

EXEMPT

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

6 PART 727
7 STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
8 FACILITIES OPERATING UNDER A RCRA STANDARDIZED PERMIT
9

10 Section

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31 727.TABLE B Correlation of State RCRA Standardized Permit Provisions to
32 Federal Provisions

33
34 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the
35 Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].
36

37 SOURCE: Adopted in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1146, effective December 20,
38 2006; amended in R07-5/R07-14 at 32 Ill. Reg. _____, effective _____.
39

40 **Section 727.170 Recordkeeping, Reporting, and Notifying**

- 41
42 a) Applicability of this Section. This Section applies to the owner and operator of a
43 facility that stores or non-thermally treats a hazardous waste under a RCRA

44 standardized permit pursuant to Subpart J of 35 Ill. Adm. Code 703, except as
 45 provided in Section 727.100(a)(2). In addition, the owner or operator must
 46 comply with the manifest requirements of 35 Ill. Adm. Code 722 whenever a
 47 shipment of hazardous waste is initiated from the facility.
 48

49 BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR 267.70,
 50 as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).
 51

52 b) Use of the manifest system.
 53

54 1) If a facility receives hazardous waste accompanied by a manifest, the
 55 owner or operator, or its agent, must do each of the following:
 56

57 A) It must sign and date each copy of the manifest to certify that the
 58 hazardous waste covered by the manifest was received;
 59

60 B) It must note any significant discrepancies in the manifest (as
 61 defined in Section 727.170(c)(1)) on each copy of the manifest;
 62

63 C) It must immediately give the transporter at least one copy of the
 64 signed manifest;
 65

66 D) Within 30 days after the delivery, it must send a copy of the
 67 manifest to the generator; and
 68

69 E) It must retain at the facility a copy of each manifest for at least
 70 three years from the date of delivery.
 71

72 2) If a facility receives, from a rail or water (bulk shipment) transporter,
 73 hazardous waste that is accompanied by a shipping paper containing all
 74 the information required on the manifest (excluding the USEPA
 75 identification numbers, generator's certification, and signatures), the
 76 owner or operator, or its agent, must do each of the following:
 77

78 A) It must sign and date each copy of the manifest or shipping paper
 79 (if the manifest has not been received) to certify that the hazardous
 80 waste covered by the manifest or shipping paper was received;
 81

82 B) It must note any significant discrepancies (as defined in Section
 83 727.170(c)(1)) in the manifest or shipping paper (if the manifest
 84 has not been received) on each copy of the manifest or shipping
 85 paper;
 86

87 BOARD NOTE: USEPA does not intend that the owner or
88 operator of a facility whose procedures pursuant to Section
89 727.110(d)(3) include waste analysis must perform that analysis
90 before signing the shipping paper and giving it to the transporter.
91 Section 727.170(c)(2), however, requires reporting an unreconciled
92 discrepancy discovered during later analysis.
93

94 C) It must immediately give the rail or water (bulk shipment)
95 transporter at least one copy of the manifest or shipping paper (if
96 the manifest has not been received);
97

98 D) Within 30 days after the delivery, it must send a copy of the signed
99 and dated manifest to the generator; however, if the manifest has
100 not been received within 30 days after delivery, the owner or
101 operator, or its agent, must send a copy of the shipping paper
102 signed and dated to the generator; and
103

104 BOARD NOTE: Section 722.123(c) requires the generator to send
105 three copies of the manifest to the facility when hazardous waste is
106 sent by rail or water (bulk shipment).
107

108 E) It must retain at the facility a copy of the manifest and shipping
109 paper (if signed in lieu of the manifest at the time of delivery) for
110 at least three years from the date of delivery.
111

112 3) Whenever a shipment of hazardous waste is initiated from a facility, the
113 facility owner or operator must comply with the requirements of 35 Ill.
114 Adm. Code 722.
115

116 BOARD NOTE: The provisions of 35 Ill. Adm. Code 724.134 are
117 applicable to the on-site accumulation of hazardous wastes by generators.
118 Therefore, the provisions of 35 Ill. Adm. Code 724.134 apply only to an
119 owner or operator that is shipping hazardous waste that it generated at that
120 facility.
121

122 4) Within three working days after the receipt of a shipment subject to
123 Subpart H of 35 Ill. Adm. Code 722 the owner or operator of the facility
124 must provide a copy of the tracking document bearing all required
125 signatures to the notifier, to the Agency, to the Office of Enforcement and
126 Compliance Assurance, Office of Compliance, Enforcement Planning,
127 Targeting and Data Division (2222A), U.S. Environmental Protection
128 Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and to
129 competent authorities of all other concerned countries. The original copy

130 of the tracking document must be maintained at the facility for at least
131 three years from the date of signature.
132

133 BOARD NOTE: Subsection (b) of this Section is derived from 40 CFR 267.71,
134 as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).
135

136 c) Manifest discrepancies.
137

138 1) Manifest discrepancies are differences between the quantity or type of
139 hazardous waste designated on the manifest or shipping paper, and the
140 quantity or type of hazardous waste a facility actually receives.
141 Significant discrepancies in quantity are either of the following:
142

143 A) For bulk waste, variations greater than 10 percent in weight; or
144

145 B) For batch waste, any variation in piece count, such as a
146 discrepancy of one drum in a truckload. Significant discrepancies
147 in type are obvious differences that can be discovered by
148 inspection or waste analysis, such as waste solvent substituted for
149 waste acid, or toxic constituents not reported on the manifest or
150 shipping paper.
151

152 2) Upon discovering a significant discrepancy, the facility owner or operator
153 must attempt to reconcile the discrepancy with the waste generator or
154 transporter (e.g., with telephone conversations). If the discrepancy is not
155 resolved within 15 days after receiving the waste, the owner or operator
156 must immediately submit to the Agency a letter describing the discrepancy
157 and attempts to reconcile it, and a copy of the manifest or shipping paper
158 at issue.
159

160 BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR 267.72
161 ~~(2007)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).
162

163 d) Retention of information.
164

165 1) The facility owner or operator must keep a written operating record at its
166 facility.
167

168 2) The facility owner or operator must record the following information, as it
169 becomes available, and maintain the operating record until it closes the
170 facility:
171

172 A) A description and the quantity of each type of hazardous waste

- 173 generated, and the methods and dates of its storage or treatment at
174 the facility as required by Appendix A of 35 Ill. Adm. Code 724;
175
176 B) The location of each hazardous waste within the facility and the
177 quantity at each location;
178
179 C) Records and results of waste analyses and waste determinations
180 performed as specified in Section 727.110(d) and (h) and 35 Ill.
181 Adm. Code 724.934, 724.963, 724.983, and 728.107;
182
183 D) Summary reports and details of all incidents that require the owner
184 or operator to implement the contingency plan as specified in
185 Section 727.150(i)(2));
186
187 E) Records and results of inspections as required by Section
188 727.110(f)(4) (except that the facility owner or operator needs to
189 keep these data for only three years);
190
191 F) Monitoring, testing or analytical data, and corrective action when
192 required by Section 727.190, Section 727. 290(b), (d), and (f) and
193 35 Ill. Adm. Code 724.934(c) through (f), 724.935, 724.963(d)
194 through (i), 724.964, 724.988, 724.989, and 724.990;
195
196 G) All closure cost estimates pursuant to Section 727.240(c);
197
198 H) The facility owner or operator certification, executed at least
199 annually, that the owner or operator has a program in place to
200 reduce the volume and toxicity of hazardous waste that it generates
201 to the degree that the owner or operator determines to be
202 economically practicable; and that the proposed method of
203 treatment or storage is that practicable method currently available
204 to the owner or operator that minimizes the present and future
205 threat to human health and the environment;
206
207 I) For an on-site treatment facility, the information contained in the
208 notice (except the manifest number), and the certification and
209 demonstration, if applicable, required by the facility owner or
210 operator pursuant to 35 Ill. Adm. Code 728.107;
211
212 J) For an on-site storage facility, the information in the notice (except
213 the manifest number), and the certification and demonstration, if
214 applicable, required by the facility owner or operator pursuant to
215 35 Ill. Adm. Code 728.107;

- 216
217 K) For an off-site treatment facility, a copy of the notice, and the
218 certification and demonstration, if applicable, required by the
219 generator or the facility owner or operator pursuant to 35 Ill. Adm.
220 Code 728.107 or 728.108; and
221
222 L) For an off-site storage facility, a copy of the notice, and the
223 certification and demonstration, if applicable, required by the
224 generator or the owner or operator pursuant to 35 Ill. Adm. Code
225 728.107 or 728.108.
226

227 BOARD NOTE: Subsection (d) of this Section is derived from 40 CFR 267.73
228 (2007), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).
229

230 e) Availability of records.

- 231
232 1) The facility owner or operator must furnish all records, including plans,
233 required pursuant to this Part upon the request of any officer, employee, or
234 representative of the Agency or USEPA and make them available at all
235 reasonable times for inspection.
236
237 2) The retention period for all records required pursuant to this Part is
238 extended automatically during the course of any unresolved enforcement
239 action involving the facility or as requested by the Agency.
240

241 BOARD NOTE: Subsection (e) of this Section is derived from 40 CFR 267.74
242 (2007), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).
243

244 f) Submission of reports. The facility owner or operator must prepare an annual
245 facility activities a biennial report and other reports listed in subsection (f)(2) of
246 this Section.
247

- 248 1) Annual facility activities Biennial report. The facility owner or operator
249 must prepare and submit a single copy of an annual facility activities a
250 biennial report to the Agency by March 1 of each ~~even numbered~~-year.
251 The annual facility activities biennial report must be submitted on USEPA
252 Form 8700-13B. The report must cover facility activities during the
253 previous ~~two~~ calendar ~~year~~ years and must include the following
254 information:
255

256 BOARD NOTE: Corresponding 40 CFR 267.75(a) (2006) requires
257 biennial reporting. The Board has required annual reporting, since Section
258 20.1 of the Act [415 ILCS 5/20.1 (2006)] requires the Agency to assemble

259 annual reports, and only annual facility activity reports will enable the
260 Agency to fulfill this mandate.

- 261
262 A) The USEPA identification number, name, and address of the
263 facility;
264
265 B) The calendar year covered by the report;
266
267 C) The method of treatment or storage for each hazardous waste;
268
269 D) The most recent closure cost estimate pursuant to Section
270 727.240(c);
271
272 E) A description of the efforts undertaken during the year to reduce
273 the volume and toxicity of generated waste;
274
275 F) A description of the changes in volume and toxicity of waste
276 actually achieved during the year in comparison to previous years
277 to the extent such information is available for the years prior to
278 1984; and
279
280 G) The certification signed by the owner or operator.

281
282 2) Additional reports. In addition to submitting the biennial reports, the
283 owner or operator must also report the following information to the
284 Agency:

- 285
286 A) Releases, fires, and explosions as specified in Section
287 727.150(i)(2);
288
289 B) Facility closures specified in Section 727.210(h); and
290
291 C) Other information as otherwise required by Sections 727.270,
292 727.290, and 727.900 and Subparts AA, BB, and CC of 35 Ill.
293 Adm. Code 264.

294
295 3) For off-site facilities, the USEPA identification number of each hazardous
296 waste generator from which the facility received a hazardous waste during
297 the year; for imported shipments, the report must give the name and
298 address of the foreign generator.

299
300 4) A description and the quantity of each hazardous waste the facility
301 received during the year. For off-site facilities, this information must be

302 listed by USEPA identification number of each generator.
303

304 BOARD NOTE: Subsection (f) of this Section is derived from 40 CFR 267.75
305 ~~(2007), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~
306

- 307 g) Required notifications. Before transferring ownership or operation of a facility
308 during its operating life, the facility owner or operator must notify the new owner
309 or operator in writing of the requirements of this Part and Subpart J of 35 Ill.
310 Adm. Code 703.
311

312 BOARD NOTE: Subsection (g) of this Section is derived from 40 CFR 267.76
313 ~~(2007), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~
314

315 (Source: Amended at 32 Ill. Reg. _____, effective _____)