934, 724.935,  
 1720 724.963, 725.934, 725.935, 725.963, and 725.984.  
 1721
- 1722 Method 22 (Visual Determination of Fugitive Emissions from  
 1723 Material Sources and Smoke Emissions from Flares), referenced in  
 1724 35 Ill. Adm. Code 724.933, 724.1101, 725.933, 725.1101, and  
 1725 727.900.  
 1726
- 1727 Method 25A (Determination of Total Gaseous Organic  
 1728 Concentration Using a Flame Ionization Analyzer), referenced in  
 1729 35 Ill. Adm. Code 724.934 and 725.985.  
 1730
- 1731 Method 25D (Determination of the Volatile Organic Concentration  
 1732 of Waste Samples), referenced in 35 Ill. Adm. Code 724.982,  
 1733 725.983, and 725.984.  
 1734
- 1735 Method 25E (Determination of Vapor Phase Organic  
 1736 Concentration in Waste Samples), referenced in 35 Ill. Adm. Code  
 1737 725.984.  
 1738
- 1739 Method 27 (Determination of Vapor Tightness of Gasoline  
 1740 Delivery Tank Using Pressure-Vacuum Test), referenced in 35 Ill.  
 1741 Adm. Code 724.987 and 725.987.  
 1742
- 1743 40 CFR 61 ~~(2007)(2005)~~, as amended at 70 Fed. Reg. 73138 (Dec. 9,  
 1744 2005) and 70 Fed. Reg. 73595 (Dec. 13, 2005) (National Emission  
 1745 Standards for Hazardous Air Pollutants), referenced generally in 35 Ill.  
 1746 Adm. Code 725.933, 725.964, and 725.980.  
 1747
- 1748 Subpart V of 40 CFR 61 ~~(2007)(2005)~~ (National Emission Standard for  
 1749 Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm.  
 1750 Code 724.989 and 725.990.  
 1751
- 1752 Subpart FF of 40 CFR 61 ~~(2007)(2005)~~ (National Emission Standard for  
 1753 Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and  
 1754 725.983.  
 1755
- 1756 40 CFR 63 ~~(2007)(2005)~~, as amended at 70 Fed. Reg. 38554 (July 1,  
 1757 2005), 70 Fed. Reg. 38780 (July 6, 2005), 70 Fed. Reg. 39426 (July 8,  
 1758 2005), 70 Fed. Reg. 39662 (July 11, 2005), 70 Fed. Reg. 40672 (July 14,  
 1759 2005), 70 Fed. Reg. 44285 (Aug. 2, 2005), 70 Fed. Reg. 46684 (Aug. 10,  
 1760 2005), 70 Fed. Reg. 50118 (Aug. 25, 2005), 70 Fed. Reg. 51269 (Aug. 30,

1761 2005), 70 Fed. Reg. 57513 (Oct. 3, 2005), 70 Fed. Reg. 59402 (Oct. 12,  
 1762 2005), 70 Fed. Reg. 59848 (Oct. 13, 2005), 70 Fed. Reg. 66280 (Nov. 2,  
 1763 2005), 70 Fed. Reg. 73138 (Dec. 9, 2005), 70 Fed. Reg. 73595 (Dec. 13,  
 1764 2005), 70 Fed. Reg. 75042 (Dec. 19, 2005), 70 Fed. Reg. 75047 (Dec. 19,  
 1765 2005), 70 Fed. Reg. 75320 (Dec. 19, 2005), 70 Fed. Reg. 75924 (Dec. 21,  
 1766 2005), 70 Fed. Reg. 76918 (Dec. 28, 2005), and 71 Fed. Reg. 14655 (Mar.  
 1767 23, 2006) (National Emission Standards for Hazardous Air Pollutants for  
 1768 Source Categories), referenced generally in 35 Ill. Adm. Code 725.933,  
 1769 725.964, and 725.980.

1770

1771 Subpart RR of 40 CFR 63 (2007)(2005) (National Emission Standards for  
 1772 Individual Drain Systems), referenced in 35 Ill. Adm. Code 724.982,  
 1773 724.984, 724.985, 725.983, 725.985, and 725.986.

1774

1775 Subpart EEE of 40 CFR 63 (2000) (National Emission Standards for  
 1776 Hazardous Air Pollutants from Hazardous Waste Combustors), referenced  
 1777 in 35 Ill. Adm. Code 703.280.

1778

1779 Subpart EEE of 40 CFR 63 (2007)(2005), as amended at 70 Fed. Reg.  
 1780 59402 (Oct. 12, 2005), 70 Fed. Reg. 75042 (Dec. 19, 2005), and 71 Fed.  
 1781 Reg. 14655 (Mar. 23, 2006) (National Emission Standards for Hazardous  
 1782 Air Pollutants from Hazardous Waste Combustors) (includes 40 CFR  
 1783 63.1206 (When and How Must You Comply with the Standards and  
 1784 Operating Requirements?), 63.1215 (What are the Health-Based  
 1785 Compliance Alternatives for Total Chlorine?), 63.1216 (What are the  
 1786 Standards for Solid-Fuel Boilers that Burn Hazardous Waste?), 63.1217  
 1787 (What are the Standards for Liquid-Fuel Boilers that Burn Hazardous  
 1788 Waste?), 63.1218 (What are the Standards for Hydrochloric Acid  
 1789 Production Furnaces that Burn Hazardous Waste?), 63.1219 (What are the  
 1790 Replacement Standards for Hazardous Waste Incinerators?), 63.1220  
 1791 (What are the Replacement Standards for Hazardous Waste-Burning  
 1792 Cement Kilns?), and 63.1221 (What are the Replacement Standards for  
 1793 Hazardous Waste-Burning Lightweight Aggregate Kilns?)), referenced in  
 1794 Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 703.155,  
 1795 703.205, 703.208, 703.221, 703.232, 703.320, 703.280, 724.440, 724.701,  
 1796 724.950, 725.440, and 726.200.

1797

1798 Method 301 (Field Validation of Pollutant Measurement Methods from  
 1799 Various Waste Media) in appendix A to 40 CFR 63 (2007)(2005) (Test  
 1800 Methods), referenced in 35 Ill. Adm. Code 725.984.

1801

1802 Appendix C to 40 CFR 63 ~~(2007)~~(2005) (Determination of the Fraction  
 1803 Biodegraded ( $F_{bio}$ ) in a Biological Treatment Unit), referenced in 35 Ill.  
 1804 Adm. Code 725.984.  
 1805  
 1806 Appendix D to 40 CFR 63 ~~(2007)~~(2005) (Test Methods), referenced in 35  
 1807 Ill. Adm. Code 725.984.  
 1808  
 1809 40 CFR 136.3 (Identification of Test Procedures) ~~(2007)~~(2005), referenced  
 1810 in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.  
 1811  
 1812 40 CFR 144.70 ~~(2007)~~(2005) (Wording of the Instruments), referenced in  
 1813 35 Ill. Adm. Code 704.240.  
 1814  
 1815 40 CFR 232.2 ~~(2007)~~(2005) (Definitions), referenced in 35 Ill. Adm. Code  
 1816 721.104.  
 1817  
 1818 40 CFR 257 ~~(2007)~~(2005), as amended at 70 Fed. Reg. 59848 (Oct. 13,  
 1819 2005) (Criteria for Classification of Solid Waste Disposal Facilities and  
 1820 Practices), referenced in 35 Ill. Adm. Code 739.181.  
 1821  
 1822 40 CFR 258 ~~(2007)~~(2005), as amended at 70 Fed. Reg. 44150 (Aug. 1,  
 1823 2005) and 70 Fed. Reg. 59848 (Oct. 13, 2005) (Criteria for Municipal  
 1824 Solid Waste Landfills), referenced in 35 Ill. Adm. Code 739.181.  
 1825  
 1826 40 CFR 260.21 ~~(2007)~~(2005) (Alternative Equivalent Testing Methods),  
 1827 referenced in Section 720.121.  
 1828  
 1829 Appendix I to 40 CFR 260 ~~(2007)~~(2005) (Overview of Subtitle C  
 1830 Regulations), referenced in Appendix A to 35 Ill. Adm. Code 720.  
 1831  
 1832 Appendix III to 40 CFR 261 ~~(2007)~~(2005) (Chemical Analysis Test  
 1833 Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.  
 1834  
 1835 40 CFR 262.53 ~~(2007)~~(2005) (Notification of Intent to Export), referenced  
 1836 in 35 Ill. Adm. Code 722.153.  
 1837  
 1838 40 CFR 262.54 ~~(2007)~~(2005) (Special Manifest Requirements), and as  
 1839 amended at 70 Fed. Reg. 10776 (March 4, 2005), referenced in 35 Ill.  
 1840 Adm. Code 722.154.  
 1841  
 1842 40 CFR 262.55 ~~(2007)~~(2005) (Exception Reports), referenced in 35 Ill.  
 1843 Adm. Code 722.155.  
 1844

1845 40 CFR 262.56 (2007)~~(2005)~~ (Annual Reports), referenced in 35 Ill. Adm.  
 1846 Code 722.156.  
 1847  
 1848 40 CFR 262.57 (2007)~~(2005)~~ (Recordkeeping), referenced in 35 Ill. Adm.  
 1849 Code 722.157.  
 1850  
 1851 Appendix to 40 CFR 262 (2007)~~(2005)~~ (Uniform Hazardous Waste  
 1852 Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their  
 1853 Instructions)), ~~and as amended at 70 Fed. Reg. 10776 (March 4, 2005)~~,  
 1854 referenced in Appendix A to 35 Ill. Adm. Code 722 and 35 Ill. Adm. Code  
 1855 724.986 and 725.987.  
 1856  
 1857 40 CFR 264.151 (2007)~~(2005)~~ (Wording of the Instruments), referenced in  
 1858 35 Ill. Adm. Code 724.251 and 727.240.  
 1859  
 1860 Appendix I to 40 CFR 264 (2007)~~(2005)~~ (Recordkeeping Instructions),  
 1861 referenced in Appendix A to 35 Ill. Adm. Code 724.  
 1862  
 1863 Appendix IV to 40 CFR 264 (2007)~~(2005)~~ (Cochran's Approximation to  
 1864 the Behrens-Fisher Students' T-Test), referenced in Appendix D to 35 Ill.  
 1865 Adm. Code 724.  
 1866  
 1867 Appendix V to 40 CFR 264 (2007)~~(2005)~~ (Examples of Potentially  
 1868 Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724  
 1869 and 35 Ill. Adm. Code 727.270.  
 1870  
 1871 Appendix VI to 40 CFR 264 (2007)~~(2005)~~ (Political Jurisdictions in  
 1872 Which Compliance with §264.18(a) Must Be Demonstrated), referenced in  
 1873 35 Ill. Adm. Code 703.306 and 724.118.  
 1874  
 1875 Appendix I to 40 CFR 265 (2007)~~(2005)~~ (Recordkeeping Instructions),  
 1876 referenced in Appendix A to 35 Ill. Adm. Code 725.  
 1877  
 1878 Appendix III to 40 CFR 265 (2007)~~(2005)~~ (EPA Interim Primary Drinking  
 1879 Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.  
 1880  
 1881 Appendix IV to 40 CFR 265 (2007)~~(2005)~~ (Tests for Significance),  
 1882 referenced in Appendix D to 35 Ill. Adm. Code 725.  
 1883  
 1884 Appendix V to 40 CFR 265 (2007)~~(2005)~~ (Examples of Potentially  
 1885 Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.330,  
 1886 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm. Code 725.  
 1887

1888 Appendix IX to 40 CFR 266 (2007)(2005) (Methods Manual for  
1889 Compliance with the BIF Regulations), referenced generally in Appendix I  
1890 to 35 Ill. Adm. Code 726.  
1891  
1892 Section 4.0 (Procedures for Estimating the Toxicity Equivalence of  
1893 Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners),  
1894 referenced in 35 Ill. Adm. Code 726.200 and 726.204.  
1895  
1896 Section 5.0 (Hazardous Waste Combustion Air Quality Screening  
1897 Procedure), referenced in 35 Ill. Adm. Code 726.204.  
1898  
1899 Section 7.0 (Statistical Methodology for Bevill Residue  
1900 Determinations), referenced in 35 Ill. Adm. Code 726.212.  
1901  
1902 BOARD NOTE: Also available from NTIS (see above for contact  
1903 information) as "Methods Manual for Compliance with BIF Regulations:  
1904 Burning Hazardous Waste in Boilers and Industrial Furnaces," December  
1905 1990, USEPA publication number EPA 530/SW-91-010, NTIS document  
1906 number PB91-120006.  
1907  
1908 40 CFR 270.5 (2007)(2005) (Noncompliance and Program Reporting by  
1909 the Director), referenced in 35 Ill. Adm. Code 703.305.  
1910  
1911 40 CFR 761 (2007)(2005) (Polychlorinated Biphenyls (PCBs)  
1912 Manufacturing, Processing, Distribution in Commerce, and Use  
1913 Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.  
1914  
1915 40 CFR 761.3 (2007)(2005) (Definitions), referenced in 35 Ill. Adm. Code  
1916 728.102 and 739.110.  
1917  
1918 40 CFR 761.60 (2007)(2005) (Disposal Requirements), referenced in 35  
1919 Ill. Adm. Code 728.142.  
1920  
1921 40 CFR 761.65 (2007)(2005) (Storage for Disposal), referenced in 35 Ill.  
1922 Adm. Code 728.150.  
1923  
1924 40 CFR 761.70 (2007)(2005) (Incineration), referenced in 35 Ill. Adm.  
1925 Code 728.142.  
1926  
1927 Subpart B of 49 CFR 107 (2007)(2005), as amended at 70 Fed. Reg.  
1928 73156 (Dec. 9, 2005) (Exemptions), referenced generally in 35 Ill. Adm.  
1929 Code 724.986 and 725.987.  
1930

1931 49 CFR 171 ~~(2007)~~(2005), as amended at 70 Fed. Reg. 73156 (Dec. 9,  
1932 2005) (General Information, Regulations, and Definitions), referenced  
1933 generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.  
1934  
1935 49 CFR 171.3 ~~(2007)~~(2005) (Hazardous Waste), referenced in 35 Ill.  
1936 Adm. Code 722.133.  
1937  
1938 49 CFR 171.8 ~~(2007)~~(2005), as amended at 70 Fed. Reg. 20018 (July 28,  
1939 2005) and 70 Fed. Reg. 73156 (Dec. 9, 2005) (Definitions and  
1940 Abbreviations), referenced in 35 Ill. Adm. Code 733.118, 733.138,  
1941 733.152, 733.155, and 739.143.  
1942  
1943 49 CFR 171.15 ~~(2007)~~(2005) (Immediate Notice of Certain Hazardous  
1944 Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and  
1945 739.143.  
1946  
1947 49 CFR 171.16 ~~(2007)~~(2005) (Detailed Hazardous Materials Incident  
1948 Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.  
1949  
1950 49 CFR 172 ~~(2007)~~(2005), as amended at 70 Fed. Reg. 73156 (Dec. 9,  
1951 2005) (Hazardous Materials Table, Special Provisions, Hazardous  
1952 Materials Communications, Emergency Response Information, and  
1953 Training Requirements), referenced generally in 35 Ill. Adm. Code  
1954 722.131, 722.132, 724.986, 725.987, 733.114, 733.118, 733.134, 733.138,  
1955 733.152, 733.155, and 739.143.  
1956  
1957 49 CFR 172.304 ~~(2007)~~(2005) (Marking Requirements), referenced in 35  
1958 Ill. Adm. Code 722.132.  
1959  
1960 Subpart F of 49 CFR 172 ~~(2007)~~(2005) (Placarding), referenced in 35 Ill.  
1961 Adm. Code 722.133.  
1962  
1963 49 CFR 173 ~~(2007)~~(2005), as amended at 70 Fed. Reg. 73156 (Dec. 9,  
1964 2005) (Shippers – General Requirements for Shipments and Packages),  
1965 referenced generally in 35 Ill. Adm. Code 722.130, 724.986, 724.416,  
1966 725.987, 733.118, 733.138, 733.152, and 739.143.  
1967  
1968 49 CFR 173.2 ~~(2007)~~(2005) (Hazardous Materials Classes and Index to  
1969 Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.  
1970  
1971 49 CFR 173.12 ~~(2007)~~(2005) (Exceptions for Shipments of Waste  
1972 Materials), referenced in 35 Ill. Adm. Code 724.416, 724.986, and  
1973 725.987.

1974	
1975	49 CFR 173.28 <del>(2007)</del> (2005) (Reuse, Reconditioning, and Remanufacture of Packagings), referenced in 35 Ill. Adm. Code 725.273.
1976	
1977	
1978	49 CFR 173.50 <del>(2007)</del> (2005) (Class 1 – Definitions), referenced in 35 Ill. Adm. Code 721.124.
1979	
1980	
1981	49 CFR 173.54 <del>(2006)</del> (2005) (Forbidden Explosives), referenced in 35 Ill. Adm. Code 721.124.
1982	
1983	
1984	49 CFR 173.115 <del>(2007)</del> (2005) (Class 2, Divisions 2.1, 2.2, and 2.3 – Definitions), referenced in 35 Ill. Adm. Code 721.121.
1985	
1986	
1987	<del>49 CFR 173.127 (2005) (Class 5, Division 5.1 – Definition and Assignment of Packaging Groups), referenced in 35 Ill. Adm. Code 721.121.</del>
1988	
1989	
1990	
1991	49 CFR 174 <del>(2007)</del> (2005), as amended at 70 Fed. Reg. 73156 (Dec. 9, 2005) (Carriage by Rail), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.
1992	
1993	
1994	
1995	49 CFR 175 <del>(2007)</del> (2005), as amended at 70 Fed. Reg. 73156 (Dec. 9, 2005) (Carriage by Aircraft), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.
1996	
1997	
1998	
1999	49 CFR 176 <del>(2007)</del> (2005), as amended at 70 Fed. Reg. 73156 (Dec. 9, 2005) (Carriage by Vessel), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.
2000	
2001	
2002	
2003	49 CFR 177 <del>(2007)</del> (2005), as amended at 70 Fed. Reg. 73156 (Dec. 9, 2005) (Carriage by Public Highway), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.
2004	
2005	
2006	
2007	49 CFR 178 <del>(2007)</del> (2005), as amended at 70 Fed. Reg. 73156 (Dec. 9, 2005) (Specifications for Packagings), referenced generally in 35 Ill. Adm. Code 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.
2008	
2009	
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2011	
2012	49 CFR 179 <del>(2007)</del> (2005), as amended at 70 Fed. Reg. 73156 (Dec. 9, 2005) (Specifications for Tank Cars), referenced in 35 Ill. Adm. Code 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.
2013	
2014	
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2016	

2017 49 CFR 180 ~~(2006)~~(2005), as amended at 70 Fed. Reg. 73156 (Dec. 9,  
2018 2005) (Continuing Qualification and Maintenance of Packagings),  
2019 referenced generally in 35 Ill. Adm. Code 724.986, 725.987, 733.118,  
2020 733.138, 733.152, and 739.143.

2021  
2022 c) Federal Statutes:

2023  
2024 Section 11 of the Atomic Energy Act of 1954 (42 USC 2014), as amended  
2025 through January 3, 2005~~January 23, 2000~~, referenced in 35 Ill. Adm. Code  
2026 721.104 and 726.310.

2027  
2028 Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and  
2029 Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 360b(j)), as amended  
2030 through January 3, 2005~~January 2, 2001~~, referenced in Section 720.110  
2031 and 35 Ill. Adm. Code 733.109.

2032  
2033 Section 1412 of the Department of Defense Authorization Act of 1986,  
2034 Pub. L. 99-145 (50 USC 1521(j)(1)), as amended through January 3,  
2035 2005~~January 23, 2000~~, referenced in 35 Ill. Adm. Code 726.301.

2036  
2037 d) This Section incorporates no later editions or amendments.

2038  
2039 (Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2040  
2041 SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

2042  
2043 **Section 720.131 Solid Waste Determinations**

2044  
2045 a) The Board will determine that those materials that are accumulated speculatively  
2046 without sufficient amounts being recycled are not solid wastes if the applicant  
2047 demonstrates that sufficient amounts of the material will be recycled or  
2048 transferred for recycling in the following year. Such a determination is valid only  
2049 for the following year, but can be renewed, on an annual basis, by filing a new  
2050 application. This determination will be based on the following criteria:

- 2051  
2052 1) The manner in which the material is expected to be recycled, when the  
2053 material is expected to be recycled, and whether this expected disposition  
2054 is likely to occur (for example, because of past practice, market factors,  
2055 the nature of the material or contractual arrangements for recycling);  
2056  
2057 2) The reason that the applicant has accumulated the material for one or more  
2058 years without recycling 75 percent of the volume accumulated at the  
2059 beginning of the year;

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- 3) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;
- 4) The extent to which the material is handled to minimize loss; and
- 5) Other relevant factors.

b) The Board will determine that those materials that are reclaimed and then reused as feedstock within the original production process in which the materials were generated are not solid wastes if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:

- 1) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;
- ~~2) The prevalence of the practice on an industry-wide basis;~~
- ~~23) The extent to which the material is handled before reclamation to minimize loss;~~
- ~~34) The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;~~
- ~~45) The location of the reclamation operation in relation to the production process;~~
- ~~56) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;~~
- ~~67) Whether the person that generates the material also reclaims it; and~~
- ~~78) Other relevant factors.~~

c) The Board will determine that those materials that have been reclaimed but must be reclaimed further before recovery is completed are not solid wastes if, after initial reclamation, the resulting material is commodity-like (even though it is not yet a commercial product, and has to be reclaimed further). This determination will be based on the following criteria:

- 2103 1) The degree of processing the material has undergone and the degree of  
2104 further processing that is required;
- 2105
- 2106 2) The value of the material after it has been reclaimed;
- 2107
- 2108 3) The degree to which the reclaimed material is like an analogous raw  
2109 material;
- 2110
- 2111 4) The extent to which an end market for the reclaimed material is  
2112 guaranteed;
- 2113
- 2114 5) The extent to which the reclaimed material is handled to minimize loss;  
2115 and
- 2116
- 2117 6) Other relevant factors.
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2119 (Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2120  
2121 **Section 720.140 Additional Regulation of Certain Hazardous Waste Recycling Activities**  
2122 **on a Case-by-Case Basis**  
2123

2124 a) The Agency may decide on a case-by-case basis that persons accumulating or  
2125 storing the recyclable materials described in 35 Ill. Adm. Code  
2126 721.106(a)(2)(C)~~721.106(a)(2)(D)~~ should be regulated pursuant to 35 Ill. Adm.  
2127 Code 721.106(b) and (c) rather than pursuant to the provisions of Subpart F of 35  
2128 Ill. Adm. Code 726. The basis for this decision is that the materials are being  
2129 accumulated or stored in a manner that does not protect human health and the  
2130 environment because the materials or their toxic constituents have not been  
2131 adequately contained, or because the materials being accumulated or stored  
2132 together are incompatible. In making this decision, the Agency must consider the  
2133 following factors:

- 2134
- 2135 1) The types of materials accumulated or stored and the amounts  
2136 accumulated or stored;
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- 2138 2) The method of accumulation or storage;
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- 2140 3) The length of time the materials have been accumulated or stored before  
2141 being reclaimed;
- 2142
- 2143 4) Whether any contaminants are being released into the environment, or are  
2144 likely to be so released; and
- 2145

2146 5) Other relevant factors.

2147

2148 b) The procedures for this decision are set forth in Section 720.141.

2149

2150 (Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2151

2152 **Section 720.141 Procedures for Case-by-Case Regulation of Hazardous Waste Recycling**  
 2153 **Activities**

2154

2155 The Agency must use the following procedures when determining whether to regulate hazardous  
 2156 waste recycling activities described in 35 Ill. Adm. Code ~~721.106(a)(2)(C)~~721.106(a)(2)(D)  
 2157 under the provisions of 35 Ill. Adm. Code 721.106(b) and (c) rather than under the provisions of  
 2158 Subpart F of 35 Ill. Adm. Code 726.

2159

2160 a) If a generator is accumulating the waste, the Agency must issue a notice setting  
 2161 forth the factual basis for the decision and stating that the person must comply  
 2162 with the applicable requirements of Subparts A, C, D and E of 35 Ill. Adm. Code  
 2163 722. The notice will become final within 30 days, unless the person served  
 2164 requests a public hearing to challenge the decision. Upon receiving such a  
 2165 request, the Agency must hold a public hearing. The Agency must provide notice  
 2166 of the hearing to the public and allow public participation at the hearing. The  
 2167 Agency must issue a final written memorandum of decision after the hearing  
 2168 stating whether or not compliance with 35 Ill. Adm. Code 722 is required, and  
 2169 setting forth the reasons for the Agency's decision, including all findings of fact  
 2170 and conclusions of law. Such memorandum of decision will constitute a final  
 2171 administrative action, and may be appealed to the Board. The decision becomes  
 2172 effective 35 days after service of the decision unless the Agency specifies a later  
 2173 date or unless an appeal has been filed with the Board. The decision may be  
 2174 appealed to the Board by any person who participated in the hearing. Proceedings  
 2175 before the Board must be in general accordance with the rules set forth in 35 Ill.  
 2176 Adm. Code 105.

2177

2178 b) If the person is accumulating the recyclable material as a storage facility, the  
 2179 notice must state that the person must obtain a permit in accordance with all  
 2180 applicable provisions of 35 Ill. Adm. Code 702, 703, and 705. The owner or  
 2181 operator of the facility must apply for a permit within no less than 60 days and no  
 2182 more than six months of notice, as specified in the notice. If the owner or  
 2183 operator of the facility wishes to challenge the Agency's decision, it may do so in  
 2184 its permit application, in a public hearing held on the draft permit, or in comments  
 2185 filed on the draft permit or on the notice of intent to deny the permit. The fact  
 2186 sheet accompanying the permit will specify the reasons for the Agency's  
 2187 determination. The question of whether the Agency's decision was proper will  
 2188 remain open for consideration during the public comment period discussed under

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2189                    Subparts D and E of 35 Ill. Adm. Code 705, and in any subsequent hearing.  
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2191                    (Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)