

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Identification and Listing of Hazardous Waste
- 2) Code Citation: 35 Ill. Adm. Code 721
- 3)

<u>Section Numbers:</u>	<u>Proposed action:</u>
721.101	Amend
721.102	Amend
721.103	Amend
721.104	Amend
721.105	Amend
721.133	Amend
721.138	Amend
721.240	New Section
721.241	New Section
721.242	New Section
721.243	New Section
721.247	New Section
721.248	New Section
721.249	New Section
721.250	New Section
721.251	New Section
721.APPENDIX Y	Amend
721.APPENDIX Z	Amend
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 721 are a single segment of the docket R09-16/R10-4 (consolidated) rulemaking that also affects 35 Ill. Adm. Code 703, 720, 722, 724, and 725, each of which is covered by a separate Notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R09-16/R10-4 (consolidated) rulemaking in this *Illinois Register* only in the answer to question 5 in the Notice of Proposed Amendment for 35 Ill. Adm. Code 703. A comprehensive description is contained in the Board's opinion and order of June 17, 2010, proposing amendments in docket R09-16/R10-4 (consolidated), which opinion and order is available from the address below.

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Specifically, the amendments to Part 721 implement segments of the federal amendments of October 30, 2008, December 1, 2008, December 19, 2008, June 25, 2009, and June 15, 2010. The amendments add the substantive aspects of the amendments to the definition of solid waste. The amendments add USEPA's technical corrections to the excluded fuels rule. The amendments change appearances of "Office of Solid Waste" to "Office of Resource Conservation and Recovery."

Tables appear in the Board's opinion and order of June 17, 2010 in docket R09-16/R10-4 (consolidated) that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the June 17, 2010 opinion and order in docket R09-16/R10-4 (consolidated).

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

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No. The existing text of Part 721 does not include incorporations by reference. Instead, the text of 35 Ill. Adm. Code 720.111 is the central location of all incorporations by reference for the purposes of 35 Ill. Adm. Code 703 through 705, 720 through 728, 730, 733, 738, and 739. The amendments to 35 Ill. Adm. Code 720.111 include updates to the federal regulations incorporated by reference for the purposes of Part 721, no new incorporations that relate to Part 721 are included in the amendments to 35 Ill. Adm. Code 720.
- 11) Are there any other proposed rulemakings pending on this Part? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.
- 14) Regulatory agenda on which this rulemaking was summarized: July 2009 and January 2010

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

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

PART 721
IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section
721.101 Purpose and Scope
721.102 Definition of Solid Waste
721.103 Definition of Hazardous Waste
721.104 Exclusions
721.105 Special Requirements for Hazardous Waste Generated by Small Quantity
Generators
721.106 Requirements for Recyclable Materials
721.107 Residues of Hazardous Waste in Empty Containers
721.108 PCB Wastes Regulated under TSCA
721.109 Requirements for Universal Waste

SUBPART B: CRITERIA FOR IDENTIFYING THE
CHARACTERISTICS OF HAZARDOUS WASTE
AND FOR LISTING HAZARDOUS WASTES

Section
721.110 Criteria for Identifying the Characteristics of Hazardous Waste
721.111 Criteria for Listing Hazardous Waste

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section
721.120 General
721.121 Characteristic of Ignitability
721.122 Characteristic of Corrosivity
721.123 Characteristic of Reactivity
721.124 Toxicity Characteristic

SUBPART D: LISTS OF HAZARDOUS WASTE

Section
721.130 General
721.131 Hazardous Wastes from Nonspecific Sources
721.132 Hazardous Waste from Specific Sources
721.133 Discarded Commercial Chemical Products, Off-Specification Species,
Container Residues, and Spill Residues Thereof
721.135 Wood Preserving Wastes

SUBPART E: EXCLUSIONS AND EXEMPTIONS

Section
721.138 ~~Comparable or Syngas Fuel~~ Exclusion of Comparable Fuel and Syngas
Fuel
721.139 Conditional Exclusion for Used, Broken CRTs and Processed CRT Glass
Undergoing Recycling
721.140 Conditional Exclusion for Used, Intact CRTs Exported for Recycling

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721.141 Notification and Recordkeeping for Used, Intact CRTs Exported for Reuse

SUBPART H: FINANCIAL REQUIREMENTS FOR MANAGEMENT OF EXCLUDED HAZARDOUS SECONDARY MATERIALS

Section

- 721.240 Applicability
 - 721.241 Definitions of Terms as Used in This Subpart
 - 721.242 Cost Estimate
 - 721.243 Financial Assurance Condition
 - 721.247 Liability Requirements
 - 721.248 Incapacity of Owners or Operators, Guarantors, or Financial Institutions
 - 721.249 Use of State-Required Mechanisms
 - 721.250 State Assumption of Responsibility
 - 721.251 Wording of the Instruments
-
- 721.APPENDIX A Representative Sampling Methods
 - 721.APPENDIX B Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
 - 721.APPENDIX C Chemical Analysis Test Methods
 - 721.TABLE A Analytical Characteristics of Organic Chemicals (Repealed)
 - 721.TABLE B Analytical Characteristics of Inorganic Species (Repealed)
 - 721.TABLE C Sample Preparation/Sample Introduction Techniques (Repealed)
 - 721.APPENDIX G Basis for Listing Hazardous Wastes
 - 721.APPENDIX H Hazardous Constituents
 - 721.APPENDIX I Wastes Excluded by Administrative Action
 - 721.TABLE A Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Non-Specific Sources
 - 721.TABLE B Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Specific Sources
 - 721.TABLE C Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
 - 721.TABLE D Wastes Excluded by the Board by Adjusted Standard
 - 721.APPENDIX J Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)
 - 721.APPENDIX Y Table to Section 721.138: Maximum Contaminant Concentration and Minimum Detection Limit Values for Comparable Fuel Specification
 - 721.APPENDIX Z Table to Section 721.102: Recycled Materials ~~That~~That Are Solid Waste

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9 at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective

November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1281, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9108, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6584, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 12760, effective July 17, 2003; amended in R04-16 at 28 Ill. Reg. 10693, effective July 19, 2004; amended in R05-8 at 29 Ill. Reg. 6003, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2992, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 791, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11786, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 986, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 721.101 Purpose and Scope

a) This Part identifies those solid wastes that are subject to regulation as hazardous wastes under 35 Ill. Adm. Code 702, 703, and 722 through 728, and which are subject to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.). In this Part:

- 1) Subpart A of this Part defines the terms "solid waste" and "hazardous waste," identifies those wastes that are excluded from regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728, and establishes special management requirements for hazardous waste produced by conditionally exempt small quantity generators and hazardous waste that is recycled.
- 2) Subpart B of this Part sets forth the criteria used to identify characteristics of hazardous waste and to list particular hazardous wastes.
- 3) Subpart C of this Part identifies characteristics of hazardous wastes.

4) Subpart D of this Part lists particular hazardous wastes.

b) Limitations on definition of solid waste.

1) The definition of solid waste contained in this Part applies only to wastes that also are hazardous for purposes of the regulations implementing Subtitle C of RCRA. For example, it does not apply to materials (such as non-hazardous scrap, paper, textiles or rubber) that are not otherwise hazardous wastes and that are recycled.

2) This Part identifies only some of the materials that are solid wastes and hazardous wastes under Sections 1004(5), 1004(27) and 7003 of RCRA. A material that is not defined as a solid waste in this Part, or is not a hazardous waste identified or listed in this Part, is still a hazardous waste for purposes of those Sections if, in the case of Section 7003 of RCRA, the statutory elements are established.

c) For the purposes of Sections 721.102 and 721.106 the following definitions apply:

1) A "spent material" is any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.

2) "Sludge" has the same meaning used in 35 Ill. Adm. Code 720.110.

3) A "by-product" is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

4) A material is "reclaimed" if it is processed to recover a usable product, or if it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents. In addition, for purposes of Sections 721.102(a)(2)(B) and ~~721.104~~721.104(a)(23) and (a)(24) smelting, melting, and refining furnaces are considered to be solely engaged in metals reclamation if the metal recovery from the hazardous secondary materials meets the same requirements as those specified for metals recovery from hazardous waste found in 35 Ill. Adm. Code 726.200(d)(1) through (d)(3), and if the residuals meet the requirements specified in 35 Ill. Adm. Code 726.112.

5) A material is "used or reused" if either of the following is true:

A) It is employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or

B) It is employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorus precipitant and sludge conditioner in wastewater treatment).

6) "Scrap metal" is bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, or wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, or railroad box cars) that when worn or superfluous can be recycled.

7) A material is "recycled" if it is used, reused, or reclaimed.

8) A material is "accumulated speculatively" if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that, during the calendar year (commencing on January 1), the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the 75 percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under Section 721.104(c) are not to be included in making the calculation. (Materials that are already defined as solid wastes also are not to be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling, however.

9) "Excluded scrap metal" is processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal.

10) "Processed scrap metal" is scrap metal that has been manually or physically altered to either separate it into distinct materials to enhance economic value or to improve the handling of materials. Processed scrap metal includes, but is not limited to, scrap metal that has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (i.e., sorted), and fines, drosses and related materials that have been agglomerated. (Note: shredded circuit boards being sent for recycling are not considered processed scrap metal. They are covered under the exclusion from the definition of solid waste for shredded circuit boards being recycled (Section 721.104(a)(13))).

11) "Home scrap metal" is scrap metal as generated by steel mills, foundries, and refineries, such as turnings, cuttings, punchings, and borings.

12) "Prompt scrap metal" is scrap metal as generated by the metal working/fabrication industries, and it includes such scrap metal as turnings, cuttings, punchings, and borings. Prompt scrap metal is also known as industrial or new scrap metal.

d) The Agency has inspection authority pursuant to Section 3007 of RCRA and Section 4 of the Environmental Protection Act [415 ILCS 5/4].

e) Electronic reporting. The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Subsection (e) of this Section is derived from 40 CFR 3, as added, and 40 CFR 271.10(b), 271.11(b), and 271.12(h) (2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Amended at 34 Ill. Reg. _____ effective _____)

Section 721.102 Definition of Solid Waste

a) Solid waste.

1) A solid waste is any discarded material that is not excluded ~~by~~ pursuant to Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131 or 35 Ill. Adm. Code 720.130 and 720.134.

2) Discarded material.

A) A discarded material is any material that is described as follows:

~~Aii) Abandoned,~~ It is abandoned, as ~~explained~~ described in subsection (b) of this Section;

~~Biiii) Recycled,~~ It is recycled, as ~~explained~~ described in subsection (c) of this Section;

~~Ciiiiiii) Considered~~ It is considered inherently waste-like, as ~~explained~~ described in subsection (d) of this Section; or

~~Diviv) A~~ It is a military munition identified as a solid waste in 35 Ill. Adm. Code 726.302.

B) A hazardous secondary material is not discarded if each of the following is true with respect to the waste:

i) It is generated and reclaimed under the control of the generator, as defined in 35 Ill. Adm. Code 720.110;

ii) It is not speculatively accumulated, as defined in Section 721.101(c)(8);

iii) It is handled only in non-land-based units and is contained in such units;

iv) It is generated and reclaimed within the United States and its territories;

v) It is not otherwise subject to material-specific management conditions pursuant to Section 721.104(a) when reclaimed;

vi) It is not a spent lead acid battery (see 35 Ill. Adm. Code 726.180 and 733.102);

vii) It does not meet either of the listing descriptions for K171 or K172 waste in Section 721.132; and

viii) The reclamation of the material is legitimate, as determined pursuant to 35 Ill. Adm. Code 720.143.

BOARD NOTE: See also the notification requirements of 35 Ill. Adm. Code 720.142. For hazardous secondary materials managed in land-based units, see Section 721.104(a)(23).

b) A material is a solid waste if it is abandoned in one of the following ways:

- 1) It is disposed of;
- 2) It is burned or incinerated; or
- 3) It is accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.

c) A material is a solid waste if it is recycled - or accumulated, stored, or treated before recycling - as specified in subsections (c)(1) through (c)(4) of this Section, if one of the following occurs with regard to the material:

- 1) The material is used in a manner constituting disposal.

A) A material that is noted with a "yes" in column 1 of the table in Appendix Z of this Part is a solid waste when one of the following occurs :

i) The material is applied to or placed on the land in a manner that constitutes disposal; or

ii) The material is used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).

B) However, a commercial chemical product that is listed in Section 721.133 is not a solid waste if it is applied to the land and that is its ordinary manner of use.

- 2) The material is burned for energy recovery.

A) A material that is noted with a "yes" in column 2 of the table in Appendix Z of this Part is a solid waste when one of the following occurs:

i) It is burned to recover energy;

ii) It is used to produce a fuel or is otherwise contained in fuels (in which case the fuel itself remains a solid waste);

iii) It is contained in fuels (in which case the fuel itself remains a solid waste).

B) However, a commercial chemical product that is listed in Section 721.133 is not a solid waste if it is itself a fuel.

3) Reclaimed. A material noted with a "~~yes~~—No" in column 3 of the table in Appendix Z of this Part is not a solid waste when reclaimed (except as provided under Section 721.104(a)(17)). A material noted with a "~~—~~Yes" in column 3 of Appendix Z of this Part is ~~not~~ a solid waste when reclaimed, unless ~~they~~ meet it meets the requirements of Section 721.102(a)(2)(B) or 721.104(a)(17), (a)(23), (a)(24), or (a)(25).

4) Accumulated speculatively. A material noted with "yes" in column 4 of the table in Appendix Z of this Part is a solid waste when accumulated speculatively.

d) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:

1) Hazardous waste numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.

2) A secondary material fed to a halogen acid furnace that exhibits a characteristic of a hazardous waste or which is listed as a hazardous waste, as defined in Subpart C or D of this Part, except for brominated material that meets the following criteria:

A) The material must contain a bromine concentration of at least 45 percent;

B) The material must contain less than a total of one percent of toxic organic compounds listed in Appendix H of this Part; and

C) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).

3) The following criteria are used to add wastes to the list:

A) Disposal method or toxicity.

i) The material is ordinarily disposed of, burned, or incinerated; or

ii) The material contains toxic constituents listed in Appendix H of this Part and these constituents are not ordinarily found in raw materials or products for which the material substitutes (or are found in raw materials or products in smaller concentrations) and is not used or reused during the recycling process; and

B) The material may pose a substantial hazard to human health and the environment when recycled.

e) Materials that are not solid waste when recycled.

1) A material is not a solid waste when it can be shown to be recycled by fulfilling one of the following conditions:

A) It is used or reused as an ingredient in an industrial process to make a product, provided the material is not being reclaimed; or

B) It is used or reused as effective substitutes for commercial products; or

C) It is returned to the original process from which it is generated, without first being reclaimed or land disposed. The material must be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the material must be managed in such a manner that there is no placement on the land. In cases where the material is generated and reclaimed within the primary mineral processing industry, the conditions of the exclusion found at Section 721.104(a)(17) apply rather than this provision.

2) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (described in subsections (e)(1)(A) through (e)(1)(C) of this Section):

A) A material used in a manner constituting disposal or used to produce a product that is applied to the land; or

- B) A material burned for energy recovery, used to produce a fuel, or contained in fuels; or
- C) A material accumulated speculatively; or
- D) A material listed in subsections (d)(1) and (d)(2) of this Section.

f) Documentation of claims that a material is not a solid waste or is conditionally exempt from regulation. A respondent in an action to enforce regulations implementing Subtitle C of RCRA or Section 21 of the Environmental Protection Act that raises a claim that a certain material is not a solid waste or that the material is conditionally exempt from regulation must demonstrate that there is a known market or disposition for the material and that the material meets the terms of the exclusion or exemption. In doing so, the person must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste or that the material is exempt from regulation. In addition, an owner or operator of a facility claiming that it actually is recycling a material must show that it has the necessary equipment to recycle that material.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 721.103 Definition of Hazardous Waste

a) A solid waste, as defined in Section 721.102, is a hazardous waste if the following is true of the waste:

1) It is not excluded from regulation as a hazardous waste pursuant to Section 721.104(b); and

2) It meets any of the following criteria:

A) It exhibits any of the characteristics of hazardous waste identified in Subpart C of this Part. However, any mixture of a waste from the extraction, beneficiation, and processing of ores and minerals excluded pursuant to Section 721.104(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste pursuant to Subpart C of this Part is a hazardous waste only if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred, or if the mixture continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the toxicity characteristic to such mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentration for any contaminant listed in Section 721.124 that would not have been exceeded by the excluded waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.

B) It is listed in Subpart D of this Part and has not been excluded from the lists in Subpart D of this Part pursuant to 35 Ill. Adm. Code 720.120 and 720.122.

C) This subsection (a)(2)(B) corresponds with 40 CFR 261.3(a)(2)(iii), which USEPA removed and marked as "reserved" at 66 Fed. Reg. 27266 (May 16, 2001). This statement maintains structural consistency with the federal regulations.

D) It is a mixture of solid waste and one or more hazardous wastes listed in Subpart D of this Part and has not been excluded from this subsection (a)(2) pursuant to 35 Ill. Adm. Code 720.120 and 720.122, subsection (g) of this Section, or subsection (h) of this Section; however, the following mixtures of solid wastes and hazardous wastes listed in Subpart D of this Part are not hazardous wastes (except by application of subsection (a)(2)(A) or (a)(2)(B) of this Section) if the generator demonstrates that the mixture consists of wastewater the discharge of which is subject to regulation under either 35 Ill. Adm. Code 309 or 310 (including wastewater at facilities that have eliminated the discharge of wastewater) and the following is true of the waste:

i) It is one or more of the following solvents listed in Section 721.131: benzene, carbon tetrachloride, tetrachloroethylene, trichloroethylene or the scrubber waters derived from the combustion of these spent solvents, provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million, or the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 1 part per million on an average weekly basis. Any facility that uses benzene as a solvent and claims this exemption must use an aerated biological wastewater treatment system and must use only lined surface impoundments or tanks prior to secondary clarification in the wastewater treatment system. A facility that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information required by this subsection (a)(2)(D)(i) or that the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected;

ii) It is one or more of the following spent solvents listed in Section 721.131: methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents, 2-ethoxyethanol, or the scrubber waters derived from the combustion of these spent solvents, provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million, or the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new

source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 25 parts per million on an average weekly basis. A facility that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information required by this subsection (a)(2)(D)(ii) or that the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected;

iii) It is one of the following wastes listed in Section 721.132, provided that the wastes are discharged to the refinery oil recovery sewer before primary oil/water/solids separation: heat exchanger bundle cleaning sludge from the petroleum refining industry (USEPA hazardous waste ~~no.~~ number K050), crude oil storage tank sediment from petroleum refining operations (USEPA hazardous waste number K169), clarified slurry oil tank sediment or in-line filter/separation solids from petroleum refining operations (USEPA hazardous waste number K170), spent hydrotreating catalyst (USEPA hazardous waste number K171), and spent hydrorefining catalyst (USEPA hazardous waste number K172);

iv) It is a discarded hazardous waste, commercial chemical product or chemical intermediate listed in Section 721.121, 721.132, or 721.133 arising from de minimis losses of these materials. For purposes of this subsection (a)(2)(D)(iv), "de minimis" losses are inadvertent releases to a wastewater treatment system, including those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing. Any manufacturing facility that claims an exemption for de minimis quantities of a waste listed in Section 721.131 or 721.132, or any nonmanufacturing facility that claims an exemption for de minimis quantities of wastes listed in Subpart D of this Part, must either have eliminated the discharge of wastewaters or have included in its federal Clean Water Act (33 USC 1251 et seq.) permit application or wastewater pretreatment submission to the Agency or the wastewater pretreatment Control Authority pursuant to 35 Ill. Adm. Code 307 of the constituents for which each waste was listed (in Appendix G of this Part); and the constituents in Table T to 35 Ill. Adm. Code 728 for which each waste has a treatment standard (i.e., land disposal restriction constituents). A facility is eligible to claim the exemption once the Agency or Control Authority has been notified of possible de minimis releases via the Clean Water Act permit application or the wastewater pretreatment submission. A copy of the Clean Water Act permit application or

the wastewater pretreatment submission must be placed in the facility's on-site files;

v) It is wastewater resulting from laboratory operations containing toxic (T) wastes listed in Subpart D of this Part, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system or provided that the wastes' combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation;

vi) It is one or more of the following wastes listed in Section 721.132: wastewaters from the production of carbamates and carbamoyl oximes (USEPA-~~Hazardous Waste No.~~ hazardous waste number K157), provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that cannot be demonstrated to be reacted in the process, destroyed through treatment, or recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight, or the total measured concentration of these chemicals entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 5 parts per million on an average weekly basis. A facility that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information required by this subsection (a)(2)(D)(vi) or that the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or

vii) It is wastewater derived from the treatment of one or more of the following wastes listed in Section 721.132: organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (USEPA ~~Hazardous Waste No.~~ hazardous waste number K156), provided that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter, or the total measured concentration of these chemicals entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission

standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 5 milligrams per liter on an average weekly basis. A facility that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information required by this subsection (a)(2)(D)(vii) or that the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected.

E) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of this Part. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix H of this Part).

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

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

b) A solid waste that is not excluded from regulation pursuant to subsection (a)(1) of this Section becomes a hazardous waste when any of the following events occur:

1) In the case of a waste listed in Subpart D of this Part, when the waste first meets the listing description set forth in Subpart D of this Part.

2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in Subpart D of this Part is first added to the solid waste.

3) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in Subpart C of this Part.

c) Unless and until it meets the criteria of subsection ~~(d)~~-(e) of this Section, a hazardous waste will remain a hazardous waste.

BOARD NOTE: This subsection (c) corresponds with 40 CFR 261.3(c)(1). The Board has codified 40 CFR 261.3(c)(2) at subsection (e) of this Section.

d) Any solid waste described in subsection (e) of this Section is not a hazardous waste if it meets the following criteria:

1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in Subpart C of this Part. (However, wastes that exhibit a characteristic at the point of generation may still be subject to 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.)

2) In the case of a waste that is a listed waste pursuant to Subpart D of this Part, a waste that contains a waste listed pursuant to Subpart D of this Part, or a waste that is derived from a waste listed in Subpart D of this Part, it also has been excluded from subsection (e) of this Section pursuant to 35 Ill. Adm. Code 720.120 and 720.122.

e) Specific inclusions and exclusions.

1) Except as otherwise provided in subsection (e)(2), (g), or (h) of this Section, any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate (but not including precipitation run-off), is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)

2) The following solid wastes are not hazardous even though they are generated from the treatment, storage, or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste:

A) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332).

B) Wastes from burning any of the materials exempted from regulation by Section 721.106(a)(3)(C) and (a)(3)(D).

C) Nonwastewater residues, such as slag, resulting from high temperature metal recovery (HTMR) processing of K061, K062, or F006 waste in the units identified in this subsection (e)(2) that are disposed of in non-hazardous waste units, provided that these residues meet the generic exclusion levels identified in the tables in this subsection (e)(2)(C) for all constituents and the residues exhibit no characteristics of hazardous waste. The types of units identified are rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations, or the following types of industrial furnaces (as defined in 35 Ill. Adm. Code 720.110): blast furnaces; smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces); and other furnaces designated by the Agency pursuant to that definition.

i) Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and when the process or operation generating the waste changes.

ii) Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements. The generic exclusion levels are the following:

Generic exclusion levels for K061 and K062 nonwastewater HTMR residues: Constituent Maximum for any single composite sample
(mg/l) Antimony 0.10 Arsenic 0.50 Barium 7.6 Beryllium 0.010 Cadmium 0.050 Chromium (total) 0.33 Lead 0.15 Mercury 0.009 Nickel 1.0 Selenium 0.16 Silver 0.30 Thallium 0.020 Vanadium 1.26 Zinc 70

Generic exclusion levels for F006 nonwastewater HTMR residues: Constituent Maximum for any single composite sample
(mg/l) Antimony 0.10 Arsenic 0.50 Barium 7.6 Beryllium 0.010 Cadmium 0.050 Chromium (total) 0.33 Cyanide (total)
(mg/kg) 1.8 Lead 0.15 Mercury 0.009 Nickel 1.0 Selenium 0.16 Silver 0.30 Thallium 0.020 Zinc 70

iii) A one-time notification and certification must be placed in the facility's files and sent to the Agency (or, for out-of-State shipments, to the appropriate Regional Administrator of USEPA or the state agency authorized to implement federal 40 CFR 268 requirements) for K061, K062, or F006 HTMR residues that meet the generic exclusion levels for all constituents, which do not exhibit any characteristics, and which are sent to RCRA Subtitle D (municipal solid waste landfill) units. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the RCRA Subtitle D unit receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the calendar year, but no later than December 31. The notification must include the following information: the name and address of the non-hazardous waste management unit receiving the waste shipment; the USEPA hazardous waste number and treatability group at the initial point of generation; and the treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows:

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

D) Biological treatment sludge from the treatment of one of the following wastes listed in Section 721.132: organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (USEPA ~~Hazardous Waste No.~~ hazardous waste number K156) and wastewaters from the production of carbamates and carbamoyl oximes (~~Hazardous Waste No.~~ USEPA hazardous waste number K157).

E) Catalyst inert support media separated from one of the following wastes listed in Section 721.132: spent hydrotreating catalyst (USEPA hazardous waste number K171) and spent hydrorefining catalyst (USEPA hazardous waste number K172).

BOARD NOTE: This subsection (e) would normally correspond with 40 CFR 261.3(e), a subsection that has been deleted and marked "reserved" by USEPA. Rather, this subsection (e) corresponds with 40 CFR 261.3(c)(2), which the Board codified here to comport with codification requirements and to enhance clarity.

f) Notwithstanding subsections (a) through (e) of this Section and provided the debris, as defined in 35 Ill. Adm. Code 728.102, does not exhibit a characteristic identified at Subpart C of this Part, the following materials are not subject to regulation under 35 Ill. Adm. Code 702, 703, 720, 721 to 726, or 728:

1) Hazardous debris as defined in 35 Ill. Adm. Code 728.102 that has been treated using one of the required extraction or destruction technologies specified in Table F to 35 Ill. Adm. Code 728; persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or

2) Debris, as defined in 35 Ill. Adm. Code 728.102, that the Agency, considering the extent of contamination, has determined is no longer contaminated with hazardous waste.

g) Exclusion of certain wastes listed in Subpart D of this Part solely because they exhibit a characteristic of ignitability, corrosivity, or reactivity.

1) A hazardous waste that is listed in Subpart D of this Part solely because it exhibits one or more characteristics of ignitability, as defined under Section 721.121; corrosivity, as defined under Section 721.122; or reactivity, as defined under Section 721.123 is not a hazardous waste if the waste no longer exhibits any characteristic of hazardous waste identified in Subpart C of this Part.

2) The exclusion described in subsection (g)(1) of this Section also pertains to the following:

A) Any mixture of a solid waste and a hazardous waste listed in Subpart D of this Part solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity, as regulated under subsection (a)(2)(D) of this Section; and

B) Any solid waste generated from treating, storing, or disposing of a hazardous waste listed in Subpart D of this Part solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity, as regulated under subsection (e)(1) of this Section.

3) Wastes excluded pursuant to this subsection (g) are subject to 35 Ill. Adm. Code 728 (as applicable), even if they no longer exhibit a characteristic at the point of land disposal.

h) Eligible radioactive mixed waste.

1) Hazardous waste containing radioactive waste is no longer a hazardous waste when it meets the eligibility criteria and conditions of Subpart N of 35 Ill. Adm. Code 726 (i.e., it is "eligible radioactive mixed waste").

2) The exemption described in subsection (h)(1) of this Section also pertains to the following:

- A) Any mixture of a solid waste and an eligible radioactive mixed waste; and
 - B) Any solid waste generated from treating, storing, or disposing of an eligible radioactive mixed waste.
- 3) Waste exempted pursuant to this subsection (h) must meet the eligibility criteria and specified conditions in 35 Ill. Adm. Code 726.325 and 726.330 (for storage and treatment) and in 35 Ill. Adm. Code 726.410 and 726.415 (for transportation and disposal). Waste that fails to satisfy these eligibility criteria and conditions is regulated as hazardous waste.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 721.104 Exclusions

a) Materials that are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

1) Sewage.

A) Domestic sewage (untreated sanitary wastes that pass through a sewer system); and

B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment.

2) Industrial wastewater discharges that are point source discharges with National Pollutant Discharge Elimination System (NPDES) permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act [415 ILCS 5/12(f)] and 35 Ill. Adm. Code 309.

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

3) Irrigation return flows.

4) Source, by-product, or special nuclear material, as defined by section 11 of the Atomic Energy Act of 1954, as amended (42 USC 2014), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

5) Materials subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process.

6) Pulping liquors (i.e., black liquors) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively, as defined in Section 721.101(c).

7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively, as defined in Section 721.101(c).

8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated, where they are reused in the production process, provided that the following is true:

A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

C) The secondary materials are never accumulated in such tanks for over 12 months without being reclaimed; and

D) The reclaimed material is not used to produce a fuel or used to produce products that are used in a manner constituting disposal.

9) Wood preserving wastes.

A) Spent wood preserving solutions that have been used and which are reclaimed and reused for their original intended purpose;

B) Wastewaters from the wood preserving process that have been reclaimed and which are reused to treat wood; and

C) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in subsections (a) (9) (A) and (a) (9) (B) of this Section, so long as they meet all of the following conditions:

i) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water-borne plants in the production process for their original intended purpose;

ii) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or groundwater or both;

iii) Any unit used to manage wastewaters or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;

iv) Any drip pad used to manage the wastewaters or spent wood preserving solutions prior to reuse complies with the standards in Subpart W of 35 Ill. Adm. Code 725, regardless of whether the plant generates a total of less than 100 kg/month of hazardous waste; and

v) Prior to operating pursuant to this exclusion, the plant owner or operator prepares a one-time notification to the Agency stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records until closure of the facility. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the Agency for reinstatement. The Agency must reinstate the exclusion in writing if it finds that the plant has returned to compliance with all conditions and that the violations are not likely to recur. If the Agency denies an application, it must transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. The applicant under this subsection (a) (9) (C) (v) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with

conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act [415 ILCS 5/40].

10) Hazardous waste numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the waste from the point it is generated to the point it is recycled to coke ovens, to tar recovery, to the tar refining processes, or prior to when it is mixed with coal.

11) Nonwastewater splash condenser dross residue from the treatment of hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

12) Certain oil-bearing hazardous secondary materials and recovered oil, as follows:

A) Oil-bearing hazardous secondary materials (i.e., sludges, by-products, or spent materials) that are generated at a petroleum refinery (standard industrial classification (SIC) code 2911) and are inserted into the petroleum refining process (SIC code 2911: including, but not limited to, distillation, catalytic cracking, fractionation, gasification (as defined in 35 Ill. Adm. Code 720.110), or thermal cracking units (i.e., cokers)), unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this subsection (a)(12), provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated or sent directly to another petroleum refinery and still be excluded under this provision. Except as provided in subsection (a)(12)(B) of this Section, oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (i.e., from sources other than petroleum refineries) are not excluded under this Section. Residuals generated from processing or recycling materials excluded under this subsection (a)(12)(A), where such materials as generated would have otherwise met a listing under Subpart D of this Part, are designated as USEPA hazardous waste number F037 listed wastes when disposed of or intended for disposal.

B) Recovered oil that is recycled in the same manner and with the same conditions as described in subsection (a)(12)(A) of this Section. Recovered oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5172). Recovered oil does not include oil-bearing hazardous wastes listed in Subpart D of this Part; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil, as defined in 35 Ill. Adm. Code 739.100.

13) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

14) Shredded circuit boards being recycled, provided that they meet the following conditions:

A) The circuit boards are stored in containers sufficient to prevent a release to the environment prior to recovery; and

B) The circuit boards are free of mercury switches, mercury relays, nickel-cadmium batteries, and lithium batteries.

15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with federal Clean Air Act regulation 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.

16) Comparable fuels or comparable syngas fuels ~~(i.e., comparable or syngas fuels)~~ that meet the requirements of Section 721.138.

17) Spent materials (as defined in Section 721.101) (other than hazardous wastes listed in Subpart D of this Part) generated within the primary mineral processing industry from which minerals, acids, cyanide, water, or other values are recovered by mineral processing or by beneficiation, provided that the following is true:

A) The spent material is legitimately recycled to recover minerals, acids, cyanide, water, or other values;

B) The spent material is not accumulated speculatively;

C) Except as provided in subsection (a)(17)(D) of this Section, the spent material is stored in tanks, containers, or buildings that meet the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support (except that smelter buildings may have partially earthen floors, provided that the spent material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment (as defined in 35 Ill. Adm. Code 720.110), and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If a tank or container contains any particulate that may be subject to wind dispersal, the owner or operator must operate the unit in a manner that controls fugitive dust. A tank, container, or building must be designed, constructed, and operated to prevent significant releases to the environment of these materials.

D) The Agency must allow by permit that solid mineral processing spent materials only may be placed on pads, rather than in tanks, containers, or buildings if the facility owner or operator can demonstrate the following: the solid mineral processing secondary materials do not contain any free liquid; the pads are designed, constructed, and operated to prevent significant releases of the spent material into the environment; and the pads provide the same degree of containment afforded by the non-RCRA tanks, containers, and buildings eligible for exclusion.

i) The Agency must also consider whether storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, and air exposure pathways must include the following: the volume and physical and chemical properties of the spent material, including its potential for migration off the pad; the potential for human or environmental exposure to

hazardous constituents migrating from the pad via each exposure pathway; and the possibility and extent of harm to human and environmental receptors via each exposure pathway.

ii) Pads must meet the following minimum standards: they must be designed of non-earth material that is compatible with the chemical nature of the mineral processing spent material; they must be capable of withstanding physical stresses associated with placement and removal; they must have runoff and runoff controls; they must be operated in a manner that controls fugitive dust; and they must have integrity assurance through inspections and maintenance programs.

iii) Before making a determination under this subsection (a)(17)(D), the Agency must provide notice and the opportunity for comment to all persons potentially interested in the determination. This can be accomplished by placing notice of this action in major local newspapers, or broadcasting notice over local radio stations.

BOARD NOTE: See Subpart D of 35 Ill. Adm. Code 703 for the RCRA Subtitle C permit public notice requirements.

E) The owner or operator provides a notice to the Agency, providing the following information: the types of materials to be recycled, the type and location of the storage units and recycling processes, and the annual quantities expected to be placed in non-land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.

F) For purposes of subsection (b)(7) of this Section, mineral processing spent materials must be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.

18) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process (SIC code 2911) along with normal petroleum refinery process streams, provided that both of the following conditions are true of the oil:

A) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in Section 721.121) or toxicity for benzene (Section 721.124, USEPA hazardous waste code D018);

B) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An "associated organic chemical manufacturing facility" is a facility for which all of the following is true: its primary SIC code is 2869, but its operations may also include SIC codes 2821, 2822, and 2865; it is physically co-located with a petroleum refinery; and the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials (i.e., sludges, by-products, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.

19) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid, unless the material

is placed on the land or accumulated speculatively, as defined in Section 721.101(c).

20) Hazardous secondary materials used to make zinc fertilizers, provided that the following conditions are satisfied:

A) Hazardous secondary materials used to make zinc micronutrient fertilizers must not be accumulated speculatively, as defined in Section 721.101(c)(8).

B) A generator or intermediate handler of zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers must fulfill the following conditions:

i) It must submit a one-time notice to the Agency that contains the name, address, and USEPA identification number of the generator or intermediate handler facility, that provides a brief description of the secondary material that will be subject to the exclusion, and which identifies when the manufacturer intends to begin managing excluded zinc-bearing hazardous secondary materials under the conditions specified in this subsection (a)(20).

ii) It must store the excluded secondary material in tanks, containers, or buildings that are constructed and maintained in a way that prevents releases of the secondary materials into the environment. At a minimum, any building used for this purpose must be an engineered structure made of non-earthen materials that provide structural support, and it must have a floor, walls, and a roof that prevent wind dispersal and contact with rainwater. A tank used for this purpose must be structurally sound and, if outdoors, it must have a roof or cover that prevents contact with wind and rain. A container used for this purpose must be kept closed, except when it is necessary to add or remove material, and it must be in sound condition. Containers that are stored outdoors must be managed within storage areas that fulfill the conditions of subsection (a)(20)(F) of this Section:

iii) With each off-site shipment of excluded hazardous secondary materials, it must provide written notice to the receiving facility that the material is subject to the conditions of this subsection (a)(20).

iv) It must maintain records at the generator's or intermediate handler's facility for no less than three years of all shipments of excluded hazardous secondary materials. For each shipment these records must, at a minimum, contain the information specified in subsection (a)(20)(G) of this Section.

C) A manufacturer of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must fulfill the following conditions:

i) It must store excluded hazardous secondary materials in accordance with the storage requirements for generators and intermediate handlers, as specified in subsection (a)(20)(B)(ii) of this Section.

ii) It must submit a one-time notification to the Agency that, at a minimum, specifies the name, address, and USEPA identification number of the manufacturing facility and which identifies when the manufacturer intends to begin managing excluded zinc-bearing hazardous secondary materials under the conditions specified in this subsection (a)(20).

iii) It must maintain for a minimum of three years records of all shipments of excluded hazardous secondary materials received by the manufacturer, which must at a minimum identify for each shipment the name and address of the generating facility, the name of transporter, and the date on which the materials were received, the quantity received, and a brief description of the industrial process that generated the material.

iv) It must submit an annual report to the Agency that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the industrial processes from which the hazardous secondary materials were generated.

D) Nothing in this Section preempts, overrides, or otherwise negates the provision in 35 Ill. Adm. Code 722.111 that requires any person who generates a solid waste to determine if that waste is a hazardous waste.

E) Interim status and permitted storage units that have been used to store only zinc-bearing hazardous wastes prior to the submission of the one-time notice described in subsection (a)(20)(B)(i) of this Section, and that afterward will be used only to store hazardous secondary materials excluded under this subsection (a)(20), are not subject to the closure requirements of 35 Ill. Adm. Code 724 and 725.

F) A container used to store excluded secondary material must fulfill the following conditions:

i) It must have containment structures or systems sufficiently impervious to contain leaks, spills, and accumulated precipitation;

ii) It must provide for effective drainage and removal of leaks, spills, and accumulated precipitation; and

iii) It must prevent run-on into the containment system.

BOARD NOTE: Subsections (a)(20)(F)(i) through (a)(20)(F)(iii) are derived from 40 CFR 261.4(a)(20)(ii)(B)(1) through (a)(20)(ii)(B)(3). The Board added the preamble to these federal paragraphs as subsection (a)(20)(F) to comport with Illinois Administrative Code codification requirements.

G) Required records of shipments of excluded hazardous secondary materials must, at a minimum, contain the following information:

i) The name of the transporter and date of the shipment;

ii) The name and address of the facility that received the excluded material, along with documentation confirming receipt of the shipment; and

iii) The type and quantity of excluded secondary material in each shipment.

BOARD NOTE: Subsections (a)(20)(G)(i) through (a)(20)(G)(iii) are derived from 40 CFR 261.4(a)(20)(ii)(D)(1) through (a)(20)(ii)(D)(3). The Board added the preamble to these federal paragraphs as subsection (a)(20)(G) to comport with Illinois Administrative Code codification requirements.

21) Zinc fertilizers made from hazardous wastes or hazardous secondary materials that are excluded under subsection (a)(20) of this Section, provided that the following conditions are fulfilled:

A) The fertilizers meet the following contaminant limits:

i) For metal contaminants:

Constituent Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm) Arsenic 0.3 Cadmium 1.4 Chromium 0.6 Lead 2.8 Mercury 0.3

ii) For dioxin contaminants, the fertilizer must contain no more than eight parts per trillion of dioxin, measured as toxic equivalent (TEQ).

B) The manufacturer performs sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less frequently than once every six months, and for dioxins no less frequently than once every 12 months. Testing must also be performed whenever changes occur to manufacturing processes or ingredients that could significantly affect the amounts of contaminants in the fertilizer product. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at concentrations above the applicable limits. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the products introduced into commerce.

C) The manufacturer maintains for no less than three years records of all sampling and analyses performed for purposes of determining compliance with subsection (a)(21)(B) of this Section. Such records must at a minimum include the following:

i) The dates and times product samples were taken, and the dates the samples were analyzed;

ii) The names and qualifications of the persons taking the samples;

iii) A description of the methods and equipment used to take the samples;

iv) The name and address of the laboratory facility at which analyses of the samples were performed;

v) A description of the analytical methods used, including any cleanup and sample preparation methods; and

vi) All laboratory analytical results used to determine compliance with the contaminant limits specified in this subsection (a)(21).

22) Used CRTs.

A) Used, intact CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste within the United States, unless they are disposed of or speculatively accumulated, as defined in Section 721.101(c)(8), by a CRT collector or glass processor.

B) Used, intact CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste when exported for recycling, provided that they meet the requirements of Section 721.140.

C) Used, broken CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste, provided that they meet the requirements of Section 721.139.

D) Glass removed from CRTs is not a solid waste provided that it meets the requirements of Section 721.139(c).

23) Hazardous secondary materials managed in land-based units. Hazardous secondary material generated and reclaimed within the United States or its territories and managed in land-based units, as defined in 35 Ill. Adm. Code 720.110, is not a solid waste if the following conditions are fulfilled with regard to the material:

A) The material is contained;

B) The material is a hazardous secondary material generated and reclaimed under the control of the generator, as defined in 35 Ill. Adm. Code 720.110;

C) The material is not speculatively accumulated, as defined in Section 721.101(c)(8);

D) The material is not otherwise subject to material-specific management conditions under subsection (a) of this Section when reclaimed, it is not a spent lead acid battery (see 35 Ill. Adm. Code 726.180 and 733.102), and it does not meet either of the listing descriptions for K171 or K172 waste in Section 721.132;

E) The reclamation of the material is legitimate, as determined pursuant to 35 Ill. Adm. Code 720.143; and

F) In addition, a person claiming the exclusion under this subsection (a)(23) must provide notification of regulated waste activity, as required by 35 Ill. Adm. Code 720.142. (For hazardous secondary material managed in a non-land-based unit, see Section 721.102(a)(2)(B)).

24) Hazardous secondary materials transferred for off-site recycling. Hazardous secondary material that is generated and then transferred to another person for the purpose of reclamation is not a solid waste if the management of the material fulfills the conditions of subsections (a)(24)(A) through (a)(24)(G) of this Section:

A) The hazardous secondary material must not be speculatively accumulated, as defined in Section 721.10).

B) No person or facility other than the hazardous secondary material generator, the transporter, an intermediate facility, or a reclaimer handles the material; the material must not be stored for more than 10 days at a transfer facility, as defined in Section 721.110; and the material must be packaged according to applicable USDOT regulations codified as 49 CFR 173, 178, and 179, incorporated by reference in 35 Ill. Adm. Code 720.111, while in transport.

C) The hazardous secondary material must not otherwise be subject to material-specific management conditions pursuant to other provisions of this subsection (a) when reclaimed; the material must not be a spent lead-acid battery (see 35 Ill. Adm. Code 726.180 and 733.102); and the material must not fulfill either of the listing descriptions for K171 or K172 waste in Section 721.132.

D) The reclamation of the hazardous secondary material must be legitimate, as determined pursuant to 35 Ill. Adm. Code 720.143.

E) The hazardous secondary material generator must satisfy each of the following conditions:

i) The hazardous secondary material must be contained.

ii) This subsection (a)(24)(E)(ii) applies ~~where~~when non-RCRA management of hazardous secondary material will occur at a reclamation facility or transfer facility. For the purposes of this subsection (a)(24), "non-Subtitle C management" is management of the hazardous secondary material that is not addressed under a RCRA Part B permit or under the interim status facility standards (of 35 Ill. Adm. Code 725 or similar regulations authorized by USEPA as equivalent to 40 CFR 265). Prior to arranging for transport of hazardous secondary materials to a reclamation facility where non-Subtitle C management will occur, the hazardous secondary material generator must make reasonable efforts to ensure that the reclaimer intends to properly and legitimately reclaim the hazardous secondary material and not discard it, and that the reclaimer will manage the hazardous secondary material in a manner that is protective of human health and the environment. If the hazardous secondary material will pass through an intermediate facility where non-RCRA management will occur, the hazardous secondary material generator must make contractual arrangements with the intermediate facility to ensure that the hazardous secondary material is sent to the reclamation facility identified by the hazardous secondary material generator, and the hazardous secondary material generator must perform reasonable efforts to ensure that the intermediate facility will manage the hazardous secondary material in a manner that is protective of human health and the environment. Reasonable efforts must be repeated at a minimum of once every three years for the hazardous secondary material generator to claim the exclusion of this subsection (a)(24) and to send the hazardous secondary materials to a reclaimer and any intermediate facility. In making these reasonable efforts, the generator may use any credible evidence available, including information gathered by the hazardous secondary material generator, provided by the reclaimer or intermediate facility, or provided by a third party. The hazardous secondary material generator must make the series of affirmative determinations set forth in subsection (a)(24)(H) of this Section for each reclamation facility and intermediate facility that will manage its waste.

BOARD NOTE: Corresponding 40 CFR 261.4(a)(24)(v)(B) makes it clear that USEPA intends that the generator undertake this determination for each reclaimer that will manage its hazardous secondary material. The Board added a definition of "non-Subtitle C management" and substituted this term for the language "management of the hazardous secondary materials is not addressed under a RCRA Part B permit or interim status standards." Although the Board shifted the language for enhanced readability, the Board intends no shift in meaning. The Board moved the material from 40 ~~C.F.R.~~CFR 261.4(a)(24)(v)(B)(1) through (a)(24)(v)(B)(5) to appear as 35 Ill. Adm. Code 721.104(a)(24)(H)(i) through (a)(24)(H)(v). This movement allowed compliance with codification requirements relating to the maximum permissible indent level.

iii) The hazardous secondary material generator must execute a certification statement that includes the following language, together with the printed name and official title of an authorized representative of the hazardous secondary material generator, the authorized representative's signature, and the date signed:

I hereby certify in good faith and to the best of my knowledge that, prior to arranging for transport of excluded hazardous secondary materials to [insert the name of each reclamation facility and any intermediate facility that will manage the materials], reasonable efforts were made in accordance with 35 Ill. Adm. Code 721.104(a)(24)(E)(ii) (and corresponding 40 CFR 261.4(a)(24)(v)(B)) to ensure that the hazardous secondary materials would be recycled legitimately and would be otherwise managed in a manner that is protective of human health and the environment, and that such efforts were based on current and accurate information.

BOARD NOTE: Corresponding 40 CFR 261.4(a)(24)(v)(C) combines the requirements for records retention and availability for inspection with the requirement for certification. The Board combined the certification requirements from 40 CFR 261.4(a)(24)(v)(C), (a)(24)(v)(C)(1), and (a)(24)(v)(C)(2) in this single subsection (a)(24)(E)(iii). This combination allowed compliance with codification requirements relating to the maximum permissible indent level. The Board moved the records retention and availability for inspection requirements to subsection (a)(24)(E)(iv) of this Section. This forced renumbering 40 CFR 261.4(a)(24)(v)(D) and (a)(24)(v)(E) as subsections (a)(24)(E)(v) and (a)(24)(E)(vi) of this Section. Although the Board shifted the language for enhanced readability, the Board intends no shift in meaning.

iv) The hazardous secondary material generator must maintain the following records for a minimum of three years: documentation and certification that the generator made reasonable efforts, prior to transferring hazardous secondary material, for each reclamation facility and, if applicable, intermediate facility where non-Subtitle C management of the hazardous secondary materials will occur. Documentation and certification must be made available, within 72 hours, or within any longer period of time specified by the Agency, upon request by the Agency.

BOARD NOTE: The Board moved the records retention and availability for inspection requirements of corresponding 40 CFR 261.4(a)(24)(v)(C) to this subsection (a)(24)(E)(iv).

v) The hazardous secondary material generator must maintain certain records at the generating facility for a minimum of three years that document every off-site shipment of hazardous secondary materials. The documentation for each shipment must, at a minimum, include the following information about the shipment: the name of the transporter and date of the shipment; the name and address of each reclaimer and intermediate facility to which the hazardous secondary material was sent; and the type and quantity of hazardous secondary material in the shipment.

BOARD NOTE: The Board combined and moved the shipping documentation and records retention requirements of corresponding 40 CFR 261.4(a)(24)(v)(D) and (a)(24)(v)(D)(1) through (a)(24)(v)(D)(3) to this single subsection (a)(24)(E)(v). This combination allowed compliance with codification requirements relating to the maximum permissible indent level.

vi) The hazardous secondary material generator must maintain at the generating facility, for a minimum of three years, for every off-site shipment of hazardous secondary materials, confirmations of receipt from each reclaimer and intermediate facility to which its hazardous secondary materials were sent. Each confirmation of receipt must include the name and address of the reclaimer (or intermediate facility), the type and quantity of the hazardous secondary

materials received, and the date on which the facility received the hazardous secondary materials. The generator may satisfy this requirement using routine business records (e.g., financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt).

BOARD NOTE: The Board moved the shipment confirmation documentation and records retention requirements of corresponding 40 CFR 261.4(a)(24)(v)(E) to this subsection (a)(24)(E)(vi).

F) The reclaimer of hazardous secondary material or any intermediate facility, as defined in 35 Ill. Adm. Code 720.110, that handles material ~~which~~that is excluded from regulation pursuant to this subsection (a)(24) must satisfy all of the following conditions:

i) The owner or operator of a reclamation or intermediate facility must maintain at its facility for a minimum of three years records of every shipment of hazardous secondary material that the facility received and, if applicable, for every shipment of hazardous secondary material that the facility received and subsequently sent off-site from the facility for further reclamation. For each shipment, these records must, at a minimum, contain the following information: the name of the transporter and date of the shipment; the name and address of the hazardous secondary material generator and, if applicable, the name and address of the reclaimer or intermediate facility from which the facility received the hazardous secondary materials; the type and quantity of hazardous secondary material in the shipment; and, for hazardous secondary materials that the facility subsequently transferred off-site for further reclamation after receiving it, the name and address of the (subsequent) reclaimer and any intermediate facility to which the facility sent the hazardous secondary material.

BOARD NOTE: The Board combined the provisions from 40 CFR 261.4(a)(24)(vi)(A) and (a)(24)(vi)(A)(1) through (a)(24)(vi)(A)(3) that enumerate the required information into this single subsection (b)(24)(F)(i). This combination allowed compliance with codification requirements relating to the maximum permissible indent level.

ii) The intermediate facility must send the hazardous secondary material to the reclaimers designated by the generator of the hazardous secondary materials.

iii) The reclaimer or intermediate facility that receives a shipment of hazardous secondary material must send a confirmation of receipt to the hazardous secondary material generator for each off-site shipment of hazardous secondary materials. A confirmation of receipt must include the name and address of the reclaimer (or intermediate facility), the type and quantity of the hazardous secondary materials received, and the date on which the facility received the hazardous secondary materials. The reclaimer or intermediate facility may satisfy this requirement using routine business records (e.g., financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt).

iv) The reclaimer or intermediate facility must manage the hazardous secondary material in a manner that is at least as protective of human health and the environment as that employed for analogous raw material, and the material must be contained. An "analogous raw material" is a raw material for which the hazardous secondary material substitutes and that serves the same function and has similar physical and chemical properties as the hazardous secondary material.

v) A reclaimer of hazardous secondary materials must manage any residuals that are generated from its reclamation processes in a manner that is protective of human health and the environment. If any residuals of the reclamation process exhibit a characteristic of hazardous waste, as defined in Subpart C of this Part, or if the residuals themselves are specifically listed as hazardous waste in Subpart D of this Part, those residuals are hazardous waste. The reclaimer and any subsequent persons must manage that hazardous waste in accordance with the applicable requirements of 35 Ill. Adm. Code: Subtitle G or similar regulations authorized by USEPA as equivalent to 40 CFR 260 through 272.

vi) The reclaimer and intermediate facility must have financial assurance that satisfies the requirements of Subpart H of this Part.

G) Any person claiming the exclusion for recycled hazardous secondary material pursuant to this subsection (a)(24) must provide notification as required by 35 Ill. Adm. Code 720.142.

H) For the purposes of subsection (a)(24)(E)(ii) of this Section, the hazardous secondary material generator must affirmatively determine that each of the following conditions is true for each reclamation facility and any intermediate facility that will manage the generator's hazardous secondary material:

i) Available information indicates that the reclamation process is legitimate recycling, as determined pursuant to 35 Ill. Adm. Code 720.143. In making this determination, the hazardous secondary material generator may rely on its existing knowledge of the physical and chemical properties of the hazardous secondary material, as well as on information from other sources (e.g., the reclamation facility, audit reports, etc.) about the reclamation process. (By making this determination, the hazardous secondary material generator has also satisfied the requirement in 35 Ill. Adm. Code 720.143(a) that the generator demonstrate that the recycling is legitimate).

ii) Publicly available information indicates that each reclamation facility and any intermediate facility that is used by the hazardous secondary material generator has submitted the notification required by 35 Ill. Adm. Code 720.142, and these facilities have submitted the required proofs of financial assurance as required by the applicable of Section 721.243(a)(1), (b)(1), (c)(1), (d)(1), (e)(3), and (g) and notification of financial assurance pursuant to 35 Ill. Adm. Code 720.142(a)(5). In making this dual determination, the hazardous secondary material generator may rely on the available information documenting the reclamation facility's and any intermediate facility's compliance with the notification requirements pursuant to 35 Ill. Adm. Code 720.142, including the requirement in 35 Ill. Adm. Code 720.142(a)(5) to notify the Agency whether the reclaimer or intermediate facility has financial assurance.

iii) Publicly available information indicates that each reclamation facility and any intermediate facility that is used by the hazardous secondary material generator has not had any formal enforcement actions taken against the facility within the previous three years for violations of the RCRA hazardous waste regulations, and the facility has not been classified as a significant non-complier (SNC) with RCRA Subtitle C requirements. In making this determination, the hazardous secondary material generator may rely on the publicly available information from USEPA, the Agency, or the Office of the Attorney General. If the reclamation facility or any intermediate facility that is used by the hazardous secondary material generator has had a formal enforcement action taken

against the facility within the previous three years for violations of the RCRA hazardous waste regulations, or if the facility has been classified as a SNC with RCRA Subtitle C requirements, the hazardous secondary material generator must have credible evidence that the facility will manage the hazardous secondary materials properly. In making this determination, the hazardous secondary material generator can obtain additional information from USEPA, the Agency, the Office of the Attorney General, or ~~from~~ the facility itself ~~which that~~ indicates ~~that~~ the facility has addressed the violations, taken remedial steps to address the violations and prevent future violations, or that the violations are not relevant to the proper management of the generator's hazardous secondary materials.

BOARD NOTE: USEPA or a state may make a formalized determination that a facility is a SNC (pronounced "snick") pursuant to USEPA's "Hazardous Waste Civil Enforcement Response Policy" (most recent version: December 2003, available from USEPA, Envirofacts Data Warehouse (www.epa.gov/compliance/resources/policies/civil/rcra/finalerpl203.pdf)). USEPA operates the online RCRAInfo database (www.epa.gov/enviro/html/rcris/) from which interested persons can learn whether a facility has significant federal enforcement action against it, or if it is ~~an~~ SNC.

iv) Available information indicates that the reclamation facility and any intermediate facility used by the hazardous secondary material generator have the equipment and trained personnel to safely recycle the hazardous secondary material. In making this determination, the generator may rely on a description made by the reclamation facility or an independent third party of the equipment and trained personnel that the facility will use to manage and recycle the generator's hazardous secondary material.

v) If residuals are generated from the reclamation of the excluded hazardous secondary materials, the reclamation facility has the permits required (if any) to manage the residuals. If the reclamation facility does not have required permits, the facility has a contract with an appropriately permitted facility to dispose of the residuals. If the reclamation facility does not have required permits or a contract with a permitted facility, the hazardous secondary material generator has credible evidence that the residuals will be managed in a manner that is protective of human health and the environment. In making these determinations, the hazardous secondary material generator may rely on publicly available information from USEPA or the Agency, or on information provided by the facility itself.

BOARD NOTE: The Board moved 40 ~~C.F.R.~~ CFR 261.4(a)(24)(v)(B)(1) through (a)(24)(v)(B)(5) to appear as 35 Ill. Adm. Code 721.104(a)(24)(H)(i) through (a)(24)(H)(v), which set forth the determinations mandated for the purposes of subsection (a)(24)(E)(ii). This movement allowed compliance with codification requirements relating to the maximum permissible indent level.

25) Hazardous secondary materials exported for recycling. Hazardous secondary material that is exported from the United States and reclaimed at a reclamation facility located in a foreign country is not a solid waste, so long as the hazardous secondary material generator complies with the applicable requirements of subsections (a)(24)(A) through (a)(24)(E) of this Section, except that the requirements of subsection (a)(24)(H)(ii) of this Section (requiring the use of publicly available information to verify that the facility has submitted required notifications) do not apply ~~as~~ to foreign reclaimers and intermediate facilities, and the hazardous secondary material generator also complies with the following requirements:

A) The generator must notify the Agency and USEPA of an intended export before the hazardous secondary material is scheduled to leave the United States. The generator must submit a complete notification at least 60 days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a period up to 12 months in duration, but not longer. The notification must be in writing, and signed by the hazardous secondary material generator, and must include the following information:

i) The name, mailing address, telephone number and USEPA identification number (if applicable) of the hazardous secondary material generator;

ii) A description of the hazardous secondary material; the USEPA hazardous waste number that would apply were the hazardous secondary material to be managed as hazardous waste; and the USDOT proper shipping name, hazard class, and identification number (UN or NA number) for each hazardous secondary material, as identified in 49 CFR 171 through 173, each incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) The estimated frequency or rate at which the hazardous secondary material is to be exported, and the period of time over which the hazardous secondary material is to be exported;

iv) The estimated total quantity of hazardous secondary material;

v) All points of entry to and departure from each foreign country through which the hazardous secondary material will pass;

vi) A description of the means by which each shipment of the hazardous secondary material will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), and the types of container (drums, boxes, tanks, etc.));

vii) A description of the manner in which the hazardous secondary material will be reclaimed in the receiving country;

viii) The name and address of each reclaimer, any intermediate facility, and any alternative reclaimer and intermediate facilities; and

ix) The name of any transit countries through which the hazardous secondary material will be sent, together with a description of the approximate length of time the material will remain in each transit country and the nature of the handling of the material while in the country (for purposes of this Section, the meanings of the terms "Acknowledgement of Consent," "receiving country," and "transit country" are as defined in 35 Ill. Adm. Code 722.151, with the exception that the terms in this Section refer to hazardous secondary materials, rather than hazardous waste).

B) Submission of notification of intent to export hazardous secondary material. Whether delivered by mail or hand delivery, the following words must prominently appear on the front of the envelope: "Attention: Notification of Intent to Export."

i) A notification that is submitted by mail must be sent to the following mailing addresses:

Office of Enforcement and Compliance Assurance

Office of Federal Activities
International Compliance Assurance Division (Mail Code 2254A)
Environmental Protection Agency
1200 Pennsylvania Ave., NW.
Washington, DC 20460

Permits Section
Division of Land Pollution Control
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, Illinois 62794-9276

ii) A notification that is hand-delivered must be delivered to the following addresses:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division
Environmental Protection Agency
Ariel Rios Bldg., Room 6144
12th St. and Pennsylvania Ave., NW.
Washington, DC 20004

Permits Section
Division of Land Pollution Control
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

C) Except for a change in the telephone number submitted pursuant to subsection (a)(25)(A)(i) of this Section or a decrease in the quantity of hazardous secondary material indicated pursuant to subsection (a)(25)(A)(iv) of this Section, when the conditions specified on the original notification change (including any exceedance of the estimate of the quantity of hazardous secondary material specified in the original notification), the hazardous secondary material generator must provide the Agency and USEPA with a written re-notification of the change. The shipment cannot take place until consent of the receiving country to the changes (except for changes to subsection (a)(25)(A)(ix) of this Section and in the ports of entry to and departure from transit countries pursuant to subsection (a)(25)(A)(v) of this Section) has been obtained and the hazardous secondary material generator receives from USEPA an Acknowledgment of Consent reflecting the receiving country's consent to the changes.

D) Upon request from the Agency or USEPA, the hazardous secondary material generator must furnish to the Agency and USEPA any additional information that a receiving country requests in order to respond to a notification.

E) USEPA has stated in corresponding 40 CFR 261.4(a)(25)(v) that it will provide a complete notification to the receiving country and any transit countries. A notification is complete when USEPA determines that the notification satisfies the requirements of subsection (a)(25)(A) of this Section. ~~Where~~When a claim of confidentiality is asserted with respect to any notification information required by subsection (a)(25)(A) of this Section, USEPA has stated in corresponding 40 CFR 261.4(a)(25)(v) that it may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.

F) The export of hazardous secondary material pursuant to this subsection (a) (25) is prohibited, unless the receiving country consents to the intended export. When the receiving country consents in writing to the receipt of the hazardous secondary material, USEPA has stated in corresponding 40 CFR 261.4(a)(25)(vi) that it will send an Acknowledgment of Consent to the hazardous secondary material generator. ~~Where~~When the receiving country objects to receipt of the hazardous secondary material or withdraws a prior consent, USEPA has stated that it will notify the hazardous secondary material generator in writing. USEPA has stated that it will also notify the hazardous secondary material generator of any responses from transit countries.

G) For exports to OECD Member countries, the receiving country may respond to the notification using tacit consent. If no objection has been lodged by any receiving country or transit countries to a notification provided pursuant to subsection (a) (25) (A) of this Section within 30 days after the date of issuance of the acknowledgement of receipt of notification by the competent authority of the receiving country, the trans-boundary movement may commence. In such cases, USEPA has stated in corresponding 40 CFR 261.4(a)(25)(vii) that it will send an Acknowledgment of Consent to inform the hazardous secondary material generator that the receiving country and any relevant transit countries have not objected to the shipment, and are thus presumed to have consented tacitly. Tacit consent expires one calendar year after the close of the 30-day period; re-notification and renewal of all consents is required for exports after that date.

H) A copy of the Acknowledgment of Consent must accompany the shipment. The shipment must conform to the terms of the Acknowledgment of Consent.

I) If a shipment cannot be delivered for any reason to the reclaimer, intermediate facility or the alternate reclaimer or alternate intermediate facility, the hazardous secondary material generator must re-notify the Agency and USEPA of a change in the conditions of the original notification to allow shipment to a new reclaimer in accordance with subsection (a) (25) (C) of this Section and obtain another Acknowledgment of Consent.

J) The hazardous secondary material generator must keep a copy of each notification of intent to export and each Acknowledgment of Consent for a period of three years following receipt of the Acknowledgment of Consent.

K) Annual reporting of hazardous secondary material exports. A hazardous secondary material generator must file with the Agency and USEPA, no later than March 1 of each year, a report that summarizes the types, quantities, frequency, and ultimate destinations of all hazardous secondary materials exported during the previous calendar year. Annual reports must be sent to the addresses listed in subsection (a) (25) (B) of this Section (for mail or hand delivery, as appropriate) for submission notification of intent to export hazardous secondary material. The annual reports must include the following information:

i) The name, mailing and site addresses, and USEPA identification number (if applicable) of the hazardous secondary material generator;

ii) The calendar year covered by the report;

iii) The name and site address of each reclaimer and intermediate facility that received exported hazardous secondary material from the generator;

iv) By reclaimer and intermediate facility, for each hazardous secondary material exported, a description of the hazardous secondary material and the USEPA hazardous waste number that would apply were the hazardous secondary material to be managed as hazardous waste; the USDOT hazard class for the material, as determined pursuant to 49 CFR 171 through 173, each incorporated by reference in 35 Ill. Adm. Code 720.111; the name and USEPA identification number (~~where~~when applicable) for each transporter used; the total amount of hazardous secondary material shipped; and the number of shipments pursuant to each notification;

v) A certification signed by the hazardous secondary material generator that states as follows:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

L) Any person that claims an exclusion under this subsection (a)(25) must provide notification as required by 35 Ill. Adm. Code 720.142.

b) Solid wastes that are not hazardous wastes. The following solid wastes are not hazardous wastes:

1) Household waste, including household waste that has been collected, transported, stored, treated, disposed of, recovered (e.g., refuse-derived fuel), or reused. "Household waste" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste must not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this Part, if the following describe the facility:

A) The facility receives and burns only the following waste:

i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); or

ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

B) The facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

BOARD NOTE: The U.S. Supreme Court determined, in *City of Chicago v. Environmental Defense Fund, Inc.*, 511 U.S. 328, 114 S. Ct. 1588, 128 L. Ed. 2d 302 (1994), that this exclusion and RCRA section 3001(i) (42 USC 6921(i)) do not exclude the ash from facilities covered by this subsection (b)(1) from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), USEPA granted facilities managing ash from such facilities that is determined a hazardous waste under Subpart C of this Part until December 7, 1994 to file a

Part A permit application pursuant to 35 Ill. Adm. Code 703.181. At 60 Fed. Reg. 6666 (Feb. 3, 1995), USEPA stated that it interpreted that the point at which ash becomes subject to RCRA Subtitle C regulation is when that material leaves the combustion building (including connected air pollution control equipment).

2) Solid wastes generated by any of the following that are returned to the soil as fertilizers:

A) The growing and harvesting of agricultural crops, or

B) The raising of animals, including animal manures.

3) Mining overburden returned to the mine site.

4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.

6) Chromium wastes.

A) Wastes that fail the test for the toxicity characteristic (Section 721.124 and Appendix B to this Part) because chromium is present or which are listed in Subpart D of this Part due to the presence of chromium, that do not fail the test for the toxicity characteristic for any other constituent or which are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, if the waste generator shows the following:

i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;

ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

iii) The waste is typically and frequently managed in non-oxidizing environments.

B) The following are specific wastes that meet the standard in subsection (b)(6)(A) of this Section (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic):

i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue;

iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and through-the-blue;

vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries; and

viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.

7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

A) For purposes of this subsection (b)(7), beneficiation of ores and minerals is restricted to the following activities: crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water or carbon dioxide; roasting; autoclaving or chlorination in preparation for leaching (except where the roasting (or autoclaving or chlorination) and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; floatation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat tank, and in situ leaching.

B) For the purposes of this subsection (b)(7), solid waste from the processing of ores and minerals includes only the following wastes as generated:

i) Slag from primary copper processing;

ii) Slag from primary lead processing;

iii) Red and brown muds from bauxite refining;

iv) Phosphogypsum from phosphoric acid production;

v) Slag from elemental phosphorus production;

vi) Gasifier ash from coal gasification;

- vii) Process wastewater from coal gasification;
- viii) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
- ix) Slag tailings from primary copper processing;
- x) Fluorogypsum from hydrofluoric acid production;
- xi) Process wastewater from hydrofluoric acid production;
- xii) Air pollution control dust or sludge from iron blast furnaces;
- xiii) Iron blast furnace slag;
- xiv) Treated residue from roasting and leaching of chrome ore;
- xv) Process wastewater from primary magnesium processing by the anhydrous process;
- xvi) Process wastewater from phosphoric acid production;
- xvii) Basic oxygen furnace and open hearth furnace air pollution control dust or sludge from carbon steel production;
- xviii) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
- xix) Chloride processing waste solids from titanium tetrachloride production; and
- xx) Slag from primary zinc production.

C) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials or with normal mineral processing raw materials remains excluded under this subsection (b) if the following conditions are fulfilled:

- i) The owner or operator processes at least 50 percent by weight normal beneficiation raw materials or normal mineral processing raw materials; and
- ii) The owner or operator legitimately reclaims the secondary mineral processing materials.

8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

9) Solid waste that consists of discarded arsenical-treated wood or wood products that fails the test for the toxicity characteristic for hazardous waste codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons that utilize the arsenical-treated wood and wood products for these materials' intended end use.

10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only) and which are subject to corrective action regulations under 35 Ill. Adm. Code 731.

11) This subsection (b)(11) corresponds with 40 CFR 261.4(b)(11), which expired by its own terms on January 25, 1993. This statement maintains structural parity with USEPA regulations.

12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems, that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

13) Non-terne plated used oil filters that are not mixed with wastes listed in Subpart D of this Part, if these oil filters have been gravity hot-drained using one of the following methods:

A) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;

B) Hot-draining and crushing;

C) Dismantling and hot-draining; or

D) Any other equivalent hot-draining method that will remove used oil.

14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

15) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed of, under the following circumstances:

A) The following conditions must be fulfilled:

i) The solid wastes disposed of would meet one or more of the listing descriptions for the following USEPA hazardous waste numbers that are generated after the effective date listed for the waste:

USEPA Hazardous

Waste ~~Numbers~~ ~~Listing~~ ~~Numbers~~ ~~Listing~~ Effective Date
K169, K170, K171, and
K172 February 8, 1999
K174 and K175 May 7, 2001
K176, K177, and K178 May 20,
2002
K181 August 23, 2005

ii) The solid wastes described in subsection (b)(15)(A)(i) of this Section were disposed of prior to the effective date of the listing (as set forth in that subsection);

iii) The leachate or gas condensate does not exhibit any characteristic of hazardous waste nor is derived from any other listed hazardous waste; and

iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under section 307(b) or 402 of the federal Clean Water Act.

B) Leachate or gas condensate derived from K169, K170, K171, K172, K176, K177, or K178 waste will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. After February 26, 2007, leachate or gas condensate derived from K181 waste will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception:

if the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation (e.g., shutdown of wastewater treatment system), provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of this subsection (b)(15) after the emergency ends.

c) Hazardous wastes that are exempted from certain regulations. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728 or to the notification requirements of section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials.

d) Samples.

1) Except as provided in subsection (d)(2) of this Section, a sample of solid waste or a sample of water, soil, or air that is collected for the sole purpose of testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, and 722 through 728. The sample qualifies when it fulfills one of the following conditions:

A) The sample is being transported to a laboratory for the purpose of testing;

B) The sample is being transported back to the sample collector after testing;

C) The sample is being stored by the sample collector before transport to a laboratory for testing;

D) The sample is being stored in a laboratory before testing;

E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or

F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

2) In order to qualify for the exemption in subsection (d)(1)(A) or (d)(1)(B) of this Section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must do the following:

A) Comply with U.S. Department of Transportation (USDOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or

B) Comply with the following requirements if the sample collector determines that USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample:

i) Assure that the following information accompanies the sample: The sample collector's name, mailing address, and telephone number; the laboratory's name,

mailing address, and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample; and

ii) Package the sample so that it does not leak, spill, or vaporize from its packaging.

3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1) of this Section.

e) Treatability study samples.

1) Except as is provided in subsection (e)(2) of this Section, a person that generates or collects samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:

A) The sample is being collected and prepared for transportation by the generator or sample collector;

B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or

C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

2) The exemption in subsection (e)(1) of this Section is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that the following conditions are fulfilled:

A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1,000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2,500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated waste stream;

B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of hazardous waste, and 1 kg of acute hazardous waste;

C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements of subsection (e)(2)(C)(i) or (e)(2)(C)(ii) of this Section are met.

i) The transportation of each sample shipment complies with USDOT, USPS, or any other applicable shipping requirements; or

ii) If the USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number of the facility that will perform the

treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number;

D) The sample is shipped to a laboratory or testing facility that is exempt under subsection (f) of this Section, or has an appropriate RCRA permit or interim status;

E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

i) Copies of the shipping documents;

ii) A copy of the contract with the facility conducting the treatability study; and

iii) Documentation showing the following: The amount of waste shipped under this exemption; the name, address, and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and whether or not unused samples and residues were returned to the generator; and

F) The generator reports the information required in subsection (e)(2)(E)(iii) of this Section in its report under 35 Ill. Adm. Code 722.141.

3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsections (e)(2)(A), (e)(2)(B), and (f)(4) of this Section, for up to an additional 5,000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste under the circumstances set forth in either subsection (e)(3)(A) or (e)(3)(B) of this Section, subject to the limitations of subsection (e)(3)(C) of this Section:

A) In response to requests for authorization to ship, store, and conduct further treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.

B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies when the following occurs: There has been an equipment or mechanical failure during the conduct of the treatability study, there is need to verify the results of a previously-conducted treatability study, there is a need to study and analyze alternative techniques within a previously-evaluated treatment process, or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

C) The additional quantities allowed and timeframes allowed in subsections (e)(3)(A) and (e)(3)(B) of this Section are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F) of this Section. The

generator or sample collector must apply to the Agency and provide in writing the following information:

i) The reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;

ii) Documentation accounting for all samples of hazardous waste from the waste stream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;

iv) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and

v) Such other information as the Agency determines is necessary.

4) Final Agency determinations pursuant to this subsection (e) may be appealed to the Board.

f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 722 through 726, and 728 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11) of this Section are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11) of this Section. Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) of this Section apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection (f).

2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.

3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the

total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including non-hazardous solid waste) added to "as received" hazardous waste.

5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.

7) The facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

A) The name, address, and USEPA identification number of the generator or sample collector of each waste sample;

B) The date the shipment was received;

C) The quantity of waste accepted;

D) The quantity of "as received" waste in storage each day;

E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

F) The date the treatability study was concluded;

G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.

8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

9) The facility prepares and submits a report to the Agency, by March 15 of each year, that includes the following information for the previous calendar year:

A) The name, address, and USEPA identification number of the facility conducting the treatability studies;

B) The types (by process) of treatability studies conducted;

- C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);
- D) The total quantity of waste in storage each day;
- E) The quantity and types of waste subjected to treatability studies;
- F) When each treatability study was conducted; and
- G) The final disposition of residues and unused sample from each treatability study.

10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703, and 721 through 728, unless the residues and unused samples are returned to the sample originator under the exemption of subsection (e) of this Section.

11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

g) Dredged material that is not a hazardous waste. Dredged material that is subject to the requirements of a permit that has been issued under section 404 of the Federal Water Pollution Control Act (33 USC 1344) is not a hazardous waste. For the purposes of this subsection (g), the following definitions apply:

"Dredged material" has the meaning ascribed it in 40 CFR 232.2 (Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

"Permit" means any of the following:

A permit issued by the U.S. Army Corps of Engineers (Army Corps) under section 404 of the Federal Water Pollution Control Act (33 USC 1344);

A permit issued by the Army Corps under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 USC 1413); or

In the case of Army Corps civil works projects, the administrative equivalent of the permits referred to in the preceding two paragraphs of this definition, as provided for in Army Corps regulations (for example, see 33 CFR 336.1, 336.2, and 337.6).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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

a) A generator is a conditionally exempt small quantity generator (CESQG) in a calendar month if it generates no more than 100 kilograms of hazardous waste in that month.

b) Except for those wastes identified in subsections (e), (f), (g), and (j) of this Section, a ~~conditionally exempt small quantity generator's~~ CESQG's hazardous wastes are not subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728, and the notification requirements of section 3010 of

Resource Conservation and Recovery Act, provided the generator complies with subsections (f), (g), and (j) of this Section.

c) When making the quantity determinations of this Part and 35 Ill. Adm. Code 722, the generator must include all hazardous waste that it generates, except the following hazardous waste:

1) Hazardous waste that is exempt from regulation under Section 721.104(c) through (f), 721.106(a)(3), 721.107(a)(1), or 721.108;

2) Hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;

3) Hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under Section 721.106(c)(2);

4) Hazardous waste that is used oil managed pursuant to Section 721.106(a)(4) and 35 Ill. Adm. Code 739;

5) Hazardous waste that is spent lead-acid batteries managed pursuant to Subpart G of 35 Ill. Adm. Code 726; and

6) Hazardous waste that is universal waste managed pursuant to Section 721.109 and 35 Ill. Adm. Code ~~733~~733; and

7) Hazardous waste that is an unused commercial chemical product (that is listed in Subpart D of 35 Ill. Adm. Code 721 or ~~which that~~ exhibits one or more characteristics in Subpart C of 35 Ill. Adm. Code 721) that is generated solely as a result of a laboratory clean-out conducted at an eligible academic entity pursuant to Section 722.313. For purposes of this subsection (c)(7), the term "eligible academic entity" has the meaning given ~~the that~~ term in 35 Ill. Adm. Code 722.300.

d) In determining the quantity of hazardous waste it generates, a generator need not include the following:

1) Hazardous waste when it is removed from on-site storage;

2) Hazardous waste produced by on-site treatment (including reclamation) of its hazardous waste so long as the hazardous waste that is treated was counted once;

3) Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once.

e) If a generator generates acute hazardous waste in a calendar month in quantities greater than those set forth in subsections (e)(1) and (e)(2) of this Section, all quantities of that acute hazardous waste are subject to full regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728, and the notification requirements of section 3010 of the Resource Conservation and Recovery Act.

1) A total of one kilogram of one or more of the acute hazardous wastes listed in Section 721.131, 721.132, or 721.133(e); or

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

BOARD NOTE: "Full regulation" means those regulations applicable to generators of greater than 1,000 kg of non-acute hazardous waste in a calendar month.

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

1) 35 Ill. Adm. Code 722.111.

2) The generator may accumulate acute hazardous waste on-site. If the generator accumulates at any time acute hazardous wastes in quantities greater than set forth in subsection (e)(1) or (e)(2) of this Section, all of those accumulated wastes are subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728, and the applicable notification requirements of section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(a), for accumulation of wastes on-site, begins when the accumulated wastes exceed the applicable exclusion limit.

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

A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;

B) The facility has interim status under 35 Ill. Adm. Code 702, 703, and 725;

C) The facility is authorized to manage hazardous waste by a state with a hazardous waste management program approved by USEPA pursuant to 40 CFR 271;

D) The facility is permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill facility, the landfill is subject to 35 Ill. Adm. Code 810 through 814 or federal 40 CFR 258;

E) The facility is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, the unit is subject to federal 40 CFR 257.5 through 257.30;

BOARD NOTE: The Illinois non-hazardous waste landfill regulations, 35 Ill. Adm. Code 810 through 814, do not allow the disposal of hazardous waste in a landfill regulated under those rules. The Board intends that subsections (f)(3)(D) and (f)(3)(E) of this Section impose a federal requirement on the hazardous waste generator. The Board specifically does not intend that these subsections authorize any disposal of conditionally-exempt small quantity generator waste in a landfill not specifically permitted to accept the particular hazardous waste.

F) The facility is one that fulfills one of the following conditions:

i) It beneficially uses or reuses or legitimately recycles or reclaims its waste; or

ii) It treats its waste prior to beneficial use or reuse or legitimate recycling or reclamation; or

G) For universal waste managed under 35 Ill. Adm. Code 733 or federal 40 CFR 273, the facility is a universal waste handler or destination facility subject to 35 Ill. Adm. Code 733 or federal 40 CFR 273.

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

1) 35 Ill. Adm. Code 722.111;

2) The ~~conditionally exempt small quantity generator~~ CESQG may accumulate hazardous waste on-site. If it accumulates at any time more than a total of 1,000 kilograms of the generator's hazardous waste, all of those accumulated wastes are subject to regulation pursuant to the special provisions of 35 Ill. Adm. Code 722 applicable to generators of between 100 kg and 1,000 kg of hazardous waste in a calendar month, as well as 35 Ill. Adm. Code 702, 703, and 723 through 728, and the applicable notification requirements of Section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(d) for accumulation of wastes on-site begins for a small quantity generator when the accumulated wastes exceed 1,000 kilograms;

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

A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;

B) The facility has interim status under 35 Ill. Adm. Code 702, 703, and 725;

C) The facility is authorized to manage hazardous waste by a state with a hazardous waste management program approved by USEPA pursuant to 40 CFR 271;

D) The facility is permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill facility, the landfill is subject to 35 Ill. Adm. Code 810 through 814 or federal 40 CFR 258;

E) The facility is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, the unit is subject to federal 40 CFR 257.5 through 257.30;

BOARD NOTE: The Illinois non-hazardous waste landfill regulations, 35 Ill. Adm. Code 810 through 814, do not allow the disposal of hazardous waste in a landfill regulated under those rules. The Board intends that subsections (g)(3)(D) and (g)(3)(E) of this Section impose a federal requirement on the hazardous waste generator. The Board specifically does not intend that these subsections authorize any disposal of conditionally-exempt small quantity

generator waste in a landfill not specifically permitted to accept the particular hazardous waste.

F) The facility is one that fulfills the following conditions:

i) It beneficially uses or re-uses, or legitimately recycles or reclaims the small quantity generator's waste; or

ii) It treats its waste prior to beneficial use or re-use or legitimate recycling or reclamation; or

G) For universal waste managed under 35 Ill. Adm. Code 733 or federal 40 CFR 273, the facility is a universal waste handler or destination facility subject to 35 Ill. Adm. Code 733 or federal 40 CFR 273.

h) Hazardous waste subject to the reduced requirements of this Section may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this Section, unless the mixture meets any of the characteristics of hazardous wastes identified in Subpart C of this Part.

i) If a small quantity generator mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this Section, the mixture is subject to full regulation.

j) If a ~~conditionally exempt small quantity generator's~~ CESQG's hazardous wastes are mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 739. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded, as described in Section 721.102(a)(2)(A); when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment; when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to land in lieu of their original intended use; or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

a) Any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section.

b) Any off-specification commercial chemical product or manufacturing chemical intermediate that, if it met specifications, would have the generic name listed in subsection (e) or (f) of this Section.

c) Any residue remaining in a container or inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of

this Section, unless the container is empty, as defined in Section 721.107(b)(3).

BOARD NOTE: Unless the residue is being beneficially used or reused; legitimately recycled or reclaimed; or accumulated, stored, transported, or treated prior to such use, reuse, recycling, or reclamation, the Board considers the residue to be intended for discard, and thus a hazardous waste. An example of a legitimate reuse of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner that reconditions the drum but discards the residue.

d) Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section or any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any off-specification chemical product or manufacturing chemical intermediate that, if it met specifications, would have the generic name listed in subsection (e) or (f) of this Section.

BOARD NOTE: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in ..." refers to a chemical substance that is manufactured or formulated for commercial or manufacturing use that consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in subsection (e) or (f) of this Section. Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in subsection (e) or (f) of this Section, such waste will be listed in either Sections 721.131 or 721.132 or will be identified as a hazardous waste by the characteristics set forth in Subpart C of this Part.

e) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in subsections (a) through (d) of this Section are identified as acute hazardous waste (H) and are subject to the small quantity exclusion defined in Section 721.105(e). These wastes and their corresponding USEPA hazardous waste numbers are the following:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). The absence of a letter indicates that the compound is only listed for acute toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by USEPA hazardous waste number.

Alphabetical Listing

USEPA Hazardous Waste No. Chemical Abstracts No. (CAS No.)

Substance Hazard Code P Code P
2023107-20-0 Acetaldehyde, chloro- P002591-08-2 Acetamide, N-(aminothioxomethyl) P057640-19-7 Acetamide, 2-fluoro- P05862-74-8 Acetic acid, fluoro-, sodium salt P002591-08-21 Acetyl-2-thiourea P003107-02-8 Acrolein P070116-06-3 Aldicarb P2031646-88-4 Aldicarb sulfone P004309-00-2 Aldrin P005107-18-6 Allyl

alcoholP00620859-73-8Aluminum phosphide (R, T)(~~R, T~~)P0072763-96-45-
(Aminomethyl)-3-isoxazololP008504-24-54-AminopyridineP009131-74-8Ammonium
picrate (R)(~~R~~)P1197803-55-6Ammonium vanadateP099506-61-6Argentate(1-),
bis(cyano-C)-, potassiumP0107778-39-4Arsenic acid H3AsO4P0121327-53-3Arsenic
oxide As2O3P0111303-28-2Arsenic oxide As2O5P0111303-28-2Arsenic
pentoxideP0121327-53-3Arsenic trioxideP038692-42-2Arsine, diethyl-P036696-28-
6Arsonous dichloride, phenyl-P054151-56-4AziridineP06775-55-8Aziridine, 2-
methylP013542-62-1Barium cyanideP024106-47-8Benzenamine, 4-chloro-P077100-01-
6Benzenamine, 4-nitro-P028100-44-7Benzene, (chloromethyl)-P04251-43-41,2-
Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl) -, (R)-P046122-09-
8Benzeneethanamine, ?,?-dimethyl-P014108-98-5BenzenethiolP1271563-66-27-
Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamateP18857-64-7Benzoic acid,
2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-
trimethylpyrrolo(2,3-b) indol-5-yl methylcarbamate ester (1:1)P00181-81-2*2H-1-
Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at
concentrations greater than 0.3 percentP028100-44-7Benzyl chlorideP0157440-41-
7Beryllium powderP017598-31-2BromoacetoneP018357-57-3BrucineP04539196-18-62-
Butanone, 3,3-dimethyl-1-(methylthio)-, O-((methylamino)carbonyl) oximeP021592-
01-8Calcium cyanideP021592-01-8Calcium cyanide Ca(CN)2P18955285-14-8Carbamic
acid, ((dibutylamino)-thio)methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl
esterP191644-64-4Carbamic acid, dimethyl-, 1-((dimethyl-amino)carbonyl) -5-
methyl-1H-pyrazol-3-yl esterP192119-38-0Carbamic acid, dimethyl-, 3-methyl-1-(1-
methylethyl)-1H-pyrazol-5-yl esterP1901129-41-5Carbamic acid, methyl-, 3-
methylphenyl esterP1271563-66-2CarbofuranP02275-15-0Carbon disulfideP09575-44-
5Carbonic dichlorideP18955285-14-8CarbosulfanP023107-20-
0ChloroacetaldehydeP024106-47-8p-ChloroanilineP0265344-82-11-(o-
Chlorophenyl)thioureaP027542-76-73-ChloropropionitrileP029544-92-3Copper
cyanideP029544-92-3Copper cyanide CuCNP0264-00-6m-Cumenyl
methylcarbamateP030Cyanides (soluble cyanide salts), not otherwise
specifiedP031460-19-5CyanogenP033506-77-4Cyanogen chlorideP033506-77-4Cyanogen
chloride CNClP034131-89-52-Cyclohexyl-4,6-dinitrophenolP016542-88-
1Dichloromethyl etherP036696-28-6DichlorophenylarsineP03760-57-1DieldrinP038692-
42-2DiethylarsineP041311-45-5Diethyl-p-nitrophenyl phosphateP040297-97-20,O-
Diethyl O-pyrazinyl phosphorothioateP04355-91-4Diisopropylfluorophosphate
(DFP)P191644-64-4DimetilanP004309-00-21,4,5,8-Dimethanonaphthalene,
1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1?,4?,4a?,5?,8?,8a?)-
P060465-73-61,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-
1,4,4a,5,8,8a-hexahydro-, (1?,4?,4a?,5?,8?,8a?)-P03760-57-12,7:3,6-
Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-
octahydro-, (1a?,2?,2a?,3?,6?,6a?,7?,7a?)-P05172-20-8*2,7:3,6-
Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-
octahydro-, (1a?,2?,2a?,3?,6?,6a?,7?,7a?)-, and metabolitesP04460-51-
5DimethoateP046122-09-8?,?-DimethylphenethylamineP047534-52-1*4,6-Dinitro-o-
cresol and saltsP04851-28-52,4-DinitrophenolP02088-85-7DinosebP085152-16-
9Diphosphoramidate, octamethyl-P111107-49-3Diphosphoric acid, tetraethyl
esterP039298-04-4DisulfotonP049541-53-7DithiobiuretP18526419-73-81,3-Dithiolane-
2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)- carbonyl)oximeP050115-29-
7EndosulfanP088145-73-3EndothallP05172-20-8EndrinP05172-20-8Endrin, and
metabolitesP04251-43-4EpinephrineP031460-19-5EthanedinitrileP19423135-22-
0Ethanimidothioic acid, 2-(dimethylamino)-N-(((methylamino)carbonyl)oxy)-2-oxo-
, methyl esterP06616752-77-5Ethanimidothioic acid, N-
(((methylamino)carbonyl)oxy)-, methyl esterP101107-12-0Ethyl cyanideP054151-56-
4EthylenimineP09752-85-7FamphurP0567782-41-4FluorineP057640-19-
7FluoroacetamideP05862-74-8Fluoroacetic acid, sodium saltP19823422-53-
9Formetanate hydrochlorideP19717702-57-7FormparanateP065628-86-4Fulminic acid,
mercury (2+) salt (R, T)(~~R, T~~)P05976-44-8HeptachlorP062757-58-4Hexaethyl
tetraphosphateP11679-19-6HydrazinecarbothioamideP06860-34-4Hydrazine, methyl-

P06374-90-8Hydrocyanic acidP06374-90-8Hydrogen cyanideP0967803-51-2Hydrogen phosphideP060465-73-6IsodrinP192119-38-0IsolanP20264-00-63-Isopropylphenyl-N-methylcarbamateP0072763-96-43(2H)-Isoxazolone, 5-(aminomethyl)-P19615339-36-3Manganese, bis(dimethylcarbamo-dithioato-S,S')-P19615339-36-3Manganese dimethyldithiocarbamateP09262-38-4Mercury, (acetato-O)phenyl-P065628-86-4Mercury fulminate (R, T)(R,T)P08262-75-9Methanamine, N-methyl-N-nitroso-P064624-83-9Methane, isocyanato-P016542-88-1Methane, oxybis(chloro-P112509-14-8Methane, tetranitro- (R)(R)P11875-70-7Methanethiol, trichloro-P19823422-53-9Methanimidamide, N,N-dimethyl-N'-(3-((methylamino)-carbonyl)oxy)phenyl)-, monohydrochlorideP19717702-57-7Methanimidamide, N,N-dimethyl-N'-(2-methyl-4-((methylamino)carbonyl)oxy)phenyl)-P1992032-65-7MethiocarbP050115-29-76,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxideP05976-44-84,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-P06616752-77-5MethomylP06860-34-4Methyl hydrazineP064624-83-9Methyl isocyanateP06975-86-52-Methyl lactonitrileP071298-00-0Methyl parathionP1901129-41-5MetolcarbP128315-18-4MexacarbateP07286-88-4?-NaphthylthioureaP07313463-39-3Nickel carbonylP07313463-39-3Nickel carbonyl Ni(CO)₄, (T-4)-P074557-19-7Nickel cyanideP074557-19-7Nickel cyanide Ni(CN)₂P07554-11-5*Nicotine, and saltsP07610102-43-9Nitric oxideP077100-01-6p-NitroanilineP07810102-44-0Nitrogen dioxideP07610102-43-9Nitrogen oxide NOP07810102-44-0Nitrogen oxide NO₂P08155-63-0Nitroglycerine (R)(R)P08262-75-9N-NitrosodimethylamineP0844549-40-0N-NitrosomethylvinylamineP085152-16-9OctamethylpyrophosphoramidateP08720816-12-0Osmium oxide OsO₄, (T-4)-P08720816-12-0Osmium tetroxideP088145-73-37-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acidP19423135-22-0OxamylP08956-38-2ParathionP034131-89-5Phenol, 2-cyclohexyl-4,6-dinitro-P128315-18-4Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)P1992032-65-7Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamateP04851-28-5Phenol, 2,4-dinitro-P047534-52-1*Phenol, 2-methyl-4,6-dinitro-, and saltsP20264-00-6Phenol, 3-(1-methylethyl)-, methyl carbamateP2012631-37-0Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamateP02088-85-7Phenol, 2-(1-methylpropyl)-4,6-dinitro-P009131-74-8Phenol, 2,4,6-trinitro-, ammonium salt (R)(R)P09262-38-4Phenylmercury acetateP093103-85-5PhenylthioureaP094298-02-2PhorateP09575-44-5PhosgeneP0967803-51-2PhosphineP041311-45-5Phosphoric acid, diethyl 4-nitrophenyl esterP039298-04-4Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) esterP094298-02-2Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) esterP04460-51-5Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) esterP04355-91-4Phosphorofluoridic acid, bis(1-methylethyl)esterP08956-38-2Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) esterP040297-97-2Phosphorothioic acid, O,O-diethyl O-pyrazinyl esterP09752-85-7Phosphorothioic acid, O-(4-((dimethylamino)sulfonyl)phenyl) O,O-dimethyl esterP071298-00-0Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) esterP20457-47-6PhysostigmineP18857-64-7Physostigmine salicylateP11078-00-2Plumbane, tetraethyl-P098151-50-8Potassium cyanideP098151-50-8Potassium cyanide KCN P099506-61-6Potassium silver cyanideP2012631-37-0PromecarbP2031646-88-4Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-((methylamino)carbonyl) oximeP070116-06-3Propanal, 2-methyl-2-(methylthio)-, O-((methylamino)carbonyl) oximeP101107-12-0PropanenitrileP027542-76-7Propanenitrile, 3-chloro-P06975-86-5Propanenitrile, 2-hydroxy-2-methyl-P08155-63-01,2,3-Propanetriol, trinitrate- (R)(R)P017598-31-22-Propanone, 1-bromo-P102107-19-7Propargyl alcoholP003107-02-82-PropenalP005107-18-62-Propen-1-olP06775-55-81,2-PropylenimineP102107-19-72-Propyn-1-olP008504-24-54-PyridinamineP07554-11-5*Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)- and saltsP20457-47-6Pyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-P11412039-52-0Selenious acid, dithallium (1+) saltP103630-10-4SelenoureaP104506-64-9Silver cyanideP104506-64-9Silver cyanide AgCNP10526628-22-8Sodium azideP106143-33-9Sodium cyanideP106143-

33-9Sodium cyanide NaCNP10857-24-9*Strychnidin-10-one, and saltsP018357-57-3Strychnidin-10-one, 2,3-dimethoxy-P10857-24-9*Strychnine and saltsP1157446-18-6Sulfuric acid, dithallium (1+) saltP1093689-24-5TetraethyldithiopyrophosphateP11078-00-2Tetraethyl leadP111107-49-3TetraethylpyrophosphateP112509-14-8Tetranitromethane (R)~~(R)~~P062757-58-4Tetrathosphoric acid, hexaethyl esterP1131314-32-5Thallic oxideP1131314-32-5Thallium oxide TL203P11412039-52-0Thallium (I) seleniteP1157446-18-6Thallium (I) sulfateP1093689-24-5Thiodiphosphoric acid, tetraethyl esterP04539196-18-4ThiofanoxP049541-53-7Thioimidodicarbonic diamide ((H2N)C(S)) 2NHP014108-98-5ThiophenolP11679-19-6ThiosemicarbazideP0265344-82-1Thiourea, (2-chlorophenyl)-P07286-88-4Thiourea, 1-naphthalenyl-P093103-85-5Thiourea, phenyl-P1238001-35-2ToxapheneP18526419-73-8TirpateP11875-70-7TrichloromethanethiolP1197803-55-6Vanadic acid, ammonium saltP1201314-62-1Vanadium oxide V2O5P1201314-62-1Vanadium pentoxideP0844549-40-0Vinylamine, N-methyl-N-nitroso-P00181-81-2*Warfarin, and salts, when present at concentrations greater than 0.3 percentP121557-21-1Zinc cyanideP121557-21-1Zinc cyanide Zn(CN)2P205137-30-4Zinc, bis(dimethylcarbomodithioato-S,S')-P1221314-84-7Zinc phosphide Zn3P2, when present at concentrations greater than 10 percent ~~(R,~~
~~T)~~(R, T)P205137-30-4Ziram
Numerical Listing

USEPA Hazardous Waste No.Chemical Abstracts No. (CAS No.)SubstanceHazard Code
P00181-81-2*2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3 percentP00181-81-2*Warfarin, and salts, when present at concentrations greater than 0.3 percentP002591-08-2Acetamide, N-(aminothioxomethyl)P002591-08-21-Acetyl-2-thioureaP003107-02-8AcroleinP003107-02-82-PropenalP004309-00-2AldrinP004309-00-21,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1?,4?,4a?,5?,8?,8a?)-P005107-18-6Allyl alcoholP005107-18-62-Propen-1-olP00620859-73-8Aluminum phosphide (R, T)~~(R,T)~~P0072763-96-45-(Aminomethyl)-3-isoxazololP0072763-96-43(2H)-Isoxazolone, 5-(aminomethyl)-P008504-24-54-AminopyridineP008504-24-54-PyridinamineP009131-74-8Ammonium picrate (R)~~(R)~~P009131-74-8Phenol, 2,4,6-trinitro-, ammonium salt (R)~~(R)~~P0107778-39-4Arsenic acid H3AsO4P0111303-28-2Arsenic oxide As2O5P0111303-28-2Arsenic pentoxideP0121327-53-3Arsenic oxide As2O3P0121327-53-3Arsenic trioxideP013542-62-1Barium cyanideP014108-98-5BenzenethiolP014108-98-5ThiophenolP0157440-41-7Beryllium powderP016542-88-1Dichloromethyl etherP016542-88-1Methane, oxybis(chloro-P017598-31-2BromoacetoneP017598-31-22-Propanone, 1-bromo-P018357-57-3BrucineP018357-57-3Strychnidin-10-one, 2,3-dimethoxy-P02088-85-7DinosebP02088-85-7Phenol, 2-(1-methylpropyl)-4,6-dinitro-P021592-01-8Calcium cyanideP021592-01-8Calcium cyanide Ca(CN)2P02275-15-0Carbon disulfideP023107-20-0Acetaldehyde, chloro-P023107-20-0ChloroacetaldehydeP024106-47-8Benzenamine, 4-chloro-P024106-47-8p-ChloroanilineP0265344-82-11-(o-Chlorophenyl)thioureaP0265344-82-1Thiourea, (2-chlorophenyl)-P027542-76-73-ChloropropionitrileP027542-76-7Propanenitrile, 3-chloro-P028100-44-7Benzene, (chloromethyl)-P028100-44-7Benzyl chlorideP029544-92-3Copper cyanideP029544-92-3Copper cyanide CuCNP030Cyanides (soluble cyanide salts), not otherwise specifiedP031460-19-5CyanogenP031460-19-5EthanedinitrileP033506-77-4Cyanogen chlorideP033506-77-4Cyanogen chloride CNClP034131-89-52-Cyclohexyl-4,6-dinitrophenolP034131-89-5Phenol, 2-cyclohexyl-4,6-dinitro-P036696-28-6Arsonous dichloride, phenyl-P036696-28-6DichlorophenylarsineP03760-57-1DieldrinP03760-57-12,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1a?,2?,2a?,3?,6?,6a?,7?,7a?)-P038692-42-2Arsine, diethyl-P038692-42-2DiethylarsineP039298-04-4DisulfotonP039298-04-4Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) esterP040297-97-2O,O-Diethyl O-pyrazinyl phosphorothioateP040297-97-2Phosphorothioic acid, O,O-diethyl O-pyrazinyl esterP041311-45-5Diethyl-p-nitrophenyl phosphateP041311-45-

5Phosphoric acid, diethyl 4-nitrophenyl esterP04251-43-41,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)-, (R)-P04251-43-4EpinephrineP04355-91-4Diisopropylfluorophosphate (DFP)P04355-91-4Phosphorofluoric acid, bis(1-methylethyl)esterP04460-51-5DimethoateP04460-51-5Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) esterP04539196-18-62-Butanone, 3,3-dimethyl-1-(methylthio)-, O-((methylamino)carbonyl) oximeP04539196-18-4ThiofanoxP046122-09-8Benzeneethanamine, ?,?-dimethyl-P046122-09-8?,?-DimethylphenethylamineP047534-52-1*4,6-Dinitro-o-cresol and saltsP047534-52-1*Phenol, 2-methyl-4,6-dinitro-, and saltsP04851-28-52,4-DinitrophenolP04851-28-5Phenol, 2,4-dinitro-P049541-53-7DithiobiuretP049541-53-7Thioimidodicarbonic diamide ((H2N)C(S))2NHP050115-29-7EndosulfanP050115-29-76,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxideP05172-20-8*2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1a?,2?,2a?,3?,6?,6a?,7?,7a?)-, and metabolitesP05172-20-8EndrinP05172-20-8Endrin, and metabolitesP054151-56-4AziridineP054151-56-4EthylenimineP0567782-41-4FluorineP057640-19-7Acetamide, 2-fluoro-P057640-19-7FluoroacetamideP05862-74-8Acetic acid, fluoro-, sodium saltP05862-74-8Fluoroacetic acid, sodium saltP05976-44-8HeptachlorP05976-44-84,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-P060465-73-61,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1?,4?,4a?,5?,8?,8a?)-P060465-73-6IsodrinP062757-58-4Hexaethyl tetraphosphateP062757-58-4Tetraphosphoric acid, hexaethyl esterP06374-90-8Hydrocyanic acidP06374-90-8Hydrogen cyanideP064624-83-9Methane, isocyanato-P064624-83-9Methyl isocyanateP065628-86-4Fulminic acid, mercury (2+) salt (R, T)(~~R, T~~)P065628-86-4Mercury fulminate (R, T)(~~R, T~~)P06616752-77-5Ethanimidothioic acid, N-(((methylamino)carbonyl)oxy)-, methyl esterP06616752-77-5MethomylP06775-55-8Aziridine, 2-methylP06775-55-81,2-PropylenimineP06860-34-4Hydrazine, methyl-P06860-34-4Methyl hydrazineP06975-86-52-MethylactonitrileP06975-86-5Propanenitrile, 2-hydroxy-2-methyl-P070116-06-3AldicarbP070116-06-3Propanal, 2-methyl-2-(methylthio)-, O-((methylamino)carbonyl) oximeP071298-00-0Methyl parathionP071298-00-0Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) esterP07286-88-4?-NaphthylthioureaP07286-88-4Thiourea, 1-naphthalenyl-P07313463-39-3Nickel carbonylP07313463-39-3Nickel carbonyl Ni(CO)4, (T-4)-P074557-19-7Nickel cyanideP074557-19-7Nickel cyanide Ni(CN)2P07554-11-5*Nicotine, and saltsP07554-11-5*Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)- and saltsP07610102-43-9Nitric oxideP07610102-43-9Nitrogen oxide NOP077100-01-6Benzenamine, 4-nitro-P077100-01-6p-NitroanilineP07810102-44-0Nitrogen dioxideP07810102-44-0Nitrogen oxide NO2P08155-63-0Nitroglycerine (R)(~~R~~)P08155-63-01,2,3-Propanetriol, trinitrate- (R)(~~R~~)P08262-75-9Methanamine, N-methyl-N-nitroso-P08262-75-9N-NitrosodimethylamineP0844549-40-0N-NitrosomethylvinylamineP0844549-40-0Vinylamine, N-methyl-N-nitroso-P085152-16-9Diphosphoramidate, octamethyl-P085152-16-9OctamethylpyrophosphoramidateP08720816-12-0Osmium oxide OsO4, (T-4)-P08720816-12-0Osmium tetroxideP088145-73-3EndothallP088145-73-37-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acidP08956-38-2ParathionP08956-38-2Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) esterP09262-38-4Mercury, (acetato-O)phenyl-P09262-38-4Phenylmercury acetateP093103-85-5PhenylthioureaP093103-85-5Thiourea, phenyl-P094298-02-2PhorateP094298-02-2Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) esterP09575-44-5Carbonic dichlorideP09575-44-5PhosgeneP0967803-51-2Hydrogen phosphideP0967803-51-2PhosphineP09752-85-7FamphurP09752-85-7Phosphorothioic acid, O-(4-((dimethylamino)sulfonyl)phenyl) O,O-dimethyl esterP098151-50-8Potassium cyanideP098151-50-8Potassium cyanide KCN P099506-61-6Argentate(1-), bis(cyano-C)-, potassiumP099506-61-6Potassium silver cyanideP101107-12-0Ethyl cyanideP101107-12-0PropanenitrileP102107-19-7Propargyl alcoholP102107-19-72-Propyn-1-olP103630-10-4SelenoureaP104506-64-9Silver cyanideP104506-64-9Silver cyanide AgCNP10526628-22-8Sodium azideP106143-33-9Sodium cyanideP106143-33-9Sodium cyanide NaCNP10857-24-9*Strychnidin-10-one, and saltsP10857-24-

9*Strychnine and saltsP1093689-24-5TetraethyldithiopyrophosphateP1093689-24-5
 5Thiodiphosphoric acid, tetraethyl esterP11078-00-2Plumbane, tetraethyl-P11078-00-2
 2Tetraethyl leadP111107-49-3Diphosphoric acid, tetraethyl esterP111107-49-3
 3TetraethylpyrophosphateP112509-14-8Methane, tetranitro- (R)-~~(R)~~P112509-14-8
 8Tetranitromethane (R)-~~(R)~~P1131314-32-5Thallic oxideP1131314-32-5Thallium oxide
 Tl2O3P11412039-52-0Selenious acid, dithallium (1+) saltP11412039-52-0Thallium
 (I) seleniteP1157446-18-6Sulfuric acid, dithallium (1+) saltP1157446-18-6
 6Thallium (I) sulfateP11679-19-6HydrazinecarbothioamideP11679-19-6
 6ThiosemicarbazideP11875-70-7Methanethiol, trichloro-P11875-70-7
 7TrichloromethanethiolP1197803-55-6Ammonium vanadateP1197803-55-6Vanadic acid,
 ammonium saltP1201314-62-1Vanadium oxide V2O5P1201314-62-1Vanadium
 pentoxideP121557-21-1Zinc cyanideP121557-21-1Zinc cyanide Zn(CN)2P1221314-84-7
 7Zinc phosphide Zn3P2, when present at concentrations greater than 10 percent
~~(R, T)~~ (R, T)P1238001-35-2ToxapheneP1271563-66-27-Benzofuranol, 2,3-dihydro-2,2-
 dimethyl-, methylcarbamateP1271563-66-2CarbofuranP128315-18-4Phenol, 4-
 (dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)P128315-18-4
 4MexacarbateP18526419-73-81,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-
 ((methylamino)- carbonyl)oximeP18526419-73-8TirpateP18857-64-7Benzoic acid, 2-
 hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-
 trimethylpyrrolo(2,3-b)indol-5-yl methylcarbamate ester (1:1)P18857-64-7
 7Physostigmine salicylateP18955285-14-8Carbamic acid, ((dibutylamino)-
 thio)methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl esterP18955285-14-8
 8CarbosulfanP1901129-41-5Carbamic acid, methyl-, 3-methylphenyl esterP1901129-41-5
 5MetolcarbP191644-64-4Carbamic acid, dimethyl-, 1-((dimethyl-amino)carbonyl)-
 5-methyl-1H-pyrazol-3-yl esterP191644-64-4DimetilanP192119-38-0Carbamic acid,
 dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl esterP192119-38-0
 0IsolanP19423135-22-0Ethanimidothioic acid, 2-(dimethylamino)-N-
 ((methylamino)carbonyl)oxy)-2-oxo-, methyl esterP19423135-22-0OxamylP19615339-36-3
 3Manganese, bis(dimethylcarbomodithioato-S,S')-P19615339-36-3Manganese
 dimethyldithiocarbamateP19717702-57-7FormparanateP19717702-57-7Methanimidamide,
 N,N-dimethyl-N'-(2-methyl-4-((methylamino)carbonyl)oxy)phenyl)-P19823422-53-9
 9Formetanate hydrochlorideP19823422-53-9Methanimidamide, N,N-dimethyl-N'-(3-
 ((methylamino)-carbonyl)oxy)phenyl)-, monohydrochlorideP1992032-65-7
 7MethiocarbP1992032-65-7Phenol, (3,5-dimethyl-4-(methylthio)-,
 methylcarbamateP2012631-37-0Phenol, 3-methyl-5-(1-methylethyl)-, methyl
 carbamateP2012631-37-0PromecarbP20264-00-6m-Cumenyl methylcarbamateP20264-00-63-
 Isopropylphenyl-N-methylcarbamateP20264-00-6Phenol, 3-(1-methylethyl)-, methyl
 carbamateP2031646-88-4Aldicarb sulfoneP2031646-88-4Propanal, 2-methyl-2-(methyl-
 sulfonyl)-, O-((methylamino)carbonyl) oximeP20457-47-6PhysostigmineP20457-47-6
 6Pyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-,
 methylcarbamate (ester), (3aS-cis)-P205137-30-4Zinc,
 bis(dimethylcarbomodithioato-S,S')-P205137-30-4Ziram
 BOARD NOTE: An asterisk (*) following the CAS number indicates that the CAS
 number is given for the parent compound only.

f) The commercial chemical products, manufacturing chemical intermediates, or
 off-specification commercial chemical products referred to in subsections (a)
 through (d) of this Section, are identified as toxic wastes (T) unless otherwise
 designated and are subject to the small quantity exclusion defined in Section
 721.105(a) and (g). These wastes and their corresponding USEPA hazardous waste
 numbers are the following:

BOARD NOTE: For the convenience of the regulated community, the primary
 hazardous properties of these materials have been indicated by the letters T
 (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The absence
 of a letter indicates that the compound is only listed for toxicity. Wastes are

first listed in alphabetical order by substance and then listed again in numerical order by USEPA hazardous waste number.

USEPA Hazardous Waste No. Chemical Abstracts No. (CAS No.) Substance Hazard
~~Code~~U~~Code~~U39430558-43-1A2213U00175-07-0Acetaldehyde (I) ~~(I)~~U03475-87-
6Acetaldehyde, trichloro-U18762-44-2Acetamide, N-(4-ethoxyphenyl)-U00553-96-
3Acetamide, N-9H-fluorene-2-yl-U240P 94-75-7Acetic acid, (2,4-dichlorophenoxy)-,
salts and estersU112141-78-6Acetic acid, ethyl ester (I) ~~(I)~~U144301-04-2Acetic
acid, lead (2+) saltU214563-68-8Acetic acid, thallium (1+) saltSee F02793-76-
5Acetic acid, (2,4,5-trichlorophenoxy)-U00267-64-1Acetone (I) ~~(I)~~U00375-05-
8Acetonitrile (I, T) ~~(I, T)~~U00498-86-2AcetophenoneU00553-96-32-
AcetylaminofluoreneU00675-36-5Acetyl chloride (C, R, T) ~~(C, R, T)~~U00779-06-
1AcrylamideU00879-10-7Acrylic acid (I) ~~(I)~~U009107-13-1AcrylonitrileU01161-82-
5AmitroleU01262-53-3Aniline (I, T) ~~(I, T)~~U13675-60-5Arsinic acid, dimethyl-
U014492-80-8AuramineU015115-02-6AzaserineU01050-07-
7Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-
(((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-
S-(1a?,8?,8a?,8b?))-U280101-27-9BarbanU27822781-23-3BendiocarbU36422961-82-
6Bendiocarb phenolU27117804-35-2BenomylU15756-49-5Benz(j)aceanthrylene, 1,2-
dihydro-3-methyl-U016225-51-4Benz(c)acridineU01798-87-3Benzal chlorideU19223950-
58-5Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-U01856-55-
3Benz(a)anthraceneU09457-97-6Benz(a)anthracene, 7,12-dimethyl-U01262-53-
3Benzenamine (I, T) ~~(I, T)~~U014492-80-8Benzenamine, 4,4'-carbonimidoylbis(N,N-
dimethyl-U0493165-93-3Benzenamine, 4-chloro-2-methyl-, hydrochlorideU09360-11-
7Benzenamine, N,N-dimethyl-4-(phenylazo)-U32895-53-4Benzenamine, 2-methyl-
U353106-49-0Benzenamine, 4-methyl-U158101-14-4Benzenamine, 4,4'-methylenebis(2-
chloro-U222636-21-5Benzenamine, 2-methyl-, hydrochlorideU18199-55-8Benzenamine,
2-methyl-5-nitro-U01971-43-2Benzene (I, T) ~~(I, T)~~U038510-15-6Benzeneacetic acid,
4-chloro-?-(4-chlorophenyl)-?-hydroxy-, ethyl esterU030101-55-3Benzene, 1-bromo-
4-phenoxy-U035305-03-3Benzenebutanoic acid, 4-(bis(2-chloroethyl)amino)-U037108-
90-7Benzene, chloro-U22125376-45-8Benzenediamine, ar-methyl-U028117-81-71,2-
Benzenedicarboxylic acid, bis(2-ethylhexyl) esterU06984-74-21,2-
Benzenedicarboxylic acid, dibutyl esterU08884-66-21,2-Benzenedicarboxylic acid,
diethyl esterU102131-11-31,2-Benzenedicarboxylic acid, dimethyl esterU107117-84-
01,2-Benzenedicarboxylic acid, dioctyl esterU07095-50-1Benzene, 1,2-dichloro-
U071541-73-1Benzene, 1,3-dichloro-U072106-46-7Benzene, 1,4-dichloro-U06072-54-
8Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-U01798-87-3Benzene,
(dichloromethyl)-U22326471-62-5Benzene, 1,3-diisocyanatomethyl- (R, T) ~~(R, T)~~
~~T)~~U2391330-20-7Benzene, dimethyl- ~~(I, T)~~(I, T)U201108-46-31,3-
BenzenediolU127118-74-1Benzene, hexachloro-U056110-82-7Benzene, hexahydro-
(I) ~~(I)~~U220108-88-3Benzene, methyl-U105121-14-2Benzene, 1-methyl-2,4-dinitro-
U106606-20-2Benzene, 2-methyl-1,3-dinitro-U05598-82-8Benzene, (1-methylethyl)-
~~(I)~~(I)U16998-95-3Benzene, nitro-(I, T)U183608-93-5Benzene, pentachloro-U18582-
68-8Benzene, pentachloronitro-U02098-09-9Benzenesulfonic acid chloride (C, R) ~~(C, R)~~
~~R)~~U02098-09-9Benzenesulfonyl chloride (C, R) ~~(C, R)~~U20795-94-3Benzene, 1,2,4,5-
tetrachloro-U06150-29-3Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-
U24772-43-5Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy-U02398-07-
7Benzene, (trichloromethyl)-(C, R, T)U23499-35-4Benzene, 1,3,5-trinitro-(R,
T)U02192-87-5BenzideneU202P 81-07-21,2-Benzisothiazol-3(2H)-one, 1,1-dioxide,
and saltsU20394-59-71,3-Benzodioxole, 5-(2-propenyl)-U141120-58-11,3-
Benzodioxole, 5-(1-propenyl)-U09094-58-61,3-Benzodioxole, 5-propyl-U27822781-23-
31,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamateU36422961-82-61,3-
Benzodioxol-4-ol, 2,2-dimethyl-U3671563-38-87-Benzofuranol, 2,3-dihydro-2,2-
dimethyl-U064189-55-9Benzo(rst)pentapheneU248P 81-81-22H-1-Benzopyran-2-one, 4-
hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations of
0.3 percent or lessU02250-32-8Benzo(a)pyreneU197106-51-4p-BenzoquinoneU02398-07-
7Benzotrichloride (C, R, T) ~~(C, R, T)~~U0851464-53-52,2'-Bioxirane(I, T)U02192-87-

5(1,1'-Biphenyl)-4,4'-diamineU07391-94-1(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-U091119-90-4(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-U095119-93-7(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-U22575-25-2BromoformU030101-55-34-Bromophenyl phenyl etherU12887-68-31,3-Butadiene, 1,1,2,3,4,4-hexachloro-U172924-16-31-Butanamine, N-butyl-N-nitroso-U03171-36-31-Butanol (I) ~~(I, T)~~U15978-93-32-Butanone (I, T) ~~(I, T)~~U1601338-23-42-Butanone, peroxide ~~(R, T)~~(R, T)U0534170-30-32-ButenalU074764-41-02-Butene, 1,4-dichloro- (I, T) ~~(I, T)~~U143303-34-42-Butenoic acid, 2-methyl-, 7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1?(Z), 7(2S*,3R*), 7a?))-U03171-36-3n-Butyl alcohol (I) ~~(I)~~U13675-60-5Cacodylic acidU03213765-19-0Calcium chromateU37210605-21-7Carbamic acid, 1H-benzimidazol-2-yl, methyl esterU27117804-35-2Carbamic acid, (1-((butylamino)carbonyl)-1H-benzimidazol-2-yl)-, methyl esterU280101-27-9Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl esterU23851-79-6Carbamic acid, ethyl esterU178615-53-2Carbamic acid, methylnitroso-, ethyl esterU373122-42-9Carbamic acid, phenyl-, 1-methylethyl esterU40923564-05-8Carbamic acid, (1,2-phenylenebis(iminocarbonothioyl))bis-, dimethyl esterU09779-44-7Carbamic chloride, dimethyl-U114P 111-54-6Carbamodithioic acid, 1,2-ethanediybis-, salts and estersU0622303-16-4Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) esterU3892303-17-5Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) esterU38752888-80-9Carbamothioic acid, dipropyl-, S-(phenylmethyl) esterU27963-25-2CarbarylU37210605-21-7CarbendazimU3671563-38-8Carbofuran phenolU2156533-73-9Carbonic acid, dithallium (1+) saltU033353-50-4Carbonic difluoride(R, T)U15679-22-1Carbonochloridic acid, methyl ester (I, T) ~~(I, T)~~U033353-50-4Carbon oxyfluoride (R, T) ~~(R, T)~~U21156-23-5Carbon tetrachlorideU03475-87-6ChloralU035305-03-3ChlorambucilU03657-74-9Chlordane, ? and ? isomersU026494-03-1ChlornaphazazinU037108-90-7ChlorobenzeneU038510-15-6ChlorobenzilateU03959-50-7p-Chloro-m-cresolU042110-75-82-Chloroethyl vinyl etherU04467-66-3ChloroformU046107-30-2Chloromethyl methyl etherU04791-58-7?-ChloronaphthaleneU04895-57-8o-ChlorophenolU0493165-93-34-Chloro-o-toluidine, hydrochlorideU03213765-19-0Chromic acid H2CrO4, calcium saltU050218-01-9ChryseneU051CreosoteU0521319-77-3Cresol (Cresylic acid)U0534170-30-3CrotonaldehydeU05598-82-8Cumene (I) ~~(I)~~U246506-68-3Cyanogen bromide CNBrU197106-51-42,5-Cyclohexadiene-1,4-dioneU056110-82-7Cyclohexane (I) ~~(I)~~U12958-89-9Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1?,2?,3?,4?,5?,6?)-U057108-94-1Cyclohexanone (I) ~~(I)~~U13077-47-41,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-U05850-18-0CyclophosphamideU240P 94-75-72,4-D, salts and estersU05920830-81-3DaunomycinU06072-54-8DDDU06150-29-3DDTU0622303-16-4DiallateU06353-70-3Dibenz(a,h)anthraceneU064189-55-9Dibenzo(a,i)pyreneU06696-12-81,2-Dibromo-3-chloropropaneU06984-74-2Dibutyl phthalateU07095-50-1o-DichlorobenzeneU071541-73-1m-DichlorobenzeneU072106-46-7p-DichlorobenzeneU07391-94-13,3'-DichlorobenzidineU074764-41-01,4-Dichloro-2-butene (I, T) ~~(I, T)~~U07575-71-8DichlorodifluoromethaneU07875-35-41,1-DichloroethyleneU079156-60-51,2-DichloroethyleneU025111-44-4Dichloroethyl etherU027108-60-1Dichloroisopropyl etherU024111-91-1Dichloromethoxy ethaneU081120-83-22,4-DichlorophenolU08287-65-02,6-DichlorophenolU084542-75-61,3-DichloropropeneU0851464-53-51,2:3,4-Diepoxybutane (I, T) ~~(I, T)~~U3955952-26-1Diethylene glycol, dicarbamateU108123-91-11,4-DiethyleneoxideU028117-81-7Diethylhexyl phthalateU0861615-80-1N,N'-DiethylhydrazineU0873288-58-2O,O-Diethyl S-methyl dithiophosphateU08884-66-2Diethyl phthalateU08956-53-1DiethylstilbestrolU09094-58-6DihydrosafroleU091119-90-43,3'-DimethoxybenzidineU092124-40-3Dimethylamine (I) ~~(I)~~U09360-11-7p-DimethylaminoazobenzeneU09457-97-67,12-Dimethylbenz(a)anthraceneU095119-93-73,3'-DimethylbenzidineU09680-15-9?,?-Dimethylbenzylhydroperoxide (R) ~~(R)~~U09779-44-7Dimethylcarbonyl chlorideU09857-14-71,1-DimethylhydrazineU099540-73-81,2-DimethylhydrazineU101105-67-92,4-DimethylphenolU102131-11-3Dimethyl phthalateU10377-78-1Dimethyl sulfateU105121-14-22,4-DinitrotolueneU106606-20-22,6-DinitrotolueneU107117-84-0Di-n-octyl phthalateU108123-91-11,4-

DioxaneU109122-66-71,2-DiphenylhydrazineU110142-84-7Dipropylamine (I) ~~(I)~~U111621-64-7Di-n-propylnitrosamineU041106-89-8EpichlorohydrinU00175-07-0Ethanal (I) ~~(I)~~U404121-44-8Ethanamine, N,N-diethyl-U17455-18-5Ethanamine, N-ethyl-N-nitroso-U15591-80-51,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-U067106-93-4Ethane, 1,2-dibromo-U07675-34-3Ethane, 1,1-dichloro-U077107-06-2Ethane, 1,2-dichloro-U13167-72-1Ethane, hexachloro-U024111-91-1Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-U11760-29-7Ethane, 1,1'-oxybis-(I) ~~(I)~~U025111-44-4Ethane, 1,1'-oxybis(2-chloro-U18476-01-7Ethane, pentachloro-U208630-20-6Ethane, 1,1,1,2-tetrachloro-U20979-34-5Ethane, 1,1,2,2-tetrachloro-U21862-55-5EthanethioamideU22671-55-6Ethane, 1,1,1-trichloro-U22779-00-5Ethane, 1,1,2-trichloro-U41059669-26-0Ethanimidothioic acid, N,N'-(thiobis(methylimino)carbonyloxy))bis-, dimethyl esterU39430558-43-1Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl esterU359110-80-5Ethanol, 2-ethoxy-U1731116-54-7Ethanol, 2,2'-(nitrosoimino)bis-U3955952-26-1Ethanol, 2,2'-oxybis-, dicarbamateU00498-86-2Ethanone, 1-phenyl-U04375-01-4Ethene, chloro-U042110-75-8Ethene, (2-chloroethoxy)-U07875-35-4Ethene, 1,1-dichloro-U079156-60-5Ethene, 1,2-dichloro-, (E)-U210127-18-4Ethene, tetrachloro-U22879-01-6Ethene, trichloro-U112141-78-6Ethyl acetate (I) ~~(I)~~U113140-88-5Ethyl acrylate (I) ~~(I)~~U23851-79-6Ethyl carbamate (urethane)U11760-29-7Ethyl ether(I)U114P 111-54-6Ethylenebisdithiocarbamic acid, salts and estersU067106-93-4Ethylene dibromideU077107-06-2Ethylene dichlorideU359110-80-5Ethylene glycol monoethyl etherU11575-21-8Ethylene oxide (I, T) ~~(I, T)~~U11696-45-7EthylenethioureaU07675-34-3Ethylidene dichlorideU11897-63-2Ethyl methacrylateU11962-50-0Ethyl methanesulfonateU120206-44-0FluorantheneU12250-00-0FormaldehydeU12364-18-6Formic acid (C, T) ~~(C, T)~~U124110-00-9Furan ~~(I)~~ (I)U12598-01-12-Furancarboxaldehyde (I) ~~(I)~~U147108-31-62,5-FurandioneU213109-99-9Furan, tetrahydro- (I) ~~(I)~~U12598-01-1Furfural (I) ~~(I)~~U124110-00-9Furfuran (I) ~~(I)~~U20618883-66-4Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-U20618883-66-4D-Glucose, 2-deoxy-2-((methylnitrosoamino)-carbonyl)amino)-U126765-34-4GlycidylaldehydeU16370-25-7Guanidine, N-methyl-N'-nitro-N-nitroso-U127118-74-1HexachlorobenzeneU12887-68-3HexachlorobutadieneU13077-47-4HexachlorocyclopentadieneU13167-72-1HexachloroethaneU13270-30-4HexachloropheneU2431888-71-7HexachloropropeneU133302-01-2Hydrazine (R, T) ~~(R, T)~~U0861615-80-1Hydrazine, 1,2-diethyl-U09857-14-7Hydrazine, 1,1-dimethyl-U099540-73-8Hydrazine, 1,2-dimethyl-U109122-66-7Hydrazine, 1,2-diphenyl-U1347664-39-3Hydrofluoric acid (C, T) ~~(C, T)~~U1347664-39-3Hydrogen fluoride (C, T) ~~(C, T)~~U1357783-06-4Hydrogen sulfideU1357783-06-4Hydrogen sulfide H2SU09680-15-9Hydroperoxide, 1-methyl-1-phenylethyl- ~~(R)~~ (R)U11696-45-72-ImidazolidinethioneU137193-39-5Indeno(1,2,3-cd)pyreneU19085-44-91,3-IsobenzofurandioneU14078-83-1Isobutyl alcohol (I, T) ~~(I, T)~~U141120-58-1IsosafroleU142143-50-0KeponeU143303-34-4LasiocarpeneU144301-04-2Lead acetateU1461335-32-6Lead, bis(acetato-O)tetrahydroxytri-U1457446-27-7Lead phosphateU1461335-32-6Lead subacetateU12958-89-9LindaneU16370-25-7MNNGU147108-31-6Maleic anhydrideU148123-33-1Maleic hydrazideU149109-77-3MalonitrileU150148-82-3MelphalanU1517439-97-6MercuryU152126-98-7Methacrylonitrile (I, T) ~~(I, T)~~U092124-40-3Methanamine, N-methyl- (I) ~~(I)~~U02974-83-9Methane, bromo-U04574-87-3Methane, chloro- ~~(I, T)~~ (I, T)U046107-30-2Methane, chloromethoxy-U06874-95-3Methane, dibromo-U08075-09-2Methane, dichloro-U07575-71-8Methane, dichlorodifluoro-U13874-88-4Methane, iodo-U11962-50-0Methanesulfonic acid, ethyl esterU21156-23-5Methane, tetrachloro-U15374-93-1Methanethiol (I, T) ~~(I, T)~~U22575-25-2Methane, tribromo-U04467-66-3Methane, trichloro-U12175-69-4Methane, trichlorofluoro-U03657-74-94,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-U15467-56-1Methanol (I) ~~(I)~~U15591-80-5MethapyrileneU142143-50-01,3,4-Metheno-2H-cyclobuta(cd)pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-U24772-43-5MethoxychlorU15467-56-1Methyl alcohol (I) ~~(I)~~U02974-83-9Methyl bromideU186504-60-91-Methylbutadiene (I) ~~(I)~~U04574-87-3Methyl chloride ~~(I, T)~~ (I,

T)U15679-22-1Methyl chlorocarbonate (I, T) ~~(I, T)~~U22671-55-
6MethylchloroformU15756-49-53-MethylcholanthreneU158101-14-44,4'-Methylenebis(2-
chloroaniline)U06874-95-3Methylene bromideU08075-09-2Methylene chlorideU15978-
93-3Methyl ethyl ketone (MEK) (I, T) ~~(I, T)~~U1601338-23-4Methyl ethyl ketone
peroxide ~~(R, T)~~(R, T)U13874-88-4Methyl iodideU161108-10-1Methyl isobutyl ketone-
~~(I)~~(I)U16280-62-6Methyl methacrylate (I, T) ~~(I, T)~~U161108-10-14-Methyl-2-
pentanone (I) ~~(I)~~U16456-04-2MethylthiouracilU01050-07-7Mitomycin CU05920830-81-
35,12-Naphthacenedione, 8-acetyl-10-((3-amino-2,3,6-trideoxy-?-L-lyxo-
hexapyranosyl)oxyl)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-
U167134-32-71-NaphthalenamineU16891-59-82-NaphthalenamineU026494-03-
1Naphthaleneamine, N,N'-bis(2-chloroethyl)-U16591-20-3NaphthaleneU04791-58-
7Naphthalene, 2-chloro-U166130-15-41,4-NaphthalenedioneU23672-57-12,7-
Naphthalenedisulfonic acid, 3,3'-((3,3'-dimethyl-(1,1'-biphenyl)-4,4'-
diyl)bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium saltU27963-25-21-Naphthalenol,
methylcarbamateU166130-15-41,4-NaphthoquinoneU167134-32-7?-NaphthylamineU16891-
59-8?-NaphthylamineU21710102-45-1Nitric acid, thallium (1+) saltU16998-95-
3Nitrobenzene (I, T) ~~(I, T)~~U170100-02-7p-NitrophenolU17179-46-92-Nitropropane (I,
T) ~~(I, T)~~U172924-16-3N-Nitrosodi-n-butylamineU1731116-54-7N-
NitrosodiethanolamineU17455-18-5N-NitrosodiethylamineU176759-73-9N-Nitroso-N-
ethylureaU177684-93-5N-Nitroso-N-methylureaU178615-53-2N-Nitroso-N-
methylurethaneU179100-75-4N-NitrosopiperidineU180930-55-2N-
NitrosopyrrolidineU18199-55-85-Nitro-o-toluidineU1931120-71-41,2-Oxathiolane,
2,2-dioxideU05850-18-02H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-
chloroethyl)tetrahydro-, 2-oxideU11575-21-8Oxirane (I, T) ~~(I, T)~~U126765-34-
4OxiranecarboxyaldehydeU041106-89-8Oxirane, (chloromethyl)-U182123-63-
7ParaldehydeU183608-93-5PentachlorobenzeneU18476-01-7PentachloroethaneU18582-68-
8Pentachloronitrobenzene (PCNB)See F02787-86-5PentachlorophenolU161108-10-
1Pentanol, 4-methyl-(I)U186504-60-91,3-Pentadiene (I) ~~(I)~~U18762-44-
2PhenacetinU188108-95-2PhenolU04895-57-8Phenol, 2-chloro-U03959-50-7Phenol, 4-
chloro-3-methyl-U081120-83-2Phenol, 2,4-dichloro-U08287-65-0Phenol, 2,6-
dichloro-U08956-53-1Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-U101105-
67-9Phenol, 2,4-dimethyl-U0521319-77-3Phenol, methyl-U13270-30-4Phenol, 2,2'-
methylenebis(3,4,6-trichloro-U411114-26-1Phenol, 2-(1-methylethoxy)-,
methylcarbamateU170100-02-7Phenol, 4-nitro-See F02787-86-5Phenol, pentachloro-
See F02758-90-2Phenol, 2,3,4,6-tetrachloro-See F02795-95-4Phenol, 2,4,5-
trichloro-See F02788-06-2Phenol, 2,4,6-trichloro-U150148-82-3L-Phenylalanine, 4-
(bis(2-chloroethyl)amino)-U1457446-27-7Phosphoric acid, lead (2+) salt
(2:3)U0873288-58-2Phosphorodithioic acid, O,O-diethyl S-methyl esterU1891314-80-
3Phosphorus sulfide (R) ~~(R)~~U19085-44-9Phthalic anhydrideU191109-06-82-
PicolineU179100-75-4Piperidine, 1-nitroso-U19223950-58-5PronamideU194107-10-81-
Propanamine (I, T) ~~(I, T)~~U111621-64-71-Propanamine, N-nitroso-N-propyl-U110142-
84-71-Propanamine, N-propyl- ~~(I)~~(I)U06696-12-8Propane, 1,2-dibromo-3-chloro-
U08378-87-5Propane, 1,2-dichloro-U149109-77-3PropanedinitrileU17179-46-9Propane,
2-nitro- (I, T) ~~(I, T)~~U027108-60-1Propane, 2,2'-oxybis(2-chloro-See F02793-72-
1Propanoic acid, 2-(2,4,5-trichlorophenoxy)-U1931120-71-41,3-Propane
sultoneU235126-72-71-Propanol, 2,3-dibromo-, phosphate (3:1)U14078-83-11-
Propanol, 2-methyl- (I, T) ~~(I, T)~~U00267-64-12-Propanone (I) ~~(I)~~U00779-06-12-
PropenamideU084542-75-61-Propene, 1,3-dichloro-U2431888-71-71-Propene,
1,1,2,3,3,3-hexachloro-U009107-13-12-PropenenitrileU152126-98-72-Propenenitrile,
2-methyl- (I, T) ~~(I, T)~~U00879-10-72-Propenoic acid ~~(I)~~(I)U113140-88-52-Propenoic
acid, ethyl ester (I) ~~(I)~~U11897-63-22-Propenoic acid, 2-methyl-, ethyl
esterU16280-62-62-Propenoic acid, 2-methyl-, methyl ester ~~(I, T)~~(I, T)U373122-
42-9PropamU411114-26-1PropoxurSee F02793-72-1Propionic acid, 2-(2,4,5-
trichlorophenoxy)-U194107-10-8n-Propylamine (I, T) ~~(I, T)~~U08378-87-5Propylene
dichlorideU38752888-80-9ProsulfocarbU148123-33-13,6-Pyridazinedione, 1,2-
dihydro-U196110-86-1PyridineU191109-06-8Pyridine, 2-methyl-U23766-75-12,4-
(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl) amino)-U16458-04-24(1H)-

Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-U180930-55-2Pyrrolidine, 1-nitroso-U20050-55-5ReserpineU201108-46-3ResorcinolU202P 81-07-2Saccharin and saltsU20394-59-7SafroleU2047783-00-8Selenious acidU2047783-00-8Selenium dioxideU2057488-56-4Selenium sulfide(R, T)U2057488-56-4Selenium sulfide SeS₂ (R, T) ~~(R, T)~~U015115-02-6L-Serine, diazoacetate (ester)See F02793-72-1Silvex (2,4,5-TP)U20618883-66-4StreptozotocinU10377-78-1Sulfuric acid, dimethyl esterU1891314-80-3Sulfur phosphide (R) ~~(R)~~See F02793-76-52,4,5-TU20795-94-31,2,4,5-TetrachlorobenzeneU208630-20-61,1,1,2-TetrachloroethaneU20979-34-51,1,2,2-TetrachloroethaneU210127-18-4TetrachloroethyleneSee F02758-90-22,3,4,6-TetrachlorophenolU213109-99-9Tetrahydrofuran (I) ~~(I)~~U214563-68-8Thallium (I) acetateU2156533-73-9Thallium (I) carbonateU2167791-12-0Thallium (I) chlorideU2167791-12-0Thallium chloride TlClU21710102-45-1Thallium (I) nitrateU21862-55-5ThioacetamideU41059669-26-0ThiodicarbU15374-93-1Thiomethanol (I, T) ~~(I, T)~~U244137-26-8Thioperoxydicarbonic diamide ((H₂N)C(S))₂S₂, tetramethyl-U40923564-05-8Thiophanate-methylU21962-56-6ThioureaU244137-26-8ThiramU220108-88-3TolueneU22125376-45-8ToluenediamineU22326471-62-5Toluene diisocyanate (R, T) ~~(R, T)~~U32895-53-4o-ToluidineU353106-49-0p-ToluidineU222636-21-5o-Toluidine hydrochlorideU3892303-17-5TriallateU01161-82-51H-1,2,4-Triazol-3-amineU22779-00-505Ethane, 1,1,2-trichloro-U22779-00-51,1,2-TrichloroethaneU22879-01-6TrichloroethyleneU12175-69-4TrichloromonofluoromethaneSee F02795-95-42,4,5-TrichlorophenolSee F02788-06-22,4,6-TrichlorophenolU404121-44-8TriethylamineU23499-35-41,3,5-Trinitrobenzene (R, T) ~~(R, T)~~U182123-63-71,3,5-Trioxane, 2,4,6-trimethyl-U235126-72-7Tris (2,3-dibromopropyl) phosphateU23672-57-1Trypan blueU23766-75-1Uracil mustardU176759-73-9Urea, N-ethyl-N-nitroso-U177684-93-5Urea, N-methyl-N-nitroso-U04375-01-4Vinyl chlorideU248P 81-81-2Warfarin, and salts, when present at concentrations of 0.3 percent or lessU2391330-20-7Xylene ~~(I)~~ (I, T)U20050-55-5Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester, (3?,16?,17?,18?,20?) -U2491314-84-7Zinc phosphide Zn₃P₂, when present at concentrations of 10 percent or less

Numerical Listing

USEPA Hazardous Waste No.Chemical Abstracts No. (CAS No.)SubstanceHazard Code
U00175-07-0Acetaldehyde ~~(I)~~ (I)U00175-07-0Ethanal (I) ~~(I)~~U00267-64-1Acetone (I) ~~(I)~~U00267-64-12-Propanone (I) ~~(I)~~U00375-05-8Acetonitrile (I, T) ~~(I, T)~~U00498-86-2AcetophenoneU00498-86-2Ethanone, 1-phenyl-U00553-96-3Acetamide, N-9H-fluoren-2-yl-U00553-96-32-AcetylaminofluoreneU00675-36-5Acetyl chloride (C, R, T) ~~(C, R, T)~~U00779-06-1AcrylamideU00779-06-12-PropenamideU00879-10-7Acrylic acid (I) ~~(I)~~U00879-10-72-Propenoic acid ~~(I)~~ (I)U009107-13-1AcrylonitrileU009107-13-12-PropenenitrileU01050-07-7Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-S-(1a?,8?,8a?,8b?))-U01050-07-7Mitomycin CU01161-82-5AmitroleU01161-82-51H-1,2,4-Triazol-3-amineU01262-53-3Aniline (I, T) ~~(I, T)~~U01262-53-3Benzenamine ~~(I, T)~~ (I, T)U014492-80-8AuramineU014492-80-8Benzenamine, 4,4'-carbonimidoylbis(N,N-dimethyl-U015115-02-6AzaserineU015115-02-6L-Serine, diazoacetate (ester)U016225-51-4Benz(c)acridineU01798-87-3Benzal chlorideU01798-87-3Benzene, (dichloromethyl)-U01856-55-3Benz(a)anthraceneU01971-43-2Benzene (I, T) ~~(I, T)~~U02098-09-9Benzenesulfonic acid chloride (C, R) ~~(C, R)~~U02098-09-9Benzenesulfonyl chloride (C, R) ~~(C, R)~~U02192-87-5BenzideneU02192-87-5(1,1'-Biphenyl)-4,4'-diamineU02250-32-8Benzo(a)pyreneU02398-07-7Benzene, (trichloromethyl)-(C, R, T)U02398-07-7Benzotrichloride (C, R, T) ~~(C, R, T)~~U024111-91-1Dichloromethoxy ethaneU024111-91-1Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-U025111-44-4Dichloroethyl etherU025111-44-4Ethane, 1,1'-oxybis(2-chloro-U026494-03-1ChlornaphazinU026494-03-1Naphthaleneamine, N,N'-bis(2-chloroethyl)-U027108-60-1Dichloroisopropyl etherU027108-60-1Propane, 2,2'-oxybis(2-chloro-U028117-81-71,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) esterU028117-81-7Diethylhexyl

phthalateU02974-83-9Methane, bromo-U02974-83-9Methyl bromideU030101-55-3Benzene, 1-bromo-4-phenoxy-U030101-55-34-Bromophenyl phenyl etherU03171-36-31-Butanol (I) ~~(I)~~U03171-36-3n-Butyl alcohol (I) ~~(I)~~U03213765-19-0Calcium chromateU03213765-19-0Chromic acid H₂CrO₄, calcium saltU033353-50-4Carbonic difluoride(R, T)U033353-50-4Carbon oxyfluoride (R, T) ~~(R, T)~~U03475-87-6Acetaldehyde, trichloro-U03475-87-6ChloralU035305-03-3Benzenebutanoic acid, 4-(bis(2-chloroethyl)amino)-U035305-03-3ChlorambucilU03657-74-9Chlordane, ? and ? isomersU03657-74-94,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-U037108-90-7Benzene, chloro-U037108-90-7ChlorobenzeneU038510-15-6Benzenoacetic acid, 4-chloro-?-(4-chlorophenyl)-?-hydroxy-, ethyl esterU038510-15-6ChlorobenzilateU03959-50-7p-Chloro-m-cresolU03959-50-7Phenol, 4-chloro-3-methyl-U041106-89-8EpichlorohydrinU041106-89-8Oxirane, (chloromethyl)-U042110-75-82-Chloroethyl vinyl etherU042110-75-8Ethene, (2-chloroethoxy)-U04375-01-4Ethene, chloro-U04375-01-4Vinyl chlorideU04467-66-3ChloroformU04467-66-3Methane, trichloro-U04574-87-3Methane, chloro- (I, T) ~~(I, T)~~U04574-87-3Methyl chloride ~~(I, T)~~(I, T)U046107-30-2Chloromethyl methyl etherU046107-30-2Methane, chloromethoxy-U04791-58-7?-ChloronaphthaleneU04791-58-7Naphthalene, 2-chloro-U04895-57-8o-ChlorophenolU04895-57-8Phenol, 2-chloro-U0493165-93-3Benzenamine, 4-chloro-2-methyl-, hydrochlorideU0493165-93-34-Chloro-o-toluidine, hydrochlorideU050218-01-9ChryseneU051CreosoteU0521319-77-3Cresol (Cresylic acid)U0521319-77-3Phenol, methyl-U0534170-30-32-ButenalU0534170-30-3CrotonaldehydeU05598-82-8Benzene, (1-methylethyl)- (I) ~~(I)~~U05598-82-8Cumene (I) ~~(I)~~U056110-82-7Benzene, hexahydro- (I) ~~(I)~~U056110-82-7Cyclohexane ~~(I)~~(I)U057108-94-1Cyclohexanone (I) ~~(I)~~U05850-18-0CyclophosphamideU05850-18-02H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxideU05920830-81-3DaunomycinU05920830-81-35,12-Naphthacenedione, 8-acetyl-10-((3-amino-2,3,6-trideoxy)-?-L-lyxo-hexapyranosyl)oxyl)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-U06072-54-8Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-U06072-54-8DDDU06150-29-3Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-U06150-29-3DDTU0622303-16-4Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) esterU0622303-16-4DiallateU06353-70-3Dibenz(a,h)anthraceneU064189-55-9Benzo(rst)pentapheneU064189-55-9Dibenzo(a,i)pyreneU06696-12-81,2-Dibromo-3-chloropropaneU06696-12-8Propane, 1,2-dibromo-3-chloro-U067106-93-4Ethane, 1,2-dibromo-U067106-93-4Ethylene dibromideU06874-95-3Methane, dibromo-U06874-95-3Methylene bromideU06984-74-21,2-Benzenedicarboxylic acid, dibutyl esterU06984-74-2Dibutyl phthalateU07095-50-1Benzene, 1,2-dichloro-U07095-50-1o-DichlorobenzeneU071541-73-1Benzene, 1,3-dichloro-U071541-73-1m-DichlorobenzeneU072106-46-7Benzene, 1,4-dichloro-U072106-46-7p-DichlorobenzeneU07391-94-1(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-U07391-94-13,3'-DichlorobenzidineU074764-41-02-Butene, 1,4-dichloro- (I, T) ~~(I, T)~~U074764-41-01,4-Dichloro-2-butene (I, T) ~~(I, T)~~U07575-71-8DichlorodifluoromethaneU07575-71-8Methane, dichlorodifluoro-U07675-34-3Ethane, 1,1-dichloro-U07675-34-3Ethylidene dichlorideU077107-06-2Ethane, 1,2-dichloro-U077107-06-2Ethylene dichlorideU07875-35-41,1-DichloroethyleneU07875-35-4Ethene, 1,1-dichloro-U079156-60-51,2-DichloroethyleneU079156-60-5Ethene, 1,2-dichloro-, (E)-U08075-09-2Methane, dichloro-U08075-09-2Methylene chlorideU081120-83-22,4-DichlorophenolU081120-83-2Phenol, 2,4-dichloro-U08287-65-02,6-DichlorophenolU08287-65-0Phenol, 2,6-dichloro-U08378-87-5Propane, 1,2-dichloro-U08378-87-5Propylene dichlorideU084542-75-61,3-DichloropropeneU084542-75-61-Propene, 1,3-dichloro-U0851464-53-52,2'-Bioxirane(I, T)U0851464-53-51,2:3,4-Diepoxybutane (I, T) ~~(I, T)~~U0861615-80-1N,N'-DiethylhydrazineU0861615-80-1Hydrazine, 1,2-diethyl-U0873288-58-2O,O-Diethyl S-methyl dithiophosphateU0873288-58-2Phosphorodithioic acid, O,O-diethyl S-methyl esterU08884-66-21,2-Benzenedicarboxylic acid, diethyl esterU08884-66-2Diethyl phthalateU08956-53-1DiethylstilbestrolU08956-53-1Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-U09094-58-61,3-Benzodioxole, 5-propyl-U09094-58-

6DihydrosafroleU091119-90-4(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-U091119-90-43,3'-DimethoxybenzidineU092124-40-3Dimethylamine (I) ~~(I)~~U092124-40-3Methanamine, N-methyl- (I) ~~(I)~~U09360-11-7Benzenamine, N,N-dimethyl-4-(phenylazo)-U09360-11-7p-DimethylaminoazobenzeneU09457-97-6Benz(a)anthracene, 7,12-dimethyl-U09457-97-67,12-Dimethylbenz(a)anthraceneU095119-93-7(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-U095119-93-73,3'-DimethylbenzidineU09680-15-9?, ?-Dimethylbenzylhydroperoxide (R) ~~(R)~~U09680-15-9Hydroperoxide, 1-methyl-1-phenylethyl- ~~(R)~~ ~~(R)~~U09779-44-7Carbamic chloride, dimethyl-U09779-44-7Dimethylcarbonyl chlorideU09857-14-71,1-DimethylhydrazineU09857-14-7Hydrazine, 1,1-dimethyl-U099540-73-81,2-DimethylhydrazineU099540-73-8Hydrazine, 1,2-dimethyl-U101105-67-92,4-DimethylphenolU101105-67-9Phenol, 2,4-dimethyl-U102131-11-31,2-Benzenedicarboxylic acid, dimethyl esterU102131-11-3Dimethyl phthalateU10377-78-1Dimethyl sulfateU10377-78-1Sulfuric acid, dimethyl esterU105121-14-2Benzene, 1-methyl-2,4-dinitro-U105121-14-22,4-DinitrotolueneU106606-20-2Benzene, 2-methyl-1,3-dinitro-U106606-20-22,6-DinitrotolueneU107117-84-01,2-Benzenedicarboxylic acid, dioctyl esterU107117-84-0Di-n-octyl phthalateU108123-91-11,4-DiethylenoxideU108123-91-11,4-DioxaneU109122-66-71,2-DiphenylhydrazineU109122-66-7Hydrazine, 1,2-diphenyl-U110142-84-7Dipropylamine (I) ~~(I)~~U110142-84-71-Propanamine, N-propyl- ~~(I)~~ (I)U111621-64-7Di-n-propylnitrosamineU111621-64-71-Propanamine, N-nitroso-N-propyl-U112141-78-6Acetic acid, ethyl ester (I) ~~(I)~~U112141-78-6Ethyl acetate (I) ~~(I)~~U113140-88-5Ethyl acrylate (I) ~~(I)~~U113140-88-52-Propenoic acid, ethyl ester (I) ~~(I)~~U114P 111-54-6Carbamodithioic acid, 1,2-ethanediybis-, salts and estersU114P 111-54-6Ethylenebisdithiocarbamic acid, salts and estersU11575-21-8Ethylene oxide (I, T) ~~(I, T)~~U11575-21-8Oxirane ~~(I, T)~~ (I, T)U11696-45-7EthylenethioureaU11696-45-72-ImidazolidinethioneU11760-29-7Ethane, 1,1'-oxybis- (I) ~~(I)~~U11760-29-7Ethyl ether(I)U11897-63-2Ethyl methacrylateU11897-63-22-Propenoic acid, 2-methyl-, ethyl esterU11962-50-0Ethyl methanesulfonateU11962-50-0Methanesulfonic acid, ethyl esterU120206-44-0FluorantheneU12175-69-4Methane, trichlorofluoro-U12175-69-4TrichloromonofluoromethaneU12250-00-0FormaldehydeU12364-18-6Formic acid (C, T) ~~(C, T)~~U124110-00-9Furan ~~(I)~~ (I)U124110-00-9Furfuran (I) ~~(I)~~U12598-01-12-Furancarboxaldehyde (I) ~~(I)~~U12598-01-1Furfural (I) ~~(I)~~U126765-34-4GlycidylaldehydeU126765-34-4OxiranecarboxyaldehydeU127118-74-1Benzene, hexachloro-U127118-74-1HexachlorobenzeneU12887-68-31,3-Butadiene, 1,1,2,3,4,4-hexachloro-U12887-68-3HexachlorobutadieneU12958-89-9Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1?, 2?, 3?, 4?, 5?, 6?) -U12958-89-9LindaneU13077-47-41,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-U13077-47-4HexachlorocyclopentadieneU13167-72-1Ethane, hexachloro-U13167-72-1HexachloroethaneU13270-30-4HexachloropheneU13270-30-4Phenol, 2,2'-methylenebis(3,4,6-trichloro-U133302-01-2Hydrazine (R, T) ~~(R, T)~~U1347664-39-3Hydrofluoric acid (C, T) ~~(C, T)~~U1347664-39-3Hydrogen fluoride (C, T) ~~(C, T)~~U1357783-06-4Hydrogen sulfideU1357783-06-4Hydrogen sulfide H2SU13675-60-5Arsinic acid, dimethyl-U13675-60-5Cacodylic acidU137193-39-5Indeno(1,2,3-cd)pyreneU13874-88-4Methane, iodo-U13874-88-4Methyl iodideU14078-83-1Isobutyl alcohol (I, T) ~~(I, T)~~U14078-83-11-Propanol, 2-methyl- ~~(I, T)~~ (I, T)U141120-58-11,3-Benzodioxole, 5-(1-propenyl)-U141120-58-1IsosafroleU142143-50-0KeponeU142143-50-01,3,4-Metheno-2H-cyclobuta(cd)pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-U143303-34-42-Butenoic acid, 2-methyl-, 7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1?(Z), 7(2S*,3R*), 7a?))-U143303-34-4LasiocarpeneU144301-04-2Acetic acid, lead (2+) saltU144301-04-2Lead acetateU1457446-27-7Lead phosphateU1457446-27-7Phosphoric acid, lead (2+) salt (2:3)U1461335-32-6Lead, bis(acetato-O)tetrahydroxytri-U1461335-32-6Lead subacetateU147108-31-62,5-FurandioneU147108-31-6Maleic anhydrideU148123-33-1Maleic hydrazideU148123-33-13,6-Pyridazinedione, 1,2-dihydro-U149109-77-3MalononitrileU149109-77-3PropanedinitrileU150148-82-3MelphalanU150148-82-3L-Phenylalanine, 4-(bis(2-chloroethyl)amino)-U1517439-97-6MercuryU152126-98-

7Methacrylonitrile (I, T) ~~(I, T)~~ U152126-98-72-Propenenitrile, 2-methyl- (I, T) ~~(I, T)~~ U15374-93-1Methanethiol (I, T) ~~(I, T)~~ U15374-93-1Thiomethanol (I, T) ~~(I, T)~~ U15467-56-1Methanol (I) ~~(I)~~ U15467-56-1Methyl alcohol ~~(I)~~ (I) U15591-80-51,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-U15591-80-5MethapyrileneU15679-22-1Carbonochloridic acid, methyl ester (I, T) ~~(I, T)~~ U15679-22-1Methyl chlorocarbonate (I, T) ~~(I, T)~~ U15756-49-5Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-U15756-49-53-MethylcholanthreneU158101-14-4Benzenamine, 4,4'-methylenebis(2-chloro-U158101-14-44,4'-Methylenebis(2-chloroaniline)U15978-93-32-Butanone (I, T) ~~(I, T)~~ U15978-93-3Methyl ethyl ketone (MEK) (I, T) ~~(I, T)~~ U1601338-23-42-Butanone, peroxide (R, T) ~~(R, T)~~ U1601338-23-4Methyl ethyl ketone peroxide ~~(R, T)~~ (R, T) U161108-10-1Methyl isobutyl ketone (I) ~~(I)~~ U161108-10-14-Methyl-2-pentanone (I) ~~(I)~~ U161108-10-1Pentanol, 4-methyl-(I) U16280-62-6Methyl methacrylate (I, T) ~~(I, T)~~ U16280-62-62-Propenoic acid, 2-methyl-, methyl ester-~~(I, T)~~ (I, T) U16370-25-7Guanidine, N-methyl-N'-nitro-N-nitroso-U16370-25-7MNNGU16456-04-2MethylthiouracilU16458-04-24(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-U16591-20-3NaphthaleneU166130-15-41,4-NaphthalenedioneU166130-15-41,4-NaphthoquinoneU167134-32-71-NaphthalenamineU167134-32-7?-NaphthylamineU16891-59-82-NaphthalenamineU16891-59-8?-NaphthylamineU16998-95-3Benzene, nitro-(I, T) U16998-95-3Nitrobenzene ~~(I, T)~~ (I, T) U170100-02-7p-NitrophenolU170100-02-7Phenol, 4-nitro-U17179-46-92-Nitropropane (I, T) ~~(I, T)~~ U17179-46-9Propane, 2-nitro- ~~(I, T)~~ (I, T) U172924-16-31-Butanamine, N-butyl-N-nitroso-U172924-16-3N-Nitrosodi-n-butylamineU1731116-54-7Ethanol, 2,2'-(nitrosoimino)bis-U1731116-54-7N-NitrosodiethanolamineU17455-18-5Ethanamine, N-ethyl-N-nitroso-U17455-18-5N-NitrosodiethylamineU176759-73-9N-Nitroso-N-ethylureaU176759-73-9Urea, N-ethyl-N-nitroso-U177684-93-5N-Nitroso-N-methylureaU177684-93-5Urea, N-methyl-N-nitroso-U178615-53-2Carbamic acid, methylnitroso-, ethyl esterU178615-53-2N-Nitroso-N-methylurethaneU179100-75-4N-NitrosopiperidineU179100-75-4Piperidine, 1-nitroso-U180930-55-2N-NitrosopyrrolidineU180930-55-2Pyrrolidine, 1-nitroso-U18199-55-8Benzenamine, 2-methyl-5-nitro-U18199-55-85-Nitro-o-toluidineU182123-63-7ParaldehydeU182123-63-71,3,5-Trioxane, 2,4,6-trimethyl-U183608-93-5Benzene, pentachloro-U183608-93-5PentachlorobenzeneU18476-01-7Ethane, pentachloro-U18476-01-7PentachloroethaneU18582-68-8Benzene, pentachloronitro-U18582-68-8Pentachloronitrobenzene (PCNB)U186504-60-91-Methylbutadiene (I) ~~(I)~~ U186504-60-91,3-Pentadiene (I) ~~(I)~~ U18762-44-2Acetamide, N-(4-ethoxyphenyl)-U18762-44-2PhenacetinU188108-95-2PhenolU1891314-80-3Phosphorus sulfide (R) ~~(R)~~ U1891314-80-3Sulfur phosphide (R) ~~(R)~~ U19085-44-91,3-IsobenzofurandioneU19085-44-9Phthalic anhydrideU191109-06-82-PicolineU191109-06-8Pyridine, 2-methyl-U19223950-58-5Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-U19223950-58-5PronamideU1931120-71-41,2-Oxathiolane, 2,2-dioxideU1931120-71-41,3-Propane sultoneU194107-10-81-Propanamine (I, T) ~~(I, T)~~ U194107-10-8n-Propylamine (I, T) ~~(I, T)~~ U196110-86-1PyridineU197106-51-4p-BenzoquinoneU197106-51-42,5-Cyclohexadiene-1,4-dioneU20050-55-5ReserpineU20050-55-5Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester, (3?,16?,17?,18?,20?) -U201108-46-31,3-BenzenediolU201108-46-3ResorcinolU202P 81-07-21,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, and saltsU202P 81-07-2Saccharin and saltsU20394-59-71,3-Benzodioxole, 5-(2-propenyl)-U20394-59-7SafroleU2047783-00-8Selenious acidU2047783-00-8Selenium dioxideU2057488-56-4Selenium sulfide (R, T) U2057488-56-4Selenium sulfide SeS2 (R, T) ~~(R, T)~~ U20618883-66-4D-Glucose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-U20618883-66-4D-Glucose, 2-deoxy-2-((methylnitrosoamino)-carbonyl)amino-U20618883-66-4StreptozotocinU20795-94-3Benzene, 1,2,4,5-tetrachloro-U20795-94-31,2,4,5-TetrachlorobenzeneU208630-20-6Ethane, 1,1,1,2-tetrachloro-U208630-20-61,1,2-TetrachloroethaneU20979-34-5Ethane, 1,1,2,2-tetrachloro-U20979-34-51,1,2,2-TetrachloroethaneU210127-18-4Ethene, tetrachloro-U210127-18-4TetrachloroethyleneU21156-23-5Carbon tetrachlorideU21156-23-5Methane, tetrachloro-U213109-99-9Furan, tetrahydro-(I) ~~(I)~~ U213109-99-9Tetrahydrofuran (I) ~~(I)~~ U214563-68-8Acetic acid, thallium (1+)

saltU214563-68-8Thallium (I) acetateU2156533-73-9Carbonic acid, dithallium (1+)
saltU2156533-73-9Thallium (I) carbonateU2167791-12-0Thallium (I)
chlorideU2167791-12-0Thallium chloride TlClU21710102-45-1Nitric acid, thallium
(1+) saltU21710102-45-1Thallium (I) nitrateU21862-55-5EthanethioamideU21862-55-
5ThioacetamideU21962-56-6ThioureaU220108-88-3Benzene, methyl-U220108-88-
3TolueneU22125376-45-8Benzenediamine, ar-methyl-U22125376-45-
8ToluenediamineU222636-21-5Benzenamine, 2-methyl-, hydrochlorideU222636-21-5o-
Toluidine hydrochlorideU22326471-62-5Benzene, 1,3-diisocyanatomethyl- (R, T)~~(R, T)~~
U22326471-62-5Toluene diisocyanate (R, T)~~(R, T)~~U22575-25-2BromoformU22575-25-
2Methane, tribromo-U22671-55-6Ethane, 1,1,1-trichloro-U22671-55-
6MethylchloroformU22779-00-5 Ethane, 1,1,2-trichloro- U22779-00-~~51,1,2-~~
~~Trichloroethane~~U5 1.1.2-Trichloroethane U22879-01-6Ethene, trichloro-U22879-01-
6TrichloroethyleneU23499-35-4Benzene, 1,3,5-trinitro- (R, T)U23499-35-41,3,5-
Trinitrobenzene (R, T)~~(R, T)~~U235126-72-71-Propanol, 2,3-dibromo-, phosphate
(3:1)U235126-72-7Tris(2,3-dibromopropyl) phosphateU23672-57-12,7-
Naphthalenedisulfonic acid, 3,3'-((3,3'-dimethyl-(1,1'-biphenyl)-4,4'-
diyl)bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium saltU23672-57-1Trypan
blueU23766-75-12,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl)amino)-U23766-
75-1Uracil mustardU23851-79-6Carbamic acid, ethyl esterU23851-79-6Ethyl
carbamate (urethane)U2391330-20-7Benzene, dimethyl- (I, T)~~(I, T)~~U2391330-20-
7Xylene ~~(I)~~(I, T)U240P 94-75-7Acetic acid, (2,4-dichlorophenoxy)-, salts and
estersU240P 94-75-72,4-D, salts and estersU2431888-71-
7HexachloropropeneU2431888-71-71-Propene, 1,1,2,3,3,3-hexachloro-U244137-26-
8Thioperoxydicarbonic diamide ((H2N)C(S))2S2, tetramethyl-U244137-26-
8ThiramU246506-68-3Cyanogen bromide CNBrU24772-43-5Benzene, 1,1'-(2,2,2-
trichloroethylidene)bis(4-methoxy-U24772-43-5MethoxychlorU248P 81-81-22H-1-
Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at
concentrations of 0.3 percent or lessU248P 81-81-2Warfarin, and salts, when
present at concentrations of 0.3 percent or lessU2491314-84-7Zinc phosphide
Zn3P2, when present at concentrations of 10 percent or lessU27117804-35-
2BenomylU27117804-35-2Carbamic acid, (1-((butylamino)carbonyl)-1H-benzimidazol-
2-yl)-, methyl esterU27822781-23-3BendiocarbU27822781-23-31,3-Benzodioxol-4-ol,
2,2-dimethyl-, methyl carbamateU27963-25-2CarbarylU27963-25-21-Naphthalenol,
methylcarbamateU280101-27-9BarbanU280101-27-9Carbamic acid, (3-chlorophenyl)-,
4-chloro-2-butynyl esterU32895-53-4Benzenamine, 2-methyl-U32895-53-4o-
ToluidineU353106-49-0Benzenamine, 4-methyl-U353106-49-0p-ToluidineU359110-80-
5Ethanol, 2-ethoxy-U359110-80-5Ethylene glycol monoethyl etherU36422961-82-
6Bendiocarb phenolU36422961-82-61,3-Benzodioxol-4-ol, 2,2-dimethyl-U3671563-38-
87-Benzofuranol, 2,3-dihydro-2,2-dimethyl-U3671563-38-8Carbofuran
phenolU37210605-21-7Carbamic acid, 1H-benzimidazol-2-yl, methyl esterU37210605-
21-7CarbendazimU373122-42-9Carbamic acid, phenyl-, 1-methylethyl esterU373122-
42-9ProphamU38752888-80-9Carbamothioic acid, dipropyl-, S-(phenylmethyl)
esterU38752888-80-9ProsulfocarbU3892303-17-5Carbamothioic acid, bis(1-
methylethyl)-, S-(2,3,3-trichloro-2-propenyl) esterU3892303-17-
5TriallateU39430558-43-1A2213U39430558-43-1Ethanimidothioic acid, 2-
(dimethylamino)-N-hydroxy-2-oxo-, methyl esterU3955952-26-1Diethylene glycol,
dicarbamateU3955952-26-1Ethanol, 2,2'-oxybis-, dicarbamateU404121-44-
8Ethanamine, N,N-diethyl-U404121-44-8TriethylamineU40923564-05-8Carbamic acid,
(1,2-phenylenebis(iminocarbonothioyl))bis-, dimethyl esterU40923564-05-
8Thiophanate-methylU41059669-26-0Ethanimidothioic acid, N,N'-
(thiobis((methylimino)carbonyloxy))bis-, dimethyl esterU41059669-26-
0ThiodicarbU411114-26-1Phenol, 2-(1-methylethoxy)-, methylcarbamateU411114-26-
1Propoxur
(Source: Amended at 34 Ill. Reg. _____ effective _____)

SUBPART E: EXCLUSIONS AND EXEMPTIONS

Section 721.138 ~~Comparable or Syngas Fuel~~ Exclusion of Comparable Fuel and Syngas Fuel

a) Specifications for excluded fuels. Wastes that meet ~~the following~~ specifications for comparable fuel or syngas fuel under ~~subsections~~ subsection (a)(1) or (a)(2) of this Section, respectively, and the other requirements of this Section, are not solid wastes:

~~a1)~~ Comparable fuel specifications.

~~1iA)~~ Physical specifications.

~~Aii)~~ Heating value. The heating value must exceed 5,000 Btu/lb (11,500 J/g).

~~Biii)~~ Viscosity. The viscosity must not exceed 50 ~~cs~~-cS, as fired.

~~2B)~~ Constituent specifications. For the compounds listed, the constituent specification levels and minimum required detection limits (where non-detect is the constituent specification) are set forth in the table ~~at subsection (d) of this Section~~ in Appendix Y to this Part.

~~b2)~~ Synthesis gas fuel ~~specification~~ specifications. Synthesis gas fuel (i.e., syngas fuel) that is generated from hazardous waste must fulfill the following requirements:

~~1A)~~ It must have a minimum Btu value of 100 Btu/Scf;

~~2B)~~ It must contain less than 1 ppmv of total halogen;

~~3C)~~ It must contain less than 300 ppmv of total nitrogen other than diatomic nitrogen (N₂);

~~4D)~~ It must contain less than 200 ppmv of hydrogen sulfide; and

~~5E)~~ It must contain less than 1 ppmv of each hazardous constituent in the target list of constituents listed in Appendix H of this Part.

3) Blending to meet the specifications.

A) Hazardous waste shall not be blended to meet the comparable fuel specification under subsection (a)(1) of this Section, except as provided by subsection (a)(3)(B) of this Section~~;~~

B) Blending to meet the viscosity specification. A hazardous waste blended to meet the viscosity specification for comparable fuel must fulfill the following requirements:

i) As generated, and prior to any blending, manipulation, or processing, the hazardous waste must meet the constituent and heating value specifications of subsections (a)(1)(A)(i) and (a)(1)(B) of this Section;

ii) The hazardous waste must be blended at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 722.134, 724, 725, or 727; and

iii) The hazardous waste must not violate the dilution prohibition of subsection (a)(6) of this Section.

4) Treatment to meet the comparable fuel specifications.

A) A hazardous waste may be treated to meet the specifications for comparable fuel set forth in subsection (a)(1) of this Section, provided the treatment fulfills the following requirements:

- i) The treatment destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying hazardous constituents or materials;
- ii) The treatment is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 722.134, 724, 725, or 727; and
- iii) The treatment does not violate the dilution prohibition of subsection (a)(6) of this Section.

B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a comparable fuel remain a hazardous waste.

5) Generation of a syngas fuel.

A) A syngas fuel can be generated from the processing of hazardous wastes to meet the exclusion specifications of subsection (a)(2) of this Section, provided the processing fulfills the following requirements:

- i) The processing destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying constituents or materials;
- ii) The processing is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 722.134, 724, 725, or 727 or is an exempt recycling unit pursuant to 35 Ill. Adm. Code 721.106(c); and
- iii) The processing does not violate the dilution prohibition of subsection (a)(6) of this Section.

B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a syngas fuel remain a hazardous waste.

b) Implementation.

1) General.

~~eA) Implementation. Waste AWastes that meets meet the comparable or syngas-fuel specifications provided by subsection (a) or (b) of this Section for comparable fuel or syngas fuel are (these constituent levels must be achieved by the comparable fuel when generated, or as a result of treatment or blending, as provided in subsection (c)(3) or (c)(4) of this Section) is excluded from the definition of solid waste provided that the following requirements are met+. For purposes of this Section, such materials are called "excluded fuel," the person claiming and qualifying for the exclusion is called the "excluded fuel generator," and the person burning the excluded fuel is called the "excluded fuel burner."~~

B) The person who generates the excluded fuel must claim the exclusion by complying with the conditions of this Section and keeping records necessary to document compliance with those conditions.

~~12) Notices. For purposes of this Section, the person claiming and qualifying for the exclusion is called the comparable or syngas fuel generator and the person burning the comparable or syngas fuel is called the comparable or syngas burner. The person that generates the comparable fuel or syngas fuel must claim and certify to the exclusion.~~

2) Notices.

A) Notice to the Agency.

i) The generator must submit a one-time notice, except as provided by ~~paragraph~~subsection (b) (2) (A) (iii) of this Section, to the Agency, certifying compliance with the conditions of the exclusion and providing documentation, as required by subsection ~~(e) (1) (A) (iii)~~ (b) (2) (C) of this Section;

BOARD NOTE: This subsection (b) (2) (A) (i) corresponds with 40 CFR 261.38(c) (2) (i) (A) (2009). Due to limitations on the maximum indent levels allowed in the Illinois ~~Administrative~~Administrative Code, the Board found it necessary to move 40 CFR 261.38(c) (2) (i) (A) (1) through (c) (2) (i) (A) (5) to appear as subsections (c) (2) (C) (i) through (c) (2) (C) (v) of this Section.

~~ii) If the generator is a company that generates comparable or syngas fuel at more than one facility, the generator must specify at which sites the comparable or syngas fuel will be generated;~~

ii) If there is a substantive change in the information provided in the one-time notice required under this subsection (b) (2) (A), the generator must submit a revised notification.

~~iii) A comparable or syngas fuel generator's notification to the Agency must contain the items listed in subsection (e) (1) (C) of this Section.~~

iii) An excluded fuel generator must include an estimate of the average and maximum monthly and annual quantity of material for which an exclusion would be claimed in notices for newly excluded fuel or for revised notices as required by subsection (b) (2) (A) (ii) of this Section.

B) Public notice. Prior to burning an excluded ~~comparable or syngas~~ fuel, the burner must publish in a major newspaper of general circulation, local to the site where the fuel will be burned, a notice entitled "Notification of Burning a ~~Comparable or Syngas~~ Fuel Excluded Under the Resource Conservation and Recovery Act" containing the following information:

i) The name, address, and USEPA identification number of the generating facility;

ii) The name and address of the burner and identification of the units that will burn the ~~comparable or syngas~~ excluded fuel;

iii) A brief, general description of the manufacturing, treatment, or other process generating the ~~comparable or syngas~~ excluded fuel;

iv) An estimate of the average and maximum monthly and annual quantity of the ~~waste claimed to be~~ excluded fuel to be burned; and

v) The name and mailing address of the Agency office to which the generator ~~claim was~~ submitted a claim for the exclusion.

C) ~~Required content of comparable or syngas notification to the Agency.~~ The one-time notice required by subsection (b) (2) (A) (i) of this Section must certify compliance with the conditions of the exclusion and provide documentation, as follows:

i) The name, address, and USEPA identification number of the person or facility claiming the exclusion;

ii) The applicable USEPA hazardous waste codes for the hazardous waste;

iii) The name and address of the units that meet the requirements of subsection ~~(e) (2)~~ (b) (3) and (c) (2) of this Section that will burn the ~~comparable or syngas~~ excluded fuel; ~~and~~

iv) An estimate of the average and maximum monthly and annual quantity of material for which an exclusion would be claimed, except as provided by subsection (b) (2) (A) (iii) of this Section; and

~~ivv)~~ The following statement⁷ must be signed and submitted by the person claiming the exclusion or its authorized representative:

Under penalty of criminal and civil prosecution for making or submitting false statements, representations, or omissions, I certify that the requirements of 35 Ill. Adm. Code 721.138 have been met for all waste identified in this notification. Copies of the records and information required by 35 Ill. Adm. Code 721.138 ~~(e) (10) 721.138~~ (b) (8) are available at the comparable or syngas fuel generator's facility. Based on my inquiry of the individuals immediately responsible for obtaining the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

BOARD NOTE: Subsections ~~(e) (1) (C) (i) (b) (2) (C) (i) through (c) (1) (C) (iv) (e) (2) (C) (v)~~ are derived from 40 CFR 261.138 ~~(e) (1) (i) (C) (1) and (e) (1) (i) (C) (4) 261.138~~ (b) (2) (i) (A) (1) and (b) (2) (i) (A) (5), which the Board has codified here to comport with Illinois Administrative Code format requirements.

~~233)~~ Burning. The ~~comparable or syngas fuel exclusion for fuels that meet the requirements of subsections (a) or (b) and (e) (1) of this Section~~ exclusion applies only if the fuel is burned in the following units that also must be subject to federal, State, and local air emission requirements, including all applicable federal hazardous air pollutant emissions requirements implementing section 112 of the Clean Air Act (CAA) (42 USC 7412) ~~maximum achievable control technology (MACT) requirements~~:

A) Industrial furnaces, as defined in 35 Ill. Adm. Code 720.110;

B) Boilers, as defined in 35 Ill. Adm. Code 720.110, that are further defined as follows:

i) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

ii) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale;

C) Hazardous waste incinerators subject to regulation pursuant to Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725 ~~or~~ and applicable CAA MACT standards.

D) Gas turbines used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.

~~3) Blending to meet the viscosity specification. A hazardous waste blended to meet the viscosity specification must fulfill the following requirements:~~

~~A) As generated and prior to any blending, manipulation, or processing, the waste must meet the constituent and heating value specifications of subsections (a)(1)(A) and (a)(2) of this Section;~~

~~B) The waste must be blended at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and~~

~~C) The waste must not violate the dilution prohibition of subsection (c)(6) of this Section.~~

~~4) Treatment to meet the comparable fuel exclusion specifications.~~

~~A) A hazardous waste may be treated to meet the exclusion specifications of subsections (a)(1) and (a)(2) of this Section provided the treatment fulfills the following requirements:~~

~~i) The treatment destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying hazardous constituents or materials;~~

~~ii) The treatment is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and~~

~~iii) The treatment does not violate the dilution prohibition of subsection (c)(6) of this Section.~~

~~B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a comparable fuel remain a hazardous waste.~~

~~5) Generation of a syngas fuel.~~

~~A) A syngas fuel can be generated from the processing of hazardous wastes to meet the exclusion specifications of subsection (b) of this Section provided the processing fulfills the following requirements:~~

~~i) The processing destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying constituents or materials;~~

~~ii) The processing is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134 or is an exempt recycling unit pursuant to Section 721.106(e); and~~

~~iii) The processing does not violate the dilution prohibition of subsection (c)(6) of this Section.~~

~~B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a syngas fuel remain a hazardous waste.~~

~~6) Dilution prohibition for comparable and syngas fuels. No generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility must in any way dilute a hazardous waste to meet the exclusion specifications of subsection (a)(1)(A), (a)(2), or (b) of this Section. 74) Waste-Fuel analysis plans plan for generators. The generator of a comparable or syngas an excluded fuel must develop and follow a written waste-fuel analysis plan that describes the procedures for sampling and analysis of the hazardous waste material to be excluded. The plan must be followed and retained at the facility excluding the waste site of the generator claiming the exclusion.~~

A) At a minimum, the plan must specify the following:

i) The parameters for which each hazardous waste-excluded fuel will be analyzed and the rationale for the selection of those parameters;

ii) The test methods that will be used to test for these parameters;

iii) The sampling method that will be used to obtain a representative sample of the waste-excluded fuel to be analyzed;

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

v) If process knowledge is used in the waste-determination, any information prepared by the generator in making such determination.

~~B) The waste-~~For each analysis-plan, the generator must also ~~contain records of~~ document the following:

i) The dates and times that waste samples were obtained, and the dates the samples were analyzed;

ii) The names and qualifications of the persons who obtained the samples;

iii) A description of the temporal and spatial locations of the samples;

iv) The name and address of the laboratory facility at which analyses of the samples were performed;

v) A description of the analytical methods used, including any clean-up and sample preparation methods;

vi) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.), laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan that occurred;

vii) All laboratory results demonstrating ~~that~~ whether the exclusion specifications have been met ~~for the waste~~; and

viii) All laboratory documentation that supports the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in subsection ~~(e)(11)~~ (b) (9) of this Section and also provides for the availability of the documentation to the claimant upon request.

C) ~~Syngas fuel generators~~ A syngas fuel generator must submit for approval, prior to performing sampling, analysis, or any management of ~~a syngas fuel as an~~ excluded syngas ~~fuel~~ ~~waste~~ ~~fuel~~, a ~~waste~~ fuel analysis plan containing the elements of subsection ~~(e)(7)(A)~~ (b) (4) ~~(iA)~~ of this Section to the Agency. The approval of ~~waste~~ a fuel analysis ~~plans~~ plan must be stated in writing and received by the facility prior to sampling and analysis to demonstrate the exclusion of a syngas. The approval of the ~~waste~~ fuel analysis plan may contain such provisions and conditions as the regulatory authority deems appropriate.

~~855) Comparable~~ Excluded fuel sampling and analysis.

A) General. For each waste for which an exclusion is claimed under the specifications provided by ~~paragraphs~~ subsection (a) (1) or (a) (2) of this ~~section~~ Section, the generator of the ~~hazardous~~ waste must test for all the constituents ~~enin~~ Appendix H of this Part, except for those constituents that the generator determines, based on testing or knowledge, should not be present in the ~~waste~~ fuel. The generator is required to document the basis of each determination that a constituent with an applicable specification should not be present. The generator may not determine that any of the following categories of constituents with a specification in the table in Appendix Y to this Part should not be present:

i) A constituent that triggered the toxicity characteristic for the ~~waste~~ constituents that were the basis ~~of the~~ for listing ~~of the~~ secondary material as a hazardous waste ~~stream~~, or constituents for which there is a treatment standard for the waste code in 35 Ill. Adm. Code 728.140;

ii) A constituent detected in previous analysis of the waste;

iii) Constituents introduced into the process that generates the waste; or

iv) Constituents that are byproducts or side reactions to the process that generates the waste.

B) Use of process knowledge. For each waste for which the comparable fuel or syngas exclusion is claimed where the generator of the ~~comparable or syngas~~ excluded fuel is not the original generator of the hazardous waste, the generator of the comparable or syngas fuel may not use process knowledge pursuant to subsection ~~(e)~~ ~~(85)~~ (A) ~~(b)(5)(i)~~ of this Section and must test to determine that all of the constituent specifications of subsections (a) (1) and (a) (2) ~~and (b)~~ of this Section, as applicable, have been met.

C) The ~~comparable or syngas~~ excluded fuel generator may use any reliable analytical method to demonstrate that no constituent of concern is present at concentrations above the specification levels. It is the responsibility of the generator to ensure that the sampling and analysis are unbiased, precise, and representative of the ~~waste~~ excluded fuel. For the ~~waste~~ fuel to be eligible for exclusion, a generator must demonstrate the following:

i) That the 95% upper confidence limit of the mean concentration for each constituent of concern is not ~~present in the waste~~ above the specification level ~~at the 95 percent upper confidence limit around the mean~~; and

ii) That the ~~analysis~~ analyses could have detected the presence of the constituent at or below the specification level ~~at the 95 percent upper confidence limit around the mean~~.

D) Nothing in this subsection (~~eb~~) (~~85~~) preempts, overrides, or otherwise negates the provision in 35 Ill. Adm. Code 722.111 that requires any person that generates a solid waste to determine if that waste is a hazardous waste.

E) In an enforcement action, the burden of proof to establish conformance with the exclusion specification must be on the generator claiming the exclusion.

F) The generator must conduct sampling and analysis in accordance with the fuel its waste analysis plan developed pursuant to subsection (~~e~~) (~~7~~) (~~b~~) (4) of this Section.

G) Viscosity condition for comparable fuel.

~~Gi~~) ~~Syngas fuel and~~ Excluded comparable fuel that has not been blended ~~in order~~ to meet the kinematic viscosity ~~specifications~~ specification must be analyzed as generated.

~~Hi~~ ~~ii~~) If ~~a comparable fuel~~ hazardous waste is blended ~~in order~~ to meet the kinematic viscosity ~~specifications~~ specification for comparable fuel, the generator must ~~undertake the following actions~~: analyze the hazardous waste as generated to ensure that it meets the constituent and heating value specifications of subsection (a) (1) of this Section, and after blending, analyze the fuel again to ensure that the blended fuel meets all comparable fuel ~~specifications~~ specifications.

BOARD NOTE: The Board found it necessary to combine the text of 40 CFR 261.38(b) (5) (vii) (B) (1) and (b) (5) (vii) (B) (~~12~~) together with the text of 40 CFR 261.38(b) (5) (vii) (B) to comport with the maximum indent level allowed by Illinois Administrative Code codification requirements.

~~i)~~ ~~Analyze the fuel as generated to ensure that it meets the constituent and heating value specifications; and~~

~~ii)~~ ~~After blending, analyze the fuel again to ensure that the blended fuel continues to meet all comparable or syngas fuel specifications.~~

~~H~~) Excluded ~~comparable or syngas~~ fuel must be retested, at a minimum, annually and must be retested after a process change that could change ~~the~~ its chemical or physical properties ~~of the waste~~ in a manner ~~than~~ that may affect conformance with the specifications.

BOARD NOTE: Any claim pursuant to this Section must be valid and accurate for all hazardous constituents; a determination not to test for a hazardous constituent will not shield a generator from liability should that constituent later be found in the waste above the exclusion specifications.

6) This subsection (b)(6) corresponds with 40 CFR 261.38(b)(6), which USEPA has marked "reserved." This statement maintains structural parity with the corresponding federal regulations.

~~977) Speculative accumulation. Any persons handling a comparable or syngas- Excluded fuel are subject to the speculative accumulation test pursuant to Section 721.102(e)(4)~~ must not be accumulated speculatively, as such is defined in 35 Ill. Adm. Code 721.101(c)(8).

~~1088) Records.~~ Operating record. The generator must maintain ~~records of an~~ operating record on site containing the following information ~~on site~~:

A) All information required to be submitted to the implementing authority as part of the notification of the claim:

i) The owner or operator name, address, and ~~RCRA facility~~ USEPA identification number of the person claiming the exclusion;

ii) ~~The applicable~~ For each excluded fuel, the USEPA hazardous waste codes ~~for each hazardous waste excluded as a fuel~~ that would be applicable if the material were discarded; and

iii) The certification signed by the person claiming the exclusion or his authorized representative;

B) A brief description of the process that generated the excluded fuel. If the comparable fuel generator is not the generator of the original hazardous waste ~~and~~, provide a brief description of the process that generated the ~~excluded fuel, if not the same~~ hazardous waste;

C) ~~An estimate of the average and maximum~~ The monthly and annual quantities of each ~~waste~~ fuel claimed to be excluded;

D) Documentation for any claim that a constituent is not present in the ~~hazardous waste~~ excluded fuel, as required pursuant to subsection ~~(e)(8)(A)~~ (b)(5)(~~i~~A) of this Section;

E) The results of all analyses and all detection limits achieved, as required pursuant to subsection ~~(e)(8)~~ (b)(4) of this Section;

F) If the ~~excluded waste~~ comparable fuel was generated through treatment or blending, documentation, ~~as required pursuant to subsection (e)(3) or (e)(4)~~ of compliance with the applicable provisions of ~~paragraphs~~ subsections (a)(3) and (a)(4) of this Section;

G) If the ~~waste~~ excluded fuel is to be shipped off-site, a certification from the burner, as required pursuant to subsection ~~(e)(12)~~ (b)(10) of this Section;

H) ~~A waste~~ The fuel analysis plan and ~~the results~~ documentation of ~~the~~ all sampling and analysis ~~that include the following:~~ results as required by paragraph subsection (b)(4) of this ~~section;~~ ~~and~~

~~i) The dates and times waste samples were obtained, and the dates the samples were analyzed;~~

~~ii) The names and qualifications of the persons that obtained the samples;~~

~~iii) A description of the temporal and spatial locations of the samples;~~

~~iv) The name and address of the laboratory facility at which analyses of the samples were performed;~~

~~v) A description of the analytical methods used, including any clean up and sample preparation methods;~~

~~vi) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.), laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan that occurred;~~

~~vii) All laboratory analytical results demonstrating that the exclusion specifications have been met for the waste; and~~
~~viii) All laboratory documentation that supports the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in subsection (c)(11) of this Section and also provides for the availability of the documentation to the claimant upon request; and~~
Section: and

I) If the generator ships ~~comparable or syngas~~ excluded fuel off-site for burning, the generator must retain for each shipment the following information on-site:

i) The name and address of the facility receiving the ~~comparable or syngas~~ excluded fuel for burning;

ii) The quantity of ~~comparable or syngas~~ excluded fuel shipped and delivered;

iii) The date of shipment or delivery;

iv) A cross-reference to the record of ~~comparable or syngas~~ excluded fuel analysis or other information used to make the determination that the ~~comparable or syngas~~ excluded fuel meets the specifications, as required pursuant to subsection ~~(e)(8)~~ (b)(4) of this Section; and

v) A one-time certification by the burner, as required pursuant to subsection ~~(e)(12)~~ (b)(10) of this Section.

~~1199) Records retention. Records must be maintained for the a period of three years. A generator must maintain a current waste analysis plan during that three year period.~~

~~1210~~10) Burner certification to the generator. Prior to submitting a notification to the Agency, a ~~comparable or syngas fuel~~ generator of excluded fuel that intends to ship ~~its~~ the excluded fuel off-site for burning must obtain a one-time written, signed statement from the burner that includes the following:

A) A certification that the ~~comparable or syngas~~ excluded fuel will only be burned in an industrial furnace ~~or~~, industrial boiler, utility boiler, or hazardous waste incinerator, as required pursuant to subsection ~~(e)~~ (b)(23) of this Section;

B) Identification of the name and address of the ~~units~~ facility that will burn the ~~comparable or syngas~~ excluded fuel; and

C) A certification that the state in which the burner is located is authorized to exclude wastes as ~~comparable or syngas~~ excluded fuel under the provisions of 40 CFR 261.38.

~~1311~~11) Ineligible waste codes. Wastes that are listed as hazardous waste because of the presence of dioxins or furans, as set out in Appendix G of this Part, are not eligible for ~~this exclusion~~ these exclusions, and any fuel produced from or otherwise containing these wastes remains a hazardous waste subject to the full RCRA hazardous waste management requirements.

12) Regulatory status of boiler residues. Burning excluded fuel that was otherwise a hazardous waste listed under Sections 721.131 through 721.133 of this Part does not subject boiler residues, including bottom ash and emission control residues, to regulation as derived from hazardous wastes.

13) Residues in containers and tank systems upon cessation of operations.

A) Liquid and accumulated solid residues that remain in a container or tank system for more than 90 days after the container or tank system ceases to be operated for storage or transport of excluded fuel product are subject to regulation under 35 Ill. Adm. Code 702, 703, 722 through 725, 727, and 728.

B) Liquid and accumulated solid residues that are removed from a container or tank system after the container or tank system ceases to be operated for storage or transport of excluded fuel product are solid wastes subject to regulation as hazardous waste if the waste exhibits a characteristic of hazardous waste under Sections 721.121 through 721.124 or if the fuel were otherwise a hazardous waste listed under Sections 721.131 through 721.133 when the exclusion was claimed.

C) Liquid and accumulated solid residues that are removed from a container or tank system and ~~which~~ do not meet the specifications for exclusion under ~~subsections~~subsection (a)(1) or (a)(2) of this Section are solid wastes subject to regulation as hazardous waste if either of the following conditions exist with regard to the residues:

i) The waste exhibits a characteristic of hazardous waste under Sections 721.121 through 721.124; or

ii) The fuel ~~were~~was otherwise a hazardous waste listed under Sections 721.131 through 721.133. The hazardous waste code for the listed waste applies to these liquid and accumulated solid ~~resides~~residues.

14) Waiver of RCRA closure requirements. Interim status and permitted storage and combustion units, and generator storage units exempt from the permit requirements under ~~Section~~35 Ill. Adm. Code 722.134, are not subject to the closure requirements of 35 Ill. ~~Adm.~~Adm. Code 724, 725, ~~e-727~~or 727, provided that the storage and combustion unit has been used to manage only hazardous waste that is subsequently excluded under the conditions of this Section, and that afterward will be used only to manage fuel excluded under this Section.

15) Spills and leaks.

A) Excluded fuel that is spilled or leaked and that therefore no longer meets the conditions of the exclusion is discarded and must be managed as a hazardous waste if it exhibits a characteristic of hazardous waste under Sections 721.121

through 721.124 or if the fuel were otherwise a hazardous waste listed in Sections 721.131 through 721.133.

B) For excluded fuel that would have otherwise been a hazardous waste listed in Sections 721.131 through 721.133 and ~~which~~that is spilled or leaked, the USEPA hazardous waste code for the listed waste applies to the spilled or leaked material.

16) In corresponding 40 CFR 261.38(b)(16), USEPA included the following disclaimer, which the Board quotes in full: "Nothing in this section preempts, overrides, or otherwise negates the provisions in CERCLA Section 103, which establish reporting obligations for releases of hazardous substances, or the Department of Transportation requirements for hazardous materials in 49 CFR parts 171 through 180."

c) Failure to comply with the conditions of the exclusion. An excluded fuel loses its exclusion if any person managing the fuel fails to comply with the conditions of the exclusion under this Section, and the material must be managed as a hazardous waste from the point of generation. In such situations, USEPA, the Agency, or any person may take enforcement action pursuant to ~~section~~Section 31 of the Act [415 ILCS 5/~~30~~31].

BOARD NOTE: Corresponding 40 CFR 261.38(c) provides that USEPA or an authorized state may take enforcement action pursuant to section 3008(a) of RCRA (42 USC 6927(a)). In Illinois, ~~section~~Section 31(a) and (d) of the Act [415 ILCS 5/31(a) and (d)] provide that the Agency or any person may pursue an enforcement action for violation of the Act or Board regulations.

~~d) Appendix Y of this Part sets forth the table of detection and detection-limit values for comparable fuel specification.~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART H: FINANCIAL REQUIREMENTS FOR MANAGEMENT OF EXCLUDED HAZARDOUS SECONDARY MATERIALS

Section 721.240 Applicability

a) The requirements of this Subpart H apply to owners or operators of reclamation and intermediate facilities managing hazardous secondary materials excluded under ~~35 Ill. Adm. Code~~Section 721.104(a)(24), except as provided otherwise in this Section.

b) States and the federal government are exempt from the financial assurance requirements of this Subpart H.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 721.241 Definitions of Terms as Used in This Subpart

The terms defined in 35 Ill. Adm. Code ~~265.241~~725.241(d), (f), (g), and (h) have the same meaning in this Subpart H as they do in 35 Ill. Adm. Code ~~265.241~~725.241.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 721.242 Cost Estimate

a) The owner or operator of a reclamation or intermediate facility must have a detailed written estimate, in current dollars, of the cost of disposing of any hazardous secondary material as listed or characteristic hazardous waste, and the potential cost of closing the facility as a treatment, storage, and disposal facility.

1) The estimate must equal the cost of conducting the activities described in this subsection (a) at the point when the extent and manner of the facility's operation would make these activities the most expensive.

2) The cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct these activities. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of "parent corporation" in 35 Ill. Adm. Code 725.241(d).) The owner or operator may use costs for on-site disposal in accordance with applicable requirements if the owner or operator can demonstrate that on-site disposal capacity will exist at all times over the life of the facility.

3) The cost estimate may not incorporate any salvage value that may be realized with the sale of hazardous secondary materials, hazardous waste, non-hazardous wastes (if permitted by the Agency pursuant to 35 Ill. Adm. Code 725.213(d)), facility structures or equipment, land, or other assets associated with the facility.

4) The owner or operator may not incorporate a zero cost for hazardous secondary materials, hazardous waste, non-hazardous wastes (if permitted by the Agency pursuant to 35 Ill. Adm. Code 725.213(d)) that might have economic value.

b) During the active life of the facility, the owner or operator must adjust the written cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with the requirements of Section 721.243. An owner or operator that uses the financial test or corporate guarantee must update its cost estimate for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the Agency and USEPA pursuant to Section 721.243(e)(3). The adjustment may be made by recalculating the cost estimate in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product (Deflator) published by the U.S. Department of Commerce, as specified in subsections (b)(1) and (2) of this Section. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

1) The first adjustment is made by multiplying the cost estimate by the inflation factor. The result is the adjusted cost estimate.

2) Subsequent adjustments are made by multiplying the latest adjusted cost estimate by the latest inflation factor.

BOARD NOTE: The table of Deflators is available as Table 1.1.9. in the National Income and Product Account Tables, published by U.S. Department of Commerce, Bureau of Economic Analysis, National Economic Accounts, available on-line at the following web address:

www.bea.gov/national/nipaweb/?TableView.asp??SelectedTable=13?&FirstYear=2002?&LastYear=2004?&Freq=Qtr.

c) During the active life of the facility, the owner or operator must revise the cost estimate no later than 30 days after a change in a facility's operating plan or design that would increase the costs of conducting the activities described in subsection (a) of this Section or no later than 60 days after an unexpected event ~~which~~that increases the cost of conducting the activities described in subsection (a) of this Section. The revised cost estimate must be adjusted for inflation, as specified in subsection (b) of this Section.

d) The owner or operator must keep the following documents at the facility during the operating life of the facility: The latest cost estimate prepared in accordance with subsections (a) and (c) of this Section and, when this estimate has been adjusted in accordance with subsection (b) of this Section, the latest adjusted cost estimate.

(Source: Added at 34 Ill. Reg. _____ effective _____)

Section 721.243 Financial Assurance Condition

As required by Section 721.104(a)(24)(F)(vi), an owner or operator of a reclamation facility or an intermediate facility must have financial assurance as a condition of the exclusion. The owner or operator must choose from among the options specified in subsections (a) through (e) of this Section.

a) Trust fund.

1) An owner or operator may satisfy the requirements of this Section by establishing a trust fund that conforms to the requirements of this subsection (a) and submitting an originally signed duplicate of the trust agreement to the Agency. The trustee must be an entity ~~which~~that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

2) The wording of the trust agreement must be identical to the wording specified by the Agency pursuant to Section 721.251, and the trust agreement must be accompanied by a formal certification of acknowledgment as specified by the Agency pursuant to Section 721.251. Schedule A of the trust agreement must be updated within 60 days after any change in the amount of the current cost estimate covered by the agreement.

3) The trust fund must be funded for the full amount of the current cost estimate before it may be relied upon to satisfy the requirements of this Section.

4) Whenever the current cost estimate changes, the owner or operator must compare the new cost estimate with the trustee's most recent annual valuation of the trust fund. Within 60 days after the change in the cost estimate, if the value of the fund is less than the amount of the new cost estimate, the owner or operator must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current cost estimate, or the owner or operator must obtain other financial assurance that satisfies the requirements of this Section to cover the difference.

5) If the value of the trust fund is greater than the total amount of the current cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current cost estimate.

6) If an owner or operator substitutes other financial assurance that satisfies the requirements of this ~~section~~Section for all or part of the trust fund, it may submit a written request to the Agency for release of the amount in excess of the current cost estimate covered by the trust fund.

7) Within 60 days after receiving a request from the owner or operator for a release of funds, as specified in subsection (a)(5) or (a)(6) of this Section, the Agency must instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing. If the owner or operator begins final closure pursuant to Subpart G of 35 Ill. Adm. Code 724 or 725, it may request reimbursements for partial or final closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursements for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing the facility over its remaining operating life. No later than 60 days after receiving bills for partial or final closure activities, if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan, or otherwise justified, the Agency must instruct the trustee to make reimbursements in those amounts as the Agency specifies in writing. If the Agency has reason to believe that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, the Agency may withhold reimbursements of such amounts as the Agency deems prudent until the Agency determines, in accordance with 35 Ill. Adm. Code 725.243(i), that the owner or operator is no longer required to maintain financial assurance for final closure of the facility. If the Agency does not instruct the trustee to make such reimbursements, the Agency must provide to the owner or operator a detailed written statement of reasons.

8) The Agency must agree to termination of the trust fund when either of the following has occurred:

A) The Agency determines that the owner or operator has substituted alternative financial assurance that satisfies the requirements of this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.

b) Surety bond guaranteeing payment into a trust fund.

1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this subsection (b) and submitting the bond to the Agency. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury.

BOARD NOTE: The U.S. Department of the Treasury updates Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies," on an annual basis pursuant to 31 CFR 223.16. Circular 570 is available on the Internet from the following website: <http://www.fms.treas.gov/c570/>.

2) The wording of the surety bond must be identical to the wording specified by the Agency pursuant to Section 721.251.

3) The owner or operator who uses a surety bond to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of

the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a) of this ~~section~~Section, except that the following also apply:

A) The owner or operator must submit an originally signed duplicate of the trust agreement to the Agency with the surety bond; and

B) Until the standby trust fund is funded pursuant to the requirements of this Section, the following are not required:

i) Payments into the trust fund, as specified in subsection (a) of this Section;

ii) Updating of Schedule A of the trust agreement to show current cost estimates;

iii) Annual valuations, as required by the trust agreement; and

iv) Notices of nonpayment, as required by the trust agreement.

4) The bond must guarantee that the owner or operator will undertake one of the following actions:

A) That the owner or operator will fund the standby trust fund in an amount equal to the penal sum of the bond before loss of the exclusion pursuant to Section 721.104(a)(24);

B) That the owner or operator will fund the standby trust fund in an amount equal to the penal sum within 15 days after an administrative order to begin closure issued by the Agency becomes final, or within 15 days after an order to begin closure is issued by the Board or a court of competent jurisdiction; or

C) Within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety, that the owner or operator will provide alternate financial assurance that satisfies the requirements of this Section, and obtain the Agency's written approval of the assurance provided.

5) Under the terms of the bond, the surety must become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

6) The penal sum of the bond must be in an amount at least equal to the current cost estimate, except as provided in subsection (f) of this Section.

7) Whenever the current cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance that satisfies the requirements of this Section to cover the increase. Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate, following written approval by the Agency.

8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the

Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

9) The owner or operator may cancel the bond if the Agency has given prior written consent based on ~~his~~ receipt of evidence of alternate financial assurance that satisfies the requirements of this Section.

c) Letter of credit.

1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this subsection (c) and submitting the letter to the Agency. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

2) The wording of the letter of credit must be identical to the wording specified by the Agency pursuant to Section 721.251.

3) An owner or operator who uses a letter of credit to satisfy the requirements of this ~~section~~Section must also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a) of this ~~section~~Section, except that the following also apply:

A) The owner or operator must submit an originally signed duplicate of the trust agreement to the Agency with the letter of credit; and

B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required:

i) Payments into the trust fund, as specified in subsection (a) of this Section;

ii) Updating of Schedule A of the trust agreement to show current cost estimates;

iii) Annual valuations, as required by the trust agreement; and

iv) Notices of nonpayment, as required by the trust agreement.

4) The letter of credit must be accompanied by a letter from the owner or operator that refers to the letter of credit by number, issuing institution, and date, and ~~which~~that provides the following information: The USEPA identification number (if any issued), name, and address of the facility, and the amount of funds assured for the facility by the letter of credit.

5) The letter of credit must be irrevocable, and the letter must be issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter

of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.

6) The letter of credit must be issued in an amount at least equal to the current cost estimate, except as provided in subsection (f) of this Section.

7) Whenever the current cost estimate increases to an amount greater than the amount of the credit, within 60 days after the increase, the owner or operator must either cause the amount of the credit to be increased, so that it at least equals the current cost estimate, and submit evidence of such increase to the Agency, or it must obtain other financial assurance that satisfies the requirements of this Section to cover the increase. Whenever the current cost estimate decreases, the amount of the credit may be reduced to the amount of the current cost estimate following written approval by the Agency.

8) Following a determination by the Agency that the hazardous secondary materials do not meet the conditions of the exclusion set forth in Section 721.104(a)(24), the Agency may draw on the letter of credit.

9) If the owner or operator does not establish alternative financial assurance that satisfies the requirements of this Section and obtain written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency may draw on the letter of credit. The Agency may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension, the Agency may draw on the letter of credit if the owner or operator has failed to provide alternative financial assurance that satisfies the requirements of this Section and to obtain written approval of such assurance from the Agency.

10) The Agency must return the letter of credit to the issuing institution for termination when either of the following occurs:

A) The owner or operator substitutes alternative financial assurance that satisfies the requirements of this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) of this Section.

d) Insurance.

1) An owner or operator may satisfy the requirements of this Section by obtaining insurance that conforms to the requirements of this subsection (d) and submitting a certificate of such insurance to the Agency. At a minimum, the insurer must be licensed to transact the business of insurance, or be eligible to provide insurance as an excess or surplus lines insurer, in one or more states.

2) The wording of the certificate of insurance must be identical to the wording specified by the Agency pursuant to Section 721.251.

3) The insurance policy must be issued for a face amount at least equal to the current cost estimate, except as provided in subsection (f) of this Section. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face

amount, although the insurer's future liability will be lowered by the amount of the payments.

4) The insurance policy must guarantee that funds will be available whenever needed to pay the cost of removal of all hazardous secondary materials from the unit, to pay the cost of decontamination of the unit, and to pay the costs of the performance of activities required under Subpart G of 35 Ill. Adm. Code 724 or 725, as applicable, for the facilities covered by the policy. The policy must also guarantee that once funds are needed, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency, to such party or parties as the Agency specifies.

5) After beginning partial or final closure pursuant to 35 Ill. Adm. Code 724 or 725, as applicable, an owner or operator or any other authorized person may request reimbursements for closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursements only if the remaining value of the policy is sufficient to cover the maximum costs of closing the facility over its remaining operating life. If the Agency determines that the expenditures are in accordance with the approved plan or are otherwise justified, the Agency must, within 60 days after receiving bills for closure activities, instruct the insurer in writing to make reimbursements in such amounts as the Agency specifies. If the Agency has reason to believe that the maximum cost over the remaining life of the facility will be significantly greater than the face amount of the policy, the Agency may withhold reimbursement of such amounts as the Agency deems prudent until the Agency determines, in accordance with subsection (h) of this Section, that the owner or operator is no longer required to maintain financial assurance for the particular facility. If the Agency does not instruct the insurer to make such reimbursements, the Agency must provide to the owner or operator a detailed written statement of reasons.

BOARD NOTE: The owner or operator may appeal any Agency determination made pursuant to this subsection (d) (5), as provided by ~~section~~Section 40 of the Act [415 ILCS 5/40].

6) The owner or operator must maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator, as specified in subsection (~~id~~) (10) of this Section. Failure to pay the premium, without substitution of alternate financial assurance as specified in this ~~section~~Section, will constitute a significant violation of these regulations warranting such ~~remedy~~remedies as are deemed necessary pursuant to ~~sections~~Sections 31, 39, and 40 of the Act [415 ILCS 5/31, 39, and 40]. Such a violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination, or failure to renew the policy due to nonpayment of the premium, rather than upon the date of policy expiration.

7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditioned on consent of the insurer, so long as the policy provides that the insurer may not unreasonably refuse such consent.

8) The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy, except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If the owner or operator fails to pay the premium, the insurer may elect to cancel, terminate, or fail to

renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination, or failure to renew may not occur, however, during the 120 days that begin on the date that both the Agency and the owner or operator have received the notice, as evidenced by the return receipts. Cancellation, termination, or failure to renew the policy may not occur, and the policy will remain in full force and effect, in the event that on or before the expiration date, one of the following events ~~occurs~~:occurs:

- A) The Agency deems the facility abandoned;
- B) Conditional exclusion or interim status is lost, terminated, or revoked;
- C) Closure is ordered by the Board or a court of competent jurisdiction;
- D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 of the U.S. Code (Bankruptcy); or
- E) The premium due has been paid.

9) Whenever the owner or operator learns that the current cost estimate has increased to an amount greater than the face amount of the policy, the owner or operator must, within 60 days after learning of the increase, either cause the face amount to be increased to an amount at least equal to the current cost estimate and submit evidence of such increase to the Agency, or the owner or operator must obtain other financial assurance that satisfies the requirements of this Section to cover the increase. Whenever the current cost estimate decreases, the face amount may be reduced to the amount of the current cost estimate after the owner or operator has obtained the written approval of the Agency.

10) The Agency must give written consent that allows the owner or operator to terminate the insurance policy when either of the following events ~~occurs~~:occurs:

A) The Agency has determined that the owner or operator has substituted alternative financial assurance that satisfies the requirements of this Section; or

B) The Agency has released the owner or operator from the requirements of this Section pursuant to subsection (i) of this Section.

e) Financial test and corporate guarantee.

1) An owner or operator may satisfy the requirements of this Section by demonstrating that the owner or operator passes one of the financial tests specified in this subsection (e). To pass a financial test, the owner or operator must meet the criteria of either subsection (e) (1) (A) or (e) (1) (B) of this Section:

A) Test 1. The owner or operator must have each of the following:

i) Two of the following three ratios: A ratio of total liabilities to net worth less than ~~2-02:0~~; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than ~~0-10:1~~; and a ratio of current assets to current liabilities greater than ~~1-51:5~~;

ii) Net working capital and tangible net worth each at least six times the sum of the current cost estimates and the current plugging and abandonment cost estimates;

iii) Tangible net worth of at least \$10 million; and

iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current cost estimates and the current plugging and abandonment cost estimates.

B) Test 2. The owner or operator must have each of the following:

i) A current rating for ~~his~~ its most recent bond issuance of AAA, AA, A, or BBB, as issued by Standard and Poor's, or Aaa, Aa, A, or Baa, as issued by Moody's;

ii) Tangible net worth at least six times the sum of the current cost estimates and the current plugging and abandonment cost estimates;

iii) Tangible net worth of at least \$10 million; and

iv) Assets located in the United States amounting to either at least 90 percent of total assets or at least six times the sum of the current cost estimates and the current plugging and abandonment cost estimates.

2) Definitions.

"Current cost estimates" as used in subsection (e)(1) of this Section, refers to the following four cost estimates required in the standard letter from the owner's or operator's chief financial officer:

The cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in subsections (e)(1) through (e)(9) of this Section;

The cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the corporate guarantee specified in subsection (e)(10) of this Section;

For facilities in a state outside of Illinois, the cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in Subpart H of 40 CFR 261 or through a financial test deemed by USEPA as equivalent to that set forth in Subpart H of 40 CFR 261; and

The cost estimate for each facility for which the owner or operator has not demonstrated financial assurance to the Agency, USEPA, or a sister state in which the facility is located by any mechanism that satisfies the requirements of the applicable of this Subpart H, Subpart H of 40 CFR 261, or regulations deemed by USEPA as equivalent to Subpart H of 40 CFR 261.

"Current plugging and abandonment cost estimates" as used in subsection (e)(1) of this Section, refers to the following four cost estimates required in the standard form of a letter from the owner's or operator's chief financial officer (see 35 Ill. Adm. Code 704.240):

The cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in 35 Ill. Adm. Code 704.219(a) through (i);

The cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in 35 Ill. Adm. Code 704.219(j);

For facilities in a state outside of Illinois, the cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in Subpart F of 40 CFR 144 or through a financial test deemed by USEPA as equivalent to that set forth in Subpart F of 40 CFR 144; and

The cost estimate for each facility for which the owner or operator has not demonstrated financial assurance to the Agency, USEPA, or a sister state in which the facility is located by any mechanism that satisfies the requirements of the applicable of Subpart G of 35 Ill. Adm. Code 704, Subpart F of 40 CFR 144, or regulations deemed by USEPA as equivalent to Subpart F of 40 CFR 144.

BOARD NOTE: Corresponding 40 CFR 261.143(e)(2) defines "current cost estimate" as "the cost estimates required to be shown in paragraphs 1-4 of the letter from the owner's or operator's chief financial officer (Section 261.151(e))" and "current plugging and abandonment cost estimates" as "the cost estimates required to be shown in paragraphs 1-4 of the letter from the owner's or operator's chief financial officer (Section 144.70(f) of this chapter)." The Board has substituted the descriptions of these estimates, using those set forth by USEPA in 40 CFR 261.151(e) and 144.70(f), as appropriate. Since the letter of the chief financial officer must include the cost estimates for any facilities that the owner or operator manages outside of Illinois, the Board has referred to the corresponding regulations of those sister states as "regulations deemed by USEPA as equivalent to Subpart F of 40 CFR 144 and Subpart H of 40 CFR ~~261.261~~".

3) To demonstrate that it meets the financial test set forth in subsection (e)(1) of this Section, the owner or operator must submit the following items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer and worded as specified by the Agency pursuant to Section 721.251 that is derived from the independently audited, year-end financial statements for the latest fiscal year, with the amounts of the pertinent environmental liabilities included in such financial statements;

B) A copy of an independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and

C) If the chief financial officer's letter prepared pursuant to subsection (e)(3)(A) of this Section includes financial data ~~which shows~~ showing that the owner or operator satisfies the test set forth in subsection (e)(1)(A) of this Section (Test 1), and either the data in the chief financial officer's letter are different from the data in the audited financial statements required by subsection (e)(3)(B) of this Section, or the data are different from any other audited financial statement or data filed with the federal Securities and Exchange Commission, then the owner or operator must submit a special report from its independent certified public accountant. The special report must be

based on an agreed-upon procedures engagement, in accordance with professional auditing standards. The report must describe the procedures used to compare the data in the chief financial officer's letter (prepared pursuant to subsection (e)(3)(A) of this Section), the findings of the comparison, and the reasons for any differences.

4) This subsection (e)(3)(4) corresponds with 40 CFR 261.143(e)(3)(iv), a provision relating to extension of the deadline for filing the financial documents required by 40 CFR 261.143(e)(3) until as late as 90 days after the effective date of the federal rule. Thus, the latest date for filing the documents was March 29, 2009, which is now past. See 40 CFR 261.143(e)(3) and 73 Fed. Reg. 64668 (Oct. 30, 2008). This statement maintains structural consistency with the corresponding federal provision.

5) After the initial submission of items specified in subsection (e)(3) of this Section, the owner or operator must send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (e)(3) of this Section.

6) If the owner or operator no longer fulfills the requirements of subsection (e)(1) of this Section, it must send notice to the Agency of intent to establish alternative financial assurance that satisfies the requirements of this Section. The owner or operator must send the notice by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator must provide the alternative financial assurance within 120 days after the end of such fiscal year.

7) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (e)(1) of this Section, require reports of financial condition at any time from the owner or operator in addition to those specified in subsection (e)(3) of this Section. If the Agency finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of subsection (e)(1) of this Section, the owner or operator must provide alternative financial assurance that satisfies the requirements of this Section within 30 days after notification of such a finding.

8) The Agency must disallow use of the financial tests set forth in this subsection (e) on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (e)(3)(B) of this Section) ~~where~~when the Agency determines that those qualifications significantly, adversely affect the owner's or operator's ability to provide its own financial assurance by this mechanism. An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency must evaluate all other kinds of qualifications on an individual basis. The owner or operator must provide alternative financial assurance that satisfies the requirements of this Section within 30 days after a notification of Agency disallowance pursuant to this subsection (e)(~~6~~8).

9) The owner or operator is no longer required to submit the items specified in subsection (e)(3) of this Section when either of the following events occur:

A) An owner or operator has substituted alternative financial assurance that satisfies the requirements of this Section; or

B) The Agency releases the owner or operator from the requirements of this Section pursuant to subsection (i) of this Section.

10) Corporate guarantee for financial responsibility. An owner or operator may comply with the requirements of this Section by obtaining a written corporate guarantee. The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a sister firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator, as that term is defined in subsection (g)(1)(B) of this Section. The guarantor must meet the requirements applicable to an owner or operator as set forth in subsections (e)(1) through (e)(8) of this Section, and it must comply with the terms of the guarantee. The wording of the guarantee must be identical to the wording specified by the Agency pursuant to Section 721.251. A certified copy of the guarantee must accompany the items sent to the Agency that are required by subsection (e)(3) of this Section. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the guarantee must provide as follows:

A) Following a determination by the Agency that the hazardous secondary materials at the owner or operator's facility covered by this guarantee do not meet the conditions of the exclusion under Section 721.104(a)(24), the guarantor must dispose of any hazardous secondary material as hazardous waste and close the facility in accordance with the applicable closure requirements set forth in 35 Ill. Adm. Code 724 or 725, or the guarantor must establish a trust fund in the name of the owner or operator and in the amount of the current cost estimate that satisfies the requirements of subsection (a) of this Section.

B) The corporate guarantee must remain in force unless the guarantor has sent notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date on which both the owner or operator and the Agency have received the notice of cancellation, as evidenced by the return receipts.

C) If the owner or operator fails to provide alternative financial assurance that satisfies the requirements of this Section and obtain the written approval of such alternate assurance from the Agency within 90 days after the date on which both the owner or operator and the Agency have received the notice of cancellation of the corporate guarantee from the guarantor, the guarantor must provide such alternative financial assurance in the name of the owner or operator.

BOARD NOTE: Corresponding 40 CFR 261.143(e)(10) refers to 40 CFR 264.141(h) and 265.141(h) for definition of "substantial business relationship." The Board did not previously include the federal definition in the Illinois rules at corresponding 35 Ill. Adm. Code ~~264.241-724.241~~(h) and ~~265.241-725.241~~(h). Thus, the Board has added the definition at subsection (g)(1)(B) of this Section.

f) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this Section by establishing more than one financial mechanism per facility. The mechanisms that an owner or operator may use for this purpose are limited to a trust fund that satisfies the requirements of

subsection (a) of this Section, a surety bond that satisfies the requirements of subsection (b) of this Section, a letter of credit that satisfies the requirements of subsection (c) of this Section, and insurance that satisfies the requirements of subsection (d) of this Section. The mechanisms must individually satisfy the indicated requirements of this Section, except that it is the combination of all mechanisms used by the owner or operator, rather than any individual mechanism, that must provide financial assurance for an aggregated amount at least equal to the current cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, the owner or operator may use the trust fund as the standby trust fund for the other mechanisms. The owner or operator may establish a single standby trust fund for two or more mechanisms. The Agency may use any or all of the mechanisms to provide care for the facility.

g) Use of a single financial mechanism for multiple facilities. An owner or operator may use a single financial assurance mechanism that satisfies the requirements of this Section to fulfill the requirements of this Section for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, the USEPA identification number (if any), name, address, and the amount of funds assured by the mechanism. If the facilities covered by the mechanism are in more than one Region, USEPA requires the owner or operator to submit and maintain identical evidence of financial assurance with each USEPA Region in which a covered facility is located. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. In directing funds available through a mechanism for any of the facilities covered by that mechanism, the Agency may direct only that amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

h) Removal and decontamination plan for release from financial assurance obligations.

1) An owner or operator of a reclamation facility or an intermediate facility that wishes to be released from its financial assurance obligations under ~~35- Ill. Adm. Code Section~~ 721.104(a)(24)(F)(vi) must submit a plan for removing all hazardous secondary material residues from the facility. The owner or operator must submit the plan to the Agency at least 180 days prior to the date on which the owner or operator expects to cease to operate under the exclusion.

2) The plan must, at a minimum, include the following information:

A) For each hazardous secondary materials storage unit subject to financial assurance requirements pursuant to Section 721.104(a)(24)(F)(vi), the plan must include a description of how all excluded hazardous secondary materials will be recycled or sent for recycling, and how all residues, contaminated containment systems (liners, etc.), contaminated soils, subsoils, structures, and equipment will be removed or decontaminated as necessary to protect human health and the environment;

B) The plan must include a detailed description of the steps necessary to remove or decontaminate all hazardous secondary material residues and contaminated containment system components, equipment, structures, and soils, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and

criteria for determining the extent of decontamination necessary to protect human health and the environment;

C) The plan must include a detailed description of any other activities necessary to protect human health and the environment during this timeframe, including, but not limited to, leachate collection, run-on and run-off control, etc.; and

D) The plan must include a schedule for conducting the activities described, which, at a minimum, includes the total time required to remove all excluded hazardous secondary materials for recycling and to decontaminate all units subject to financial assurance pursuant to Section 721.104(a)(24)(F)(vi) and the time required for intervening activities that will allow tracking of the progress of decontamination.

3) The Agency must provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on and request modifications to the plan. The Agency must accept any comments or requests to modify the plan that it ~~receives~~receives no later than 30 days ~~from~~after the date of publication of the notice. The Agency must also, in response to a request or in its discretion, hold a public hearing whenever it determines that such a hearing might clarify one or more issues concerning the plan. The Agency must give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the Agency may combine the two notices.) The Agency must approve, modify, or disapprove the plan within 90 days ~~of~~after its receipt. If the Agency does not approve the plan, the Agency must provide the owner or operator with a detailed written statement of reasons for its refusal, and the owner or operator must modify the plan or submit a new plan for approval within 30 days after the owner or operator receives such ~~a~~a written statement from the Agency. The Agency must approve or modify this owner- or operator-modified plan in writing within 60 days. If the Agency modifies the owner- or operator-modified plan, this modified plan becomes the approved plan. The Agency must assure that the approved plan is consistent with this subsection (h) ~~of this Section~~. A copy of the modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.

4) Within 60 days ~~of~~after completion of the activities described for each hazardous secondary materials management unit, the owner or operator must submit to the Agency, by registered mail, a certification that all hazardous secondary materials have been removed from the unit and that the unit has been decontaminated in accordance with the specifications in the approved plan. The certification must be signed by the owner or operator and by a qualified Professional Engineer. ~~The~~Upon request, the owner or operator must furnish the Agency with documentation that supports the Professional Engineer's certification ~~upon request~~, until the ~~Agency~~Agency releases the owner or operator from the financial assurance requirements ~~for~~of Section 721.104(a)(24)(F)(vi).

i) Release of the owner or operator from the requirements of this Section. Within 60 days after receiving certifications from the owner or operator and a qualified Professional Engineer that all hazardous secondary materials have been removed from the facility or from a unit at the facility and the facility or unit has been decontaminated in accordance with the approved plan in compliance with the requirements of subsection (h) of this Section, the Agency must determine whether or not the owner or operator has accomplished the objectives

of removing all hazardous secondary materials from the facility or from a unit at the facility and decontaminating the facility in accordance with the approved plan. If the Agency determines that the owner or operator has accomplished both objectives, the Agency must notify the owner or operator in writing, within the 60 days, that the owner and operator are no longer required pursuant to Section 721.104(a)(24)(F)(vi) to maintain financial assurance for that facility or unit at the facility. If the Agency determines that the owner or operator has not accomplished both objectives, it must provide the owner or operator with a detailed written statement of the basis for its determination.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 721.247 Liability Requirements

a) Coverage for sudden accidental occurrences. The owner or operator of one or more hazardous secondary material reclamation facilities or intermediate facilities that are subject to financial assurance requirements pursuant to Section 721.104(a)(24)(F)(vi) must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of its facilities. The owner or operator must maintain liability coverage in force for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated as specified in any of subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), or (a)(6) of this Section.

1) An owner or operator may demonstrate the required liability coverage by having liability insurance that satisfies the requirements of this subsection (a)(1).

A) Each insurance policy must be amended by attachment of the Hazardous Secondary Material Facility Liability Endorsement, or evidenced by a Certificate of Liability Insurance. The wording of the Hazardous Secondary Material Facility Liability Endorsement must be identical to the wording specified by the Agency pursuant to Section 721.251. The wording of the Certificate of Liability Insurance must be identical to the wording specified by the Agency pursuant to Section 721.251. The owner or operator must submit a signed duplicate original of the Hazardous Secondary Material Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency. If requested by the Agency, the owner or operator must provide a signed duplicate original of the insurance policy.

B) At a minimum, each insurance policy must be issued by an insurer that is licensed to transact the business of insurance, or ~~which~~ is eligible to provide insurance as an excess or surplus lines insurer, in one or more states.

2) An owner or operator may satisfy the requirements of this Section by passing a financial test or using the guarantee for liability coverage that satisfies the requirements of subsections (f) and (g) of this Section.

3) An owner or operator may satisfy the requirements of this Section by obtaining a letter of credit for liability coverage that satisfies the requirements of subsection (h) of this Section.

4) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond for liability coverage that satisfies the requirements of subsection (i) of this Section.

5) An owner or operator may satisfy the requirements of this ~~section~~Section by obtaining a trust fund for liability coverage that satisfies the requirements of subsection (j) of this Section.

6) An owner or operator may demonstrate the required liability coverage through the use of a combination of insurance (subsection (a)(1) of this Section), financial test (subsection (f) of this Section), guarantee (subsection (g) of this Section), letter of credit (subsection (h) of this Section), surety bond (subsection (i) of this Section), and trust fund (subsection (j) of this Section), except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee ~~wherein~~which the financial statement of the owner or operator is consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated by the combination must total ~~to~~ at least the minimum amounts required for the facility by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances pursuant to this subsection (a)(6), the owner or operator must specify at least one such assurance as "primary" coverage and all other assurance as "excess" coverage.

7) An owner or operator must notify the Agency in writing within 30 days whenever any of the following events has occurred:

A) A claim has resulted in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized by any of subsections (a)(1) through (a)(6) of this Section;

B) A Certification of Valid Claim for bodily injury or property damages caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous secondary material reclamation facility or intermediate facility is entered between the owner or operator and a third-party claimant for liability coverage established pursuant to any of subsections (a)(1) through (a)(6) of this Section; or

C) A final court order that establishes a judgment for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence ~~which~~that arose from the operation of a hazardous secondary material reclamation facility or intermediate facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage pursuant to any of subsections (a)(1) through (a)(6) of this Section.

BOARD NOTE: Corresponding 40 CFR 261.147(a) recites that it applies to "a hazardous secondary material reclamation facility or intermediate facility with land-based units . . . or a group of such facilities." The Board has rendered this provision in the singular, intending that it include several facilities as a group ~~where~~when necessary. The Board does not intend to limit the applicability of this provision to multiple facilities. Note that the Agency can require compliance with this provision ~~to~~by a facility to which it would not otherwise apply pursuant to subsection (d)(2) of this Section, subject to the owner's or operator's right to appeal an Agency determination to the Board.

b) Coverage for non-sudden accidental occurrences. An owner or operator of a hazardous secondary material reclamation facility or intermediate facility with land-based units, as defined in Section 720.110, that is used to manage hazardous secondary materials excluded pursuant to Section 721.104(a)(24) must demonstrate financial responsibility for bodily injury and property damage to third parties caused by non-sudden accidental occurrences that arise from

operations of the facility or group of facilities. The owner or operator must maintain liability coverage for non-sudden accidental occurrences in the amount of at least \$3 million per occurrence with an annual aggregate of at least \$6 million, exclusive of legal defense costs. An owner or operator that must satisfy the requirements of this Section may combine the required per occurrence coverage levels for sudden and non-sudden accidental occurrences into a single per-occurrence level, and the owner or operator may combine the required annual aggregate coverage levels for sudden and non-sudden accidental occurrences into a single annual aggregate level. An owner or operator that combines coverage levels for sudden and non-sudden accidental occurrences must maintain liability coverage in the amount of at least \$4 million per occurrence and \$8 million annual aggregate. The owner or operator may establish this liability coverage ~~may be as~~ demonstrated by any of the means set forth in subsections (b) (1) through (b) (6) of this Section:

1) An owner or operator may demonstrate the required liability coverage by having liability insurance that satisfies the requirements of this subsection (b) (1).

A) Each insurance policy must be amended by attachment of the Hazardous Secondary Material Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the Hazardous Secondary Material Facility Liability Endorsement must be identical to the wording specified by the Agency pursuant to Section 721.251. The wording of the Certificate of Liability Insurance must be identical to the wording specified by the Agency pursuant to Section 721.251. The owner or operator must submit a signed duplicate original of the Hazardous Secondary Material Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency. If requested by the Agency, the owner or operator must provide a signed duplicate original of the insurance policy.

B) At a minimum, each insurance policy must be issued by an insurer that is licensed to transact the business of insurance, or ~~which~~ is eligible to provide insurance as an excess or surplus lines insurer, in one or more states.

2) An owner or operator may satisfy the requirements of this Section by passing a financial test or by using the guarantee for liability coverage that satisfies the requirements of subsections (f) and (g) of this Section.

3) An owner or operator may satisfy the requirements of this Section by obtaining a letter of credit for liability coverage that satisfies the requirements of subsection (h) of this Section.

4) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond for liability coverage that satisfies the requirements of subsection (i) of this Section.

5) An owner or operator may satisfy the requirements of this Section by obtaining a trust fund for liability coverage that satisfies the requirements of subsection (j) of this Section.

6) An owner or operator may demonstrate the required liability coverage through the use of a combination of insurance (subsection (b) (1) of this Section), financial test (subsection (f) of this Section), guarantee (subsection (g) of this Section), letter of credit (subsection (h) of this Section), surety bond (subsection (i) of this Section), or trust fund (subsection (j) of this Section), except that the owner or operator may not combine a financial test

covering part of the liability coverage requirement with a guarantee ~~wherein~~ which the financial statement of the owner or operator is consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated by the combination must total ~~to~~ at least the minimum amounts required for the facility by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances pursuant to this subsection (b) (6), the owner or operator must specify at least one such assurance as "primary" coverage and all other assurance as "excess" coverage.

7) An owner or operator must notify the Agency in writing within 30 days whenever any of the following events has occurred:

A) A claim has resulted in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized by any of subsections (b) (1) through (b) (6) of this Section;

B) A Certification of Valid Claim for bodily injury or property damages caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous secondary material treatment or storage facility is entered between the owner or operator and a third-party claimant for liability coverage established pursuant to any of ~~subsection~~-subsections (b) (1) through (b) (6) of this Section; or

C) A final court order that establishes a judgment for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence ~~which~~that arose from the operation of a hazardous secondary material treatment and/or storage facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage pursuant to any of subsections (b) (1) through (b) (6) of this Section.

BOARD NOTE: Corresponding 40 CFR 261.147(b) recites that it applies to "a hazardous secondary material reclamation facility or intermediate facility with land-based units . . . or a group of such facilities." The Board has rendered this provision in the singular, intending that it include several facilities as a group ~~where~~when necessary. The Board does not intend to limit the applicability of this provision to multiple facilities. Note that the Agency can require compliance with this provision ~~te~~by a facility to which it would not otherwise apply pursuant to subsection (d) (2) of this Section, subject to the owner's or operator's right to appeal an Agency determination to the Board.

c) Petition for adjusted standard. If an owner or operator can demonstrate that the level of financial responsibility required by subsection (a) or (b) of this Section is not consistent with the degree and duration of risk associated with treatment or storage at a facility, the owner or operator may petition the Board for an adjusted standard pursuant to ~~section~~Section 28.1 of the Act [415 ILCS 5/28.1]. The petition for an adjusted standard must be filed with the Board and submitted in writing to the Agency, as required by 35 Ill. Adm. Code 101 and Subpart D of 35 Ill. Adm. Code 104. If granted, the adjusted standard will take the form of an adjusted level of required liability coverage, such level to be based on the Board's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The owner or operator that requests an adjusted standard must provide such technical and engineering information as is necessary for the Board to determine that an alternative level of financial responsibility to that required by subsection (a) or (b) of this Section should apply.

BOARD NOTE: Corresponding 40 CFR 261.147(c) allows application for a "variance" for "the levels of financial responsibility" required for "the facility or group of facilities." The Board has rendered this provision in the singular, intending that it include a single petition pertaining to several facilities as a group. The Board does not intend to limit the applicability of this provision to multiple facilities in a single petition. The Board has chosen the adjusted standard procedure for variance from the level of financial responsibility required by subsection (a) or (b) of this Section.

d) Adjustments by the Agency.

1) If the Agency determines that the level of financial responsibility required by subsection (a) or (b) of this Section is not consistent with the degree and duration of risk associated with treatment or storage of hazardous secondary material at a facility, the Agency may adjust the level of financial responsibility required to satisfy the requirements of subsection (a) or (b) of this Section to the level that the Agency deems necessary to protect human health and the environment. The Agency must base this adjusted level on an assessment of the degree and duration of risk associated with the ownership or operation of the facility.

2) In addition, if the Agency determines that there is a significant risk to human health and the environment from non-sudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, pile, or land treatment facility, the Agency may require the owner or operator of the facility to comply with subsection (b) of this Section.

3) An owner or operator must furnish to the Agency, within a reasonable time, any information that the Agency requests to aid its determination whether cause exists for such adjustments of level or type of coverage.

BOARD NOTE: The owner or operator may appeal any Agency determination made pursuant to this subsection (d) pursuant to ~~section~~Section 40 of the Act [415 ILCS 5/40].

e) Release from the financial assurance obligation for a facility or a unit at a facility.

1) After an owner or operator has removed all hazardous secondary material from a facility or a unit at a facility and decontaminated the facility or unit at the facility, the owner or operator may submit a written request that the Agency release it from the obligation of subsection (a) and (b) of this Section as they apply to the facility or to the unit. The owner or operator and a qualified Professional Engineer must submit with the request certifications stating that all hazardous secondary materials have been removed from the facility or from a unit at the facility, and that the facility or a unit has been decontaminated in accordance with the owner's or operator's Agency-approved Section 721.243(h) plan.

2) Within 60 days after receiving the complete request and certifications described in subsection (e)(1) of this Section, the Agency must notify the owner or operator in writing of its determination on the request. The Agency must grant the request only if it determines that the owner or operator has removed all hazardous secondary materials from the facility or from the unit at the facility and that the owner or operator has decontaminated the facility or unit in accordance with its Agency-approved Section 721.243(h) plan.

3) After an affirmative finding by the Agency pursuant to subsection (e)(2) of this Section, the owner or operator is no longer required to maintain liability coverage pursuant to Section 721.104(a)(24)(F)(vi) for that facility or unit at the facility that is indicated in the written notice issued by the Agency.

BOARD NOTE: The Board has broken the single sentence of corresponding 40 CFR 261.147(e) into five sentences in three subsections in this subsection (e) for enhanced clarity. The owner or operator may appeal any Agency determination made pursuant to this subsection (e) pursuant to ~~section~~Section 40 of the Act [415 ILCS 5/40].

f) Financial test for liability coverage.

1) An owner or operator may satisfy the requirements of this Section by demonstrating that it passes one of the financial tests specified in this subsection (f)(1). To pass a financial test, the owner or operator must meet the criteria of either subsection (f)(1)(A) or (f)(1)(B) of this Section:

A) Test 1. The owner or operator must have each of the following:

i) Net working capital and tangible net worth each at least six times the amount of liability coverage that the owner or operator needs to demonstrate by this test;

ii) Tangible net worth of at least \$10 million; and

iii) Assets in the United States that amount to either at least 90 percent of the owner's or operator's total assets or at least six times the amount of liability coverage that it needs to demonstrate by this test.

B) Test 2. The owner or operator must have each of the following:

i) A current rating for ~~his~~its most recent bond issuance of AAA, AA, A, or BBB, as issued by Standard and Poor's, or Aaa, Aa, A, or Baa, as issued by Moody's;

ii) Tangible net worth of at least \$10 million;

iii) Tangible net worth at least six times the amount of liability coverage to be demonstrated by this test; and

iv) Assets in the United States amounting to either at least 90 percent of the owner's or operator's total assets or at least six times the amount of liability coverage that it needs to demonstrate by this test.

2) Definition.

"Amount of liability coverage," as used in subsection (f)(1) of this Section, refers to the annual aggregate amounts for which coverage is required pursuant to subsections (a) and (b) of this Section and the annual aggregate amounts for which coverage is required pursuant to 35 Ill. Adm. Code 724.247(a) and (b) or 725.247(a) and (b).

3) To demonstrate that it meets the financial test set forth in subsection (f)(1) of this Section, the owner or operator must submit the following three items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer and worded as specified by the Agency pursuant to Section 721.251. If an owner or operator is using the financial test to demonstrate both financial assurance, as specified by Section 721.243(e), and liability coverage, as specified by this Section, the owner or operator must submit the letter specified by the Agency pursuant to Section 721.251 for financial assurance to cover both forms of financial responsibility; no separate letter is required for liability coverage;

B) A copy of an independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and

C) If the chief financial officer's letter prepared pursuant to subsection (f)(3)(A) of this Section includes financial data ~~which shows~~ showing that the owner or operator satisfies the test set forth in subsection (f)(1)(A) of this Section (Test 1), and either the data in the chief financial officer's letter are different from the data in the audited financial statements required by subsection (f)(3)(B) of this Section, or the data are different from any other audited financial statement or data filed with the federal Securities and Exchange Commission, then the owner or operator must submit a special report from its independent certified public accountant. The special report must be based on an agreed-upon procedures engagement, in accordance with professional auditing standards. The report must describe the procedures used to compare the data in the chief financial officer's letter (prepared pursuant to subsection (f)(3)(A) of this Section), the findings of the comparison, and the reasons for any difference.

4) This subsection (f) ~~(3)~~(4) corresponds with 40 CFR 261.147(f)(3)(iv), a provision relating to extension of the deadline for filing the financial documents required by 40 CFR 261.147(f)(3) until as late as 90 days after the effective date of the federal rule. Thus, the latest date for filing the documents was March 29, 2009, which is now past. See 40 CFR 261.147(f)(3) and 73 Fed. Reg. 64668 (Oct. 30, 2008). This statement maintains structural consistency with the corresponding federal provision.

5) After the initial submission of items specified in subsection (f)(3) of this Section, the owner or operator must send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3) of this Section.

6) If the owner or operator no longer fulfills the requirements of subsection (f)(1) of this Section, it must obtain insurance (subsection (a)(1) of this Section), a letter of credit (subsection (h) of this Section), a surety bond (subsection (i) of this Section), a trust fund (subsection (j) of this Section), or a guarantee (subsection (g) of this Section) for the entire amount of required liability coverage required by this Section. Evidence of liability coverage must be submitted to the Agency within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.

7) The Agency must disallow use of the financial tests set forth in this subsection (f) on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B) of this Section) wherewhen the Agency determines that those qualifications significantly, adversely affect the owner's or operator's ability

to provide its own financial assurance by this mechanism. An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency must evaluate all other kinds of qualifications on an individual basis. The owner or operator must provide evidence of insurance for the entire amount of required liability coverage that satisfies the requirements of this Section within 30 days after a notification of Agency disallowance pursuant to this subsection (f) (7).

g) Corporate guarantee for liability coverage.

1) Subject to the limitations of subsection (g) (2) of this Section, an owner or operator may meet the requirements of this Section by obtaining a written guarantee ("guarantee"). The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a sister firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator, as that term is defined in subsection (g) (1) (B) of this Section. The guarantor must meet the requirements applicable to an owner or operator as set forth in subsections (f) (1) through (f) (6) of this Section. The wording of the guarantee must be identical to the wording specified by the Agency pursuant to Section 721.251. A certified copy of the guarantee must accompany the items sent to the Agency that are required by subsection (f) (3) of this Section. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee.

A) The guarantor must pay full satisfaction, up to the limits of coverage, whenever either of the following events has occurred with regard to liability for bodily injury or property damage to third parties caused by sudden or non-sudden accidental occurrences (or both) that arose from the operation of facilities covered by the corporate guarantee:

i) The owner or operator has failed to satisfy a judgment based on a determination of liability; or

ii) The owner or operator has failed to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage.

B) "Substantial business relationship" means the extent of a business relationship necessary under applicable state law to make a guarantee contract issued incident to that relationship valid and enforceable. A ~~++~~ "substantial business relationship" must arise from a pattern of recent or ongoing business transactions, in addition to the guarantee itself, such that the Agency can reasonably determine that a substantial business relationship currently exists between the guarantor and the owner or operator that is adequate consideration to support the obligation of the guarantee relating to any liability towards a third-party. "Applicable state law," as used in this subsection (g) (1) (B), means the laws of the State of Illinois and those of a sister state or foreign jurisdiction that are referred to in the applicable of ~~subsections~~ subsection (g) (2) (A) or (g) (2) (B) of this Section.

BOARD NOTE: Any determination by the Agency pursuant to this subsection (g) (1) (B) is subject to ~~section~~ Section 40 of the Act [415 ILCS 5/40]. ~~Subsection~~ This subsection (g) (1) (B) is derived from 40 CFR 264.141(h) and

265.141(h) (2009). Corresponding 40 CFR 261.147(g)(1) does not include a definition of "substantial business relationship." Rather, the USEPA standard form for a corporate guarantee at 40 CFR 261.151(g)(1) refers to the definition for this term codified at 40 CFR 264.141(h) and 265.141(h). These provisions correspond with 35 Ill. Adm. Code 724.241(h) and 725.241(h), respectively. Since the Board did not previously include the federal definition in the Illinois rules, the Board has added it here. The Board modified the language of the federal provisions for enhanced clarity.

2) Limitations on guarantee and documentation required.

A) ~~Where~~When both the guarantor and the owner or operator are incorporated in the United States, a guarantee may be used to satisfy the requirements of this Section only if the Attorneys General or Insurance Commissioners of each of the following states have submitted a written statement to the Agency that a guarantee executed as described in this Section is a legally valid and enforceable obligation in that state:

i) The state in which the guarantor is incorporated (if other than the State of Illinois); and

ii) The State of Illinois (the ~~State~~state in which the facility covered by the guarantee is located).

B) ~~Where~~When either the guarantor or the owner or operator is incorporated outside the United States, a guarantee may be used to satisfy the requirements of this Section only if both of the following ~~has~~have occurred:

i) The non-U.S. corporation has identified a registered agent for service of process in the State of Illinois (the ~~State~~state in which the facility covered by the guarantee is located) and in the state in which it has its principal place of business (if other than the State of Illinois); and

ii) The Attorney General or Insurance Commissioner of the State of Illinois (the ~~State~~state in which a facility covered by the guarantee is located) and the state in which the guarantor corporation has its principal place of business (if other than the State of Illinois) ~~has~~ submitted a written statement to the Agency that a guarantee executed as described in this Section is a legally valid and enforceable obligation in that state.

C) The facility owner or operator and the guarantor must provide the Agency with all documents that are necessary and adequate to support an Agency determination that the required substantial business relationship exists adequate to support the guarantee.

BOARD NOTE: The Board added documentation to this subsection (g)(2)(C) to ensure that the owner and operator ensures all information necessary for an Agency determination is submitted to the Agency. The information required would include copies of any contracts and other documents that establish the nature, extent, and duration of the business relationship; any statements of competent legal opinion, signed by an attorney duly licensed to practice law in each of the jurisdictions referred to in the applicable of ~~subsections~~subsection (g)(2)(A) or (g)(2)(B) of this Section, that would support a conclusion that the business relationship is adequate consideration to support the guarantee in the pertinent jurisdiction; a copy of the documents required by ~~subsections~~subsection (g)(2)(A)(ii) or (g)(2)(B)(ii) of this Section; documents that identify the registered agent, as required by subsection (g)(2)(B)(i) of

this Section; and any other documents requested by the Agency that are reasonably necessary to make a determination that a substantial business relationship exists, as such is defined in subsection (g) (1) (A) of this Section.

h) Letter of credit for liability coverage.

1) An owner or operator may fulfill the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this subsection (h) and submitting a copy of the letter of credit to the Agency.

2) The financial institution issuing the letter of credit must be an entity that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.

3) The wording of the letter of credit must be identical to the wording specified by the Agency pursuant to Section 721.251.

4) An owner or operator that uses a letter of credit to fulfill the requirements of this Section may also establish a standby trust fund. Under the terms of such a letter of credit, all amounts paid pursuant to a draft by the trustee of the standby trust fund must be deposited by the issuing institution into the standby trust fund in accordance with instructions from the trustee. The trustee of the standby trust fund must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

5) The wording of the standby trust fund must be identical to the wording specified by the Agency pursuant to Section 721.251.

i) Surety bond for liability coverage.

1) An owner or operator may fulfill the requirements of this Section by obtaining a surety bond that conforms to the requirements of this subsection (i) and submitting a copy of the bond to the Agency.

2) The surety company issuing the bond must be among those listed as acceptable sureties on federal bonds in the most recent Circular 570 of the U.S. Department of the Treasury.

BOARD NOTE: The U.S. Department of the Treasury updates Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies," on an annual basis pursuant to 31 CFR 223.16. Circular 570 is available on the Internet ~~from~~ the following website: <http://www.fms.treas.gov/c570/>.

3) The wording of the surety bond must be identical to the wording specified by the Agency pursuant to Section 721.251.

4) A surety bond may be used to fulfill the requirements of this Section only if the Attorneys General or Insurance Commissioners of the following states have submitted a written statement to the Agency that a surety bond executed as described in this Section is a legally valid and enforceable obligation in that state:

A) The state in which the surety is incorporated; and

B) The State of Illinois (the ~~State~~state in which the facility covered by the surety bond is located).

j) Trust fund for liability coverage.

1) An owner or operator may fulfill the requirements of this Section by establishing a trust fund that conforms to the requirements of this subsection (j) and submitting an originally signed duplicate of the trust agreement to the Agency.

2) The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

3) The trust fund for liability coverage must be funded for the full amount of the liability coverage to be provided by the trust fund before it may be relied upon to fulfill the requirements of this Section. If at any time after the trust fund is created the amount of funds in the trust fund is reduced below the full amount of the liability coverage that the owner or operator must provide, the owner or operator must either add sufficient funds to the trust fund to cause its value to equal the full amount of liability coverage to be provided, or the owner or operator must obtain other financial assurance that satisfies the requirements of this Section to cover the difference. ~~Where~~When the owner or operator must either add sufficient funds or obtain other financial assurance, it must do so before the anniversary date of the establishment of the trust fund. For purposes of this subsection, "the full amount of the liability coverage to be provided" means the amount of coverage for sudden or non-sudden occurrences that the owner or operator is required to provide pursuant to this Section, less the amount of financial assurance for liability coverage that the owner or operator has provided by other financial assurance mechanisms to demonstrate financial assurance.

4) The wording of the trust fund must be identical to the wording specified by the Agency pursuant to Section 721.251.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 721.248 Incapacity of Owners or Operators, Guarantors, or Financial Institutions

a) An owner or operator must notify the Agency by certified mail of the commencement of a voluntary or involuntary proceeding pursuant ~~to Title~~to Title 11 of the United States Code (Bankruptcy) that names the owner or operator as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee undertaken to satisfy the requirements of Section 721.243(e) must make such a notification if it is named as debtor, as required under the terms of the corporate guarantee.

b) An owner or operator that satisfies the requirements of Section 721.243 or 721.247 by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or in the event of a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within 60 days after such an event.

(Source: Added at 34 Ill. Reg. _____ effective _____)

Section 721.249 Use of State-Required Mechanisms

This Section corresponds with 40 CFR 261.149, which pertains to USEPA approval of state-endorsed instruments for providing financial assurance. The Board directs attention to that federal provision without duplicating its requirements here, since it is important to regulated entities in Illinois, although it does not impose requirements necessary as a matter of State law.

(Source: Added at 34 Ill. Reg. _____ effective _____)

Section 721.250 State Assumption of Responsibility

This Section corresponds with 40 CFR 261.150, which pertains to USEPA approval of state financial assurance requirements and the assumption of responsibility by a state. The Board directs attention to that federal provision without duplicating its requirements here, since it is important to regulated entities in Illinois, although it does not impose requirements necessary as a matter of State law.

(Source: Added at 34 Ill. Reg. _____ effective _____)

Section 721.251 Wording of the Instruments

The Agency must promulgate standardized forms for financial assurance instruments based on 40 CFR 261.151 (Wording of the Instruments), incorporated by reference in 35 Ill. Adm. Code 720.111(b), with such changes in wording as are necessary under Illinois law. Any owner or operator required to establish financial assurance under this Subpart H must do so only upon the standardized forms for financial assurance instruments promulgated by the Agency. The Agency must reject any financial assurance instrument that does not comport with the Agency-promulgated standardized forms.

(Source: Added at 34 Ill. Reg. _____ effective _____)

Section 721.APPENDIX Y Table to Section 721.138: Maximum Contaminant Concentration and Minimum Detection Limit Values for Comparable Fuel Specification

The following table lists the maximum concentration limit and minimum analytical detection limit required for each contaminant for which USEPA has established a comparable fuel specification. This table supports the requirements of the excluded fuels rule of Section 721.138.

Chemical name	CAS	No Composite value (mg/kg)	Heating value (BTU/lb)	Concentration	No Concentration limit (mg/kg at 10,000 Btu/lb)	Minimum required detection limit (mg/kg)	Total Nitrogen as NNA	9,000	18,400	4,900	4,900	Total Halogens as Cl	NA	1,000	18,400	540	Total Organic Halogens as Cl	NA	Cl	NA	(Note 1)	Polychlorinated biphenyls, total	(Aroclors, Aroclors, total)	1336-36-3	ND	1.4	Cyanide, total	57-12-5	ND	1.0	Metals:																								
Antimony, total	7440-36-0	ND	12	0.12	Arsenic, total	7440-38-2	ND	0.23	20.23	Barium, total	7440-39-3	ND	23	323	Beryllium, total	7440-41-7	ND	1.2	71.2	Cadmium, total	7440-43-9	ND	1.2	91.2	Chromium, total	7440-47-3	ND	2.3	32.3	Cobalt	7440-48-4	ND	4.6	44.6	Lead, total	7439-92-1	5718	10031	131	Manganese	7439-96-5	ND	1.2	51.2	Mercury, total	7439-97-6	ND	0.25	60.25	Nickel, total	7440-02-0	10618	40058	058	Selenium,

total7782-49-~~2ND-0.23-20.23~~Silver, total7440-22-~~4ND-2.3-42.3~~Thallium, total7440-28-~~0ND-23.023~~Hydrocarbons:

Benzo (a) anthracene56-55-~~3ND-2,400-32.400~~Benzene71-43-~~28,00019,6004,100-24.100~~Benzo (b) fluoranthene205-99-~~2ND-2,400-22.400~~Benzo (k) fluoranthene207-08-~~9ND-2,400-92.400~~2Benzo (a) pyrene50-32-~~8ND-2,400-82.400~~Chrysene218-01-~~9ND-2,400~~
~~Dibenzo (a,h) anthracene92.400~~Dibenz (a, h) anthracene 53-70-~~3ND-2,400~~
~~7,1232.4007.12~~-Dimethylbenz (a) - anthracene57-97-~~6ND-2,400-62.400~~Fluoranthene206-44-~~0ND-2,400-02.400~~Indeno (1, 2, 3-cd) pyrene193-39-~~5ND-2,400~~ ~~352.4003-~~
Methylcholanthrene56-49-~~5ND-2,400-52.400~~Naphthalene91-20-~~36,20019,4003,200-33,200~~Toluene108-88-~~369,00019,40036,000336,000~~Oxygenates:

Acetophenone98-86-~~2ND-2,400-22.400~~Acrolein107-02-~~8ND-39-839~~Allyl alcohol107-18-~~6ND-30-630~~Bis (2-ethylhexyl)- phthalate (Di-2-~~ethylhexylethyl- hexyl~~
phthalate)117-81-~~7ND-2,400-72.400~~Butyl benzyl phthalate85-68-~~7ND-2,400-72.400~~o-
Cresol (2-Methyl phenol)95-48-~~7ND-2,400-72.400~~2m-Cresol (3-~~M-ethyl phenol~~)
(3-Methyl phenol)108-39-~~4ND-2,400-42.400~~p-Cresol (4-Methyl phenol)106-44-~~5ND-2,400-52.400~~Di-n-butyl phthalate84-74-~~2ND-2,400-22.400~~Diethyl phthalate84-66-~~2ND-2,400-2,422.400~~2.4-Dimethylphenol105-67-~~9ND-2,400-92.400~~Dimethyl
phthalate131-11-~~3ND-2,400-32.400~~Di-n-octyl phthalate117-84-~~0ND-2,400-02.400~~Endothall145-73-~~3ND-100-3100~~Ethyl methacrylate97-63-~~2ND-39-22392-~~
Ethoxyethanol (Ethylene glycol monoethyl ether)110-80-~~5ND-100-5100~~Isobutyl
alcohol78-83-~~1ND-39-139~~Isosafrole120-58-~~1ND-2,400-12.400~~Methyl ethyl ketone
(2-Butanone)78-93-~~3ND-39-339~~Methyl methacrylate80-62-~~6ND-39-1,46391.4-~~
Naphthoquinone130-15-~~4ND-2,400-42.400~~Phenol108-95-~~2ND-2,400-22.400~~Propargyl
alcohol (2-Propyn-~~11-ol~~)107-19-~~7ND-30.30-730~~Safrole94-59-~~7ND-2,40072.400~~Sulfonated Organics:

Carbon disulfide75-15-~~0ND-ND39~~ Disulfoton298-04-~~4ND-ND2,400~~ Ethyl
methanesulfonate62-50-~~0ND-ND2,400~~ Methyl methanesulfonate66-27-~~3ND-ND2,400~~
Phorate298-02-~~2ND-ND2,400-1,32.4001.3~~-Propane sultone1120-71-~~4ND-ND100~~
~~Tetraethyldithiopyrophosphate-100~~~~Tetraethyldithiopyro- phosphate~~
(Sulfotepp)3689-24-~~5ND-ND2,400~~ Thiophenol (Benzenethiol)108-98-~~5ND-ND30~~ O,O,O-Triethyl phosphorothioate126-68-~~1ND-ND2,400~~Nitrogenated Organics:

Acetonitrile (Methyl cyanide)75-05-~~8ND-ND39-2392~~-Acetylaminofluorene (2-
AAF)53-96-~~3ND-ND2,400~~ Acrylonitrile107-13-~~1ND-ND39-4394~~-Aminobiphenyl92-67-
~~1ND-ND2,400-42.400~~4-Aminopyridine504-24-~~5ND-ND100~~ Aniline62-53-~~3ND-ND2,400~~
Benzidine92-87-~~5ND-ND2,400~~ Dibenz (a, j) acridine224-42-~~0ND-ND2,400~~
O,O-Diethyl O-pyrazinyl ~~phosphoro thioate~~~~phosphorothioate~~ (Thionazin)297-97-~~2ND-ND2,400~~
Dimethoate60-51-~~5ND-ND2,400~~ p- (Dimethylamino) ~~azobenzene~~ (4-
~~Dimethylaminoazobenzene~~~~azo-benzene~~ (4-Dimethyl-aminoazobenzene) 60-11-~~7ND-ND2,400-3,32.4003.3~~'-Dimethylbenzidine119-93-~~7ND-ND2,400~~ a,a-a,a-
~~Dimethylphenethylamine~~2.400aa -~~Dimethyl-phenethylamine~~122-09-~~8ND-ND2,400-3,32.4003.3~~'-Dimethoxybenzidine119-90-~~4ND-ND100-1,31001.3~~-Dinitrobenzene (m-
Dinitrobenzene)99-65-~~0ND-ND2,400~~
4,6-Dinitro-o-cresol534-52-~~1ND-ND2,400-2,42.4002.4~~-Dinitrophenol51-28-~~5ND-ND2,400-2,62.4002.6-~~
Dinitrotoluene606-20-~~2ND-ND2,400~~ Dinoseb
(2-sec-Butyl-4,6-dinitrophenol)88-85-~~7ND-ND2,400~~ Diphenylamine122-39-~~4ND-ND2,400~~
Ethyl carbamate (Urethane)51-79-~~6ND-ND100~~ Ethylenethiourea
(2-Imidazolidinethione)96-45-~~7ND-ND110~~ Famphur52-85-~~7ND-ND2,400~~
Methacrylonitrile126-98-~~7ND-ND39~~ Methapyrilene91-80-~~5ND-ND2,400~~
Methomyll6752-77-~~5ND-ND57-2572~~-Methylactonitrile (Acetone cyanohydrin
)75-86-~~5ND-ND100~~ Methyl parathion298-00-~~0ND-ND2,400~~ MNNG (N-Metyl-N-
nitroso-N'-~~nitroguanidinenitro- guanidine~~)70-25-~~7ND-ND110-1101~~-Naphthylamine -
(~~?-Naphthylamine~~), (a-Naphthylamine)134-32-~~7ND-ND2,400-22.4002-~~
Naphthylamine (2~~β~~-Naphthylamine)91-59-~~8ND-ND2,400~~ Nicotine54-11-~~5ND-ND100-41004~~-Nitroaniline (p-Nitroaniline)100-01-~~6ND-ND2,400~~
Nitrobenzene98-95-~~3ND-ND2,400~~ p-Nitrophenol (~~p-Nitrophenol~~) (~~4-~~

Nitrophenol ~~100-02-7ND-ND2,400~~ 52.4005-Nitro-o-toluidine 99-55-8ND-ND2,400 N-Nitrosodi-n-butylamine 924-16-3ND-ND2,400 N-Nitrosodiethylamine 55-18-5ND-ND2,400 N-Nitrosodiphenylamine (Diphenylnitrosamine) 86-30-6ND-ND2,400 N-Nitroso-N-methylethylamine methyl-ethylamine 10595-95-6ND-ND2,400 N-Nitrosomorpholine 59-89-2ND-ND2,400 N-Nitrosopiperidine 100-75-4ND-ND2,400 N-Nitrosopyrrolidine 930-55-2ND-ND2,400 22.4002-Nitropropane 79-46-9ND-ND30 Parathion 56-38-2ND-ND2,400 Phenacetin 62-44-2ND-ND2,400 1,42.4001.4-Phenylene diamine, (p-Phenylenediamine) 106-50-3ND-ND2,400 N-Phenylthiourea 103-85-5ND-ND57 2572-Picoline (alpha-a-Picoline) 109-06-8ND-ND2,400 Propyithioracil (6-Propyl-2-thiouracil) 51-52-5ND-ND100 Pyridine 110-86-1ND-ND2,400 Strychnine 57-24-9ND-ND100 Thioacetamide 62-55-5ND-ND57 Thiofanox 39196-18-4ND-ND100 Thiourea 62-56-6ND-ND57 Toluene-2,4-diamine (2,4-Diaminotoluene) 95-80-7ND-ND57 Toluene-2,6-diamine (2,6-Diaminotoluene) 823-40-5ND-ND57 o-Toluidine 95-53-4ND-ND2,400 p-Toluidine 106-49-0ND-ND100 1,3,51001.3.5-Trinitrobenzene, (sym-Trinitrobenzene) 99-35-4ND-ND2,400 Halogenated Organics:
Allyl chloride 107-~~055~~-1ND-ND39 Aramite 140-57-8ND-ND2,400 Benzal chloride (Dichloromethyl benzene) 98-87-3ND-ND100 Benzyl chloride 100-44-77ND-ND100 ~~Bis(2-chloroethyl)ether~~ bis(2-Chloroethyl)ether (Dichloroethyl ether) 111-44-4ND-ND2,400 Bromoform (Tribromomethane) 75-25-2ND-ND39 Bromomethane (Methyl bromide) 74-83-9ND-ND39 4394-Bromophenyl phenyl ether (p-Bromodiphenyl ether) 101-55-3ND-ND2,400 Carbon tetrachloride 56-23-5ND-ND39 Chlordane 57-74-9ND-ND14 p-Chloroaniline 106-47-8ND-ND2,400 Chlorobenzene 108-90-7ND-ND39 Chlorobenzilate 510-15-6ND-ND2,400 p-Chloro-m-cresol 59-50-7ND-ND2,400 22.4002-Chloroethyl vinyl ether 110-75-8ND-ND39 Chloroform 67-66-3ND-ND39 Chloromethane (Methyl chloride) 74-87-3ND-ND39 2392-Chloronaphthalene (beta-Chlorophthalene) 91-58-7ND-ND2,400 22.4002-Chlorophenol (o-Chlorophenol) 95-57-8ND-ND2,400 Chloroprene (2-Chloro-1,3-butadiene) 1126-99-8ND-ND39 ~~2,4-D-(2,4-Dichlorophenoxyacetic~~ 392.4-D [2,4-Dichloro-phenoxyacetic acid] 94-75-7ND-ND7.0 Diallate 2303-16-4ND-ND2,400 1,22.4001.2-Dibromo-3-chloropropane chloropropane 96-12-8ND-ND39 1,2391.2-Dichlorobenzene (o-Dichlorobenzene) 95-50-1ND-ND2,400 1,32.4001.3-Dichlorobenzene (m-Dichlorobenzene) 541-73-1ND-ND2,400 1,42.4001.4-Dichlorobenzene (p-Dichlorobenzene) 106-46-7ND-ND2,400 3,32.4003.3'-Dichlorobenzidine 91-94-1ND-ND2,400 Dichlorodifluoromethane (CFC-12) 75-71-8ND-ND39 1,2391.2-Dichloroethane (Ethylene dichloride) 107-06-2ND-ND39 1,1391.1-Dichloroethylene (Vinylidene chloride) 75-35-4ND-ND39 Dichloromethoxy ethane ~~(Bis(2-chloroethoxy)methane)~~ (bis(2-Chloroethoxy)methane) 111-91-1ND-ND2,400 2,42.4002.4-Dichlorophenol 120-83-2ND-ND2,400 2,62.4002.6-Dichlorophenol 187-65-0ND-ND2,400 1,22.4001.2-Dichloropropane (Propylene dichloride) 78-87-5ND-ND39 cis-1,3-Dichloropropylene 10061-01-5ND-ND39 trans-1,3-Dichloropropylene 10061-02-6ND-ND39 1,3391.3-Dichloro-2-propanol 96-23-1ND-ND30 Endosulfan I 959-98-8ND-ND1.4 Endosulfan II 33213-65-9ND-ND1.4 Endrin 72-20-8ND-ND1.4 Endrin aldehyde 7421-93-4ND-ND1.4 Endrin Ketone 53494-70-5ND-ND1.4 Epichlorohydrin (1-Chloro-2,3-epoxy propane) 106-89-8ND-ND30 Ethylidene dichloride (1,1-Dichloroethane) 75-34-3ND-ND39 2392-Fluoroacetamide 640-19-7ND-ND100 Heptachlor 76-44-8ND-ND1.4 Heptachlor epoxide 1024-57-3ND-ND2.8 Hexachlorobenzene 118-74-1ND-ND2,400 Hexachloro-1,3-butadiene (Hexachlorobutadiene) 87-68-3ND-ND2,400 Hexachlorocyclopentadiene 2.400 Hexachlorocyclo-pentadiene 77-47-4ND-ND2,400 Hexachloroethane 67-72-1ND-ND2,400 Hexachlorophene 70-30-4ND-ND59,000 Hexachloropropene (Hexachloropropylene) 1888-71-7ND-ND2,400 Isodrin 465-73-6ND-ND2,400 Kepone (Chlordecone) 143-50-0ND-ND4,700 Lindane ~~(gamma-Hexachlorocyclohexane)~~ ~~(? Hexachlorocyclohexane)~~ ~~(? (?-Hexachlorocyclohexane)~~ (? -BHC) 58-89-9ND-ND1.4 Methylene chloride

~~___~~ (Dichloromethane) 75-09-2ND-~~ND39~~ ~~4,4394,4'~~-methylene-bis(2-chloroaniline) 101-14-4ND-~~ND100~~ Methyl iodide ~~___~~ (Iodomethane) 74-88-4ND-~~ND39~~
 Pentachlorobenzene 608-93-5ND-~~ND2,400~~ Pentachloroethane 76-01-7ND-~~ND39~~
 Pentachloronitrobenzene ~~___~~ (PCNB) ~~___~~ (Quintobenzene) ~~___~~ (Quintozene) 82-68-8ND-~~ND2,400~~ Pentachlorophenol 187-86-5ND-~~ND2,400~~ Pronamide 23950-58-5ND-~~ND2,400~~
 Silvex
~~___~~ (2,4,5-~~Trichlorophenoxypropionic~~ Trichloro-phenoxypropionic acid) 93-72-1ND-~~ND7.0~~ ~~2,3,7,8-Tetrachlorodibenze~~ 7.02,3,7,8-Tetrachloro-dibenzo-p-dioxin
~~___~~ (2,3,7,8-TCDD) 1746-01-6ND-~~ND30~~ ~~1,2,4,5~~ 301.2,4,5-Tetrachlorobenzene 95-94-3ND-~~ND2,400~~ ~~1,1,2,2~~ 4001.1,2,2-Tetrachloroethane 79-34-5ND-~~ND39~~
 Tetrachloroethylene ~~___~~ (Perchloroethylene) 127-18-4ND-~~ND39~~ ~~2,3,4,6~~ 392.3,4,6-Tetrachlorophenol 158-90-2ND-~~ND2,400~~ ~~1,2,42~~ 4001.2,4-Trichlorobenzene 120-82-1ND-~~ND2,400~~ ~~1,1,1,2~~ 4001.1,1-Trichloroethane ~~___~~ (Methyl chloroform) 71-55-6ND-~~ND39~~ ~~1,1,2~~ 391.1,2-Trichloroethane (Vinyl trichloride) 79-00-5ND-~~ND39~~
 Trichloroethylene 79-01-6ND-~~ND39~~ Trichlorofluoromethane -
~~(Trichloromene) fluoromethane~~ (Trichloromonofluoro-methane) 75-69-4ND-~~ND39~~ ~~2,4,5~~ 392.4,5-Trichlorophenol 195-95-4ND-~~ND2,400~~ ~~2,4,6~~ 2,4002.4,6-Trichlorophenol 188-06-2ND-~~ND2,400~~ ~~1,2,32~~ 4001.2,3-Trichloropropane 96-18-4ND-~~ND39~~ Vinyl Chloride 75-01-4ND-~~ND39~~

Notes to Table:

"NA" means not applicable.

"ND" means nondetect.

Note 1 (to Total Organic Halogens as Cl): 25 (mg/kg at 10,000 Btu/lb) as organic halogen or as the individual halogenated organics listed in the table at the levels indicated.

(Source: Amended at 34 Ill. Reg. _____ effective _____)

Section 721.APPENDIX Z Table to Section 721.102: Recycled Materials That Are Solid Waste

The following table lists the instances when a recycled secondary material is solid waste, based on the type of secondary material and the mode of material management during recycling. This table supports the requirements of the recycling provision of the definition of solid waste rule, at Section 721.102(c).

Table

1234 Use constituting disposal Burning for energy recovery or use to produce a fuel Reclamation (except as provided in Section ~~Sections~~ 721.102(a)(2)(B) or 721.104(a)(17) ~~for mineral processing secondary materials~~, (a)(23), (a)(24), or (a)(25)) Speculative accumulation Applicable Subsection of Section 721.102:(c)(1)(c)(2)(c)(3)(c)(4) Spent ~~materials~~ Yes Yes Yes Yes Sludges ~~materials~~ Yes Yes Yes Yes Sludges (listed in Section 721.131 or 721.132) Yes Yes Yes Yes Sludges Yes Yes Yes Yes Sludges exhibiting a characteristic of hazardous ~~waste~~ Yes Yes No Yes By waste Yes Yes No Yes By-products, (listed in Section 721.131 or 721.132) Yes Yes Yes Yes By Yes Yes Yes Yes By-products exhibiting a characteristic of hazardous ~~waste~~ Yes Yes No Yes Commercial waste Yes Yes No Yes Commercial chemical products listed in Section 721.133 Yes Yes No No Yes Yes No - Scrap metal other than excluded scrap metal (see Section 721.101(c)(9)) Yes Yes Yes Yes
 Yes - Defined as a solid waste
 No - Not defined as a solid waste

BOARD NOTE: Derived from Table 1 to 40 CFR 261.2 (2002). The terms "spent materials," "sludges," "by-products," "scrap metal," and "processed scrap metal" are defined in Section 721.101.

(Source: Amended at 34 Ill. Reg. _____ effective _____)
~~ILLINOIS REGISTER~~

JCAR350721-1011096r01

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

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EXEMPT

JCAR350721-1011096r01

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 721
7 IDENTIFICATION AND LISTING OF HAZARDOUS WASTE
8

9 SUBPART A: GENERAL PROVISIONS

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10 Section

- 11 721.101 Purpose and Scope
12 721.102 Definition of Solid Waste
13 721.103 Definition of Hazardous Waste
14 721.104 Exclusions
15 721.105 Special Requirements for Hazardous Waste Generated by Small Quantity
16 Generators
17 721.106 Requirements for Recyclable Materials
18 721.107 Residues of Hazardous Waste in Empty Containers
19 721.108 PCB Wastes Regulated under TSCA
20 721.109 Requirements for Universal Waste
21

22
23 SUBPART B: CRITERIA FOR IDENTIFYING THE
24 CHARACTERISTICS OF HAZARDOUS WASTE
25 AND FOR LISTING HAZARDOUS WASTES
26

27 Section

- 28 721.110 Criteria for Identifying the Characteristics of Hazardous Waste
29 721.111 Criteria for Listing Hazardous Waste
30

31 SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE
32

33 Section

- 34 721.120 General
35 721.121 Characteristic of Ignitability
36 721.122 Characteristic of Corrosivity
37 721.123 Characteristic of Reactivity
38 721.124 Toxicity Characteristic
39

40 SUBPART D: LISTS OF HAZARDOUS WASTE
41

42 Section

- 43 721.130 General

- 44 721.131 Hazardous Wastes from Nonspecific Sources
- 45 721.132 Hazardous Waste from Specific Sources
- 46 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container
- 47 Residues, and Spill Residues Thereof
- 48 721.135 Wood Preserving Wastes

50 SUBPART E: EXCLUSIONS AND EXEMPTIONS

- 51 Section
- 52 721.138 ~~Comparable or Syngas Fuel~~ Exclusion of Comparable Fuel and Syngas Fuel
- 53 721.139 Conditional Exclusion for Used, Broken CRTs and Processed CRT Glass
- 54 Undergoing Recycling
- 55 721.140 Conditional Exclusion for Used, Intact CRTs Exported for Recycling
- 56 721.141 Notification and Recordkeeping for Used, Intact CRTs Exported for Reuse

57

58 SUBPART H: FINANCIAL REQUIREMENTS FOR MANAGEMENT

59 OF EXCLUDED HAZARDOUS SECONDARY MATERIALS

- 60
- 61 Section
- 62 721.240 Applicability
- 63 721.241 Definitions of Terms as Used in This Subpart
- 64 721.242 Cost Estimate
- 65 721.243 Financial Assurance Condition
- 66 721.247 Liability Requirements
- 67 721.248 Incapacity of Owners or Operators, Guarantors, or Financial Institutions
- 68 721.249 Use of State-Required Mechanisms
- 69 721.250 State Assumption of Responsibility
- 70 721.251 Wording of the Instruments

- 71
- 72 721.APPENDIX A Representative Sampling Methods
- 73 721.APPENDIX B Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
- 74 721.APPENDIX C Chemical Analysis Test Methods
- 75 721.TABLE A Analytical Characteristics of Organic Chemicals (Repealed)
- 76 721.TABLE B Analytical Characteristics of Inorganic Species (Repealed)
- 77 721.TABLE C Sample Preparation/Sample Introduction Techniques (Repealed)
- 78 721.APPENDIX G Basis for Listing Hazardous Wastes
- 79 721.APPENDIX H Hazardous Constituents
- 80 721.APPENDIX I Wastes Excluded by Administrative Action
- 81 721.TABLE A Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22
- 82 from Non-Specific Sources
- 83 721.TABLE B Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22
- 84 from Specific Sources
- 85 721.TABLE C Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22
- 86 from Commercial Chemical Products, Off-Specification Species,

87		Container Residues, and Soil Residues Thereof
88	721.TABLE D	Wastes Excluded by the Board by Adjusted Standard
89	721.APPENDIX J	Method of Analysis for Chlorinated Dibenzo-p-Dioxins and
90		Dibenzofurans (Repealed)
91	721.APPENDIX Y	Table to Section 721.138: <u>Maximum Contaminant Concentration and</u>
92		<u>Minimum Detection Limit Values for Comparable Fuel Specification</u>
93	721.APPENDIX Z	Table to Section 721.102: <u>Recycled Materials that Are Solid Waste</u>
94		

95 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the
 96 Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].
 97

98 SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and
 99 codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg.
 100 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 13999, effective October 12,
 101 1983; amended in R84-34, 61 at 8 Ill. Reg. 24562, effective December 11, 1984; amended in
 102 R84-9 at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998,
 103 effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986;
 104 amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill.
 105 Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective
 106 March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in
 107 R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg.
 108 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January
 109 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39
 110 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective
 111 December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989;
 112 amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill.
 113 Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective
 114 May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-
 115 1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155,
 116 effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992;
 117 amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg.
 118 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26,
 119 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-
 120 16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175,
 121 effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994;
 122 amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill.
 123 Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275,
 124 effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998;
 125 amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended
 126 in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at
 127 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June
 128 20, 2000; amended in R01-3 at 25 Ill. Reg. 1281, effective January 11, 2001; amended in R01-
 129 21/R01-23 at 25 Ill. Reg. 9108, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26

130 Ill. Reg. 6584, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 12760, effective July
 131 17, 2003; amended in R04-16 at 28 Ill. Reg. 10693, effective July 19, 2004; amended in R05-8 at
 132 29 Ill. Reg. 6003, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2992,
 133 effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 791, effective
 134 December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11786, effective July 14, 2008;
 135 amended in R09-3 at 33 Ill. Reg. 986, effective December 30, 2008; amended in R09-16/R10-4
 136 at 34 Ill. Reg. _____, effective _____.

137
 138 **SUBPART A: GENERAL PROVISIONS**
 139

140 **Section 721.101 Purpose and Scope**
 141

- 142 a) This Part identifies those solid wastes that are subject to regulation as hazardous
 143 wastes under 35 Ill. Adm. Code 702, 703, and 722 through 728, and which are
 144 subject to the notification requirements of Section 3010 of the Resource
 145 Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.). In this Part:
 146
- 147 1) Subpart A of this Part defines the terms "solid waste" and "hazardous
 148 waste," identifies those wastes that are excluded from regulation under 35
 149 Ill. Adm. Code 702, 703, and 722 through 728, and establishes special
 150 management requirements for hazardous waste produced by conditionally
 151 exempt small quantity generators and hazardous waste that is recycled.
 152
 - 153 2) Subpart B of this Part sets forth the criteria used to identify characteristics
 154 of hazardous waste and to list particular hazardous wastes.
 155
 - 156 3) Subpart C of this Part identifies characteristics of hazardous wastes.
 157
 - 158 4) Subpart D of this Part lists particular hazardous wastes.
 159
- 160 b) Limitations on definition of solid waste.
- 161 1) The definition of solid waste contained in this Part applies only to wastes
 162 that also are hazardous for purposes of the regulations implementing
 163 Subtitle C of RCRA. For example, it does not apply to materials (such as
 164 non-hazardous scrap, paper, textiles or rubber) that are not otherwise
 165 hazardous wastes and that are recycled.
 166
 - 167 2) This Part identifies only some of the materials that are solid wastes and
 168 hazardous wastes under Sections 1004(5), 1004(27) and 7003 of RCRA. A
 169 material that is not defined as a solid waste in this Part, or is not a
 170 hazardous waste identified or listed in this Part, is still a hazardous waste
 171 for purposes of those Sections if, in the case of Section 7003 of RCRA, the
 172

statutory elements are established.

c) For the purposes of Sections 721.102 and 721.106 the following definitions apply:

- 1) A "spent material" is any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.
- 2) "Sludge" has the same meaning used in 35 Ill. Adm. Code 720.110.
- 3) A "by-product" is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.
- 4) A material is "reclaimed" if it is processed to recover a usable product, or if it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents. In addition, for purposes of Sections 721.102(a)(2)(B) and 721.104(a)(23) and (a)(24) smelting, melting, and refining furnaces are considered to be solely engaged in metals reclamation if the metal recovery from the hazardous secondary materials meets the same requirements as those specified for metals recovery from hazardous waste found in 35 Ill. Adm. Code 726.200(d)(1) through (d)(3), and if the residuals meet the requirements specified in 35 Ill. Adm. Code 726.112.
- 5) A material is "used or reused" if either of the following is true:
 - A) It is employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or
 - B) It is employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorus precipitant and sludge conditioner in wastewater treatment).

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- 6) "Scrap metal" is bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, or wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, or railroad box cars) that when worn or superfluous can be recycled.
 - 7) A material is "recycled" if it is used, reused, or reclaimed.
 - 8) A material is "accumulated speculatively" if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that, during the calendar year (commencing on January 1), the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the 75 percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under Section 721.104(c) are not to be included in making the calculation. (Materials that are already defined as solid wastes also are not to be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling, however.
 - 9) "Excluded scrap metal" is processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal.
 - 10) "Processed scrap metal" is scrap metal that has been manually or physically altered to either separate it into distinct materials to enhance economic value or to improve the handling of materials. Processed scrap metal includes, but is not limited to, scrap metal that has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (i.e., sorted), and fines, drosses and related materials that have been agglomerated. (Note: shredded circuit boards being sent for recycling are not considered processed scrap metal. They are covered under the exclusion from the definition of solid waste for shredded circuit boards being recycled (Section 721.104(a)(13))).
 - 11) "Home scrap metal" is scrap metal as generated by steel mills, foundries, and refineries, such as turnings, cuttings, punchings, and borings.
 - 12) "Prompt scrap metal" is scrap metal as generated by the metal

259 working/fabrication industries, and it includes such scrap metal as
260 turnings, cuttings, punchings, and borings. Prompt scrap metal is also
261 known as industrial or new scrap metal.
262

- 263 d) The Agency has inspection authority pursuant to Section 3007 of RCRA and
264 Section 4 of the Environmental Protection Act [415 ILCS 5/4].
- 265
- 266 e) Electronic reporting. The filing of any document pursuant to any provision of this
267 Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.
268

269 BOARD NOTE: Subsection (e) of this Section is derived from 40 CFR 3, as
270 added, and 40 CFR 271.10(b), 271.11(b), and 271.12(h) (2005), as amended at 70
271 Fed. Reg. 59848 (Oct. 13, 2005).
272

273 (Source: Amended at 34 Ill. Reg. _____, effective _____)
274

275 **Section 721.102 Definition of Solid Waste**
276

- 277 a) Solid waste.
- 278
- 279 1) A solid waste is any discarded material that is not excluded pursuant to by
280 Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code
281 720.130 and 720.131 or 35 Ill. Adm. Code 720.130 and 720.134.
282
- 283 2) Discarded material.
- 284
- 285 A) A discarded material is any material that is described as follows:
286
- 287 iA) It is abandoned, Abandoned, as described explained in
288 subsection (b) of this Section;
- 289
- 290 iiB) It is recycled, Recycled, as described explained in subsection
291 (c) of this Section;
- 292
- 293 iiiC) It is considered Considered inherently waste-like, as
294 described explained in subsection (d) of this Section; or
295
- 296 ivD) It is aA military munition identified as a solid waste in 35
297 Ill. Adm. Code 726.302.
- 298
- 299 B) A hazardous secondary material is not discarded if each of the
300 following is true with respect to the waste:
301

- 302 i) It is generated and reclaimed under the control of the
- 303 generator, as defined in 35 Ill. Adm. Code 720.110;
- 304
- 305 ii) It is not speculatively accumulated, as defined in Section
- 306 721.101(c)(8);
- 307
- 308 iii) It is handled only in non-land-based units and is contained
- 309 in such units;
- 310
- 311 iv) It is generated and reclaimed within the United States and
- 312 its territories;
- 313
- 314 v) It is not otherwise subject to material-specific management
- 315 conditions pursuant to Section 721.104(a) when reclaimed;
- 316
- 317 vi) It is not a spent lead acid battery (see 35 Ill. Adm. Code
- 318 726.180 and 733.102);
- 319
- 320 vii) It does not meet either of the listing descriptions for K171
- 321 or K172 waste in Section 721.132; and
- 322
- 323 viii) The reclamation of the material is legitimate, as determined
- 324 pursuant to 35 Ill. Adm. Code 720.143.
- 325

326 BOARD NOTE: See also the notification requirements of 35 Ill.

327 Adm. Code 720.142. For hazardous secondary materials managed

328 in land-based units, see Section 721.104(a)(23).

329

- 330 b) A material is a solid waste if it is abandoned in one of the following ways:
- 331
- 332 1) It is disposed of;
- 333
- 334 2) It is burned or incinerated; or
- 335
- 336 3) It is accumulated, stored, or treated (but not recycled) before or in lieu of
- 337 being abandoned by being disposed of, burned, or incinerated.
- 338
- 339 c) A material is a solid waste if it is recycled – or accumulated, stored, or treated
- 340 before recycling – as specified in subsections (c)(1) through (c)(4) of this Section,
- 341 if one of the following occurs with regard to the material:
- 342
- 343 1) The material is used in a manner constituting disposal.
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- A) A material that is noted with a "yes" in column 1 of the table in Appendix Z of this Part is a solid waste when one of the following occurs :
 - i) The material is applied to or placed on the land in a manner that constitutes disposal; or
 - ii) The material is used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).
 - B) However, a commercial chemical product that is listed in Section 721.133 is not a solid waste if it is applied to the land and that is its ordinary manner of use.
- 2) The material is burned for energy recovery.
- A) A material that is noted with a "yes" in column 2 of the table in Appendix Z of this Part is a solid waste when one of the following occurs:
 - i) It is burned to recover energy;
 - ii) It is used to produce a fuel or is otherwise contained in fuels (in which case the fuel itself remains a solid waste);
 - iii) It is contained in fuels (in which case the fuel itself remains a solid waste).
 - B) However, a commercial chemical product that is listed in Section 721.133 is not a solid waste if it is itself a fuel.
- 3) Reclaimed. A material noted with a "No"-yes" in column 3 of the table in Appendix Z of this Part is not a solid waste when reclaimed (except as provided under Section 721.104(a)(17)). A material noted with a "Yes"-—" in column 3 of Appendix Z of this Part is ~~not~~ a solid waste when reclaimed, unless it meets the requirements of Section 721.102(a)(2)(B) or 721.104(a)(17), (a)(23), (a)(24), or (a)(25).
- 4) Accumulated speculatively. A material noted with "yes" in column 4 of the table in Appendix Z of this Part is a solid waste when accumulated speculatively.

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- d) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:
 - 1) Hazardous waste numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.
 - 2) A secondary material fed to a halogen acid furnace that exhibits a characteristic of a hazardous waste or which is listed as a hazardous waste, as defined in Subpart C or D of this Part, except for brominated material that meets the following criteria:
 - A) The material must contain a bromine concentration of at least 45 percent;
 - B) The material must contain less than a total of one percent of toxic organic compounds listed in Appendix H of this Part; and
 - C) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).
 - 3) The following criteria are used to add wastes to the list:
 - A) Disposal method or toxicity.
 - i) The material is ordinarily disposed of, burned, or incinerated; or
 - ii) The material contains toxic constituents listed in Appendix H of this Part and these constituents are not ordinarily found in raw materials or products for which the material substitutes (or are found in raw materials or products in smaller concentrations) and is not used or reused during the recycling process; and
 - B) The material may pose a substantial hazard to human health and the environment when recycled.
- e) Materials that are not solid waste when recycled.
 - 1) A material is not a solid waste when it can be shown to be recycled by fulfilling one of the following conditions:

- 431 A) It is used or reused as an ingredient in an industrial process to
432 make a product, provided the material is not being reclaimed; or
433
- 434 B) It is used or reused as effective substitutes for commercial
435 products; or
436
- 437 C) It is returned to the original process from which it is generated,
438 without first being reclaimed or land disposed. The material must
439 be returned as a substitute for feedstock materials. In cases where
440 the original process to which the material is returned is a secondary
441 process, the material must be managed in such a manner that there
442 is no placement on the land. In cases where the material is
443 generated and reclaimed within the primary mineral processing
444 industry, the conditions of the exclusion found at Section
445 721.104(a)(17) apply rather than this provision.
446
- 447 2) The following materials are solid wastes, even if the recycling involves
448 use, reuse, or return to the original process (described in subsections
449 (e)(1)(A) through (e)(1)(C) of this Section):
450
- 451 A) A material used in a manner constituting disposal or used to
452 produce a product that is applied to the land; or
453
- 454 B) A material burned for energy recovery, used to produce a fuel, or
455 contained in fuels; or
456
- 457 C) A material accumulated speculatively; or
458
- 459 D) A material listed in subsections (d)(1) and (d)(2) of this Section.
460
- 461 f) Documentation of claims that a material is not a solid waste or is conditionally
462 exempt from regulation. A respondent in an action to enforce regulations
463 implementing Subtitle C of RCRA or Section 21 of the Environmental Protection
464 Act that raises a claim that a certain material is not a solid waste or that the
465 material is conditionally exempt from regulation must demonstrate that there is a
466 known market or disposition for the material and that the material meets the terms
467 of the exclusion or exemption. In doing so, the person must provide appropriate
468 documentation (such as contracts showing that a second person uses the material
469 as an ingredient in a production process) to demonstrate that the material is not a
470 waste or that the material is exempt from regulation. In addition, an owner or
471 operator of a facility claiming that it actually is recycling a material must show
472 that it has the necessary equipment to recycle that material.
473

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 721.103 Definition of Hazardous Waste

a) A solid waste, as defined in Section 721.102, is a hazardous waste if the following is true of the waste:

1) It is not excluded from regulation as a hazardous waste pursuant to Section 721.104(b); and

2) It meets any of the following criteria:

A) It exhibits any of the characteristics of hazardous waste identified in Subpart C of this Part. However, any mixture of a waste from the extraction, beneficiation, and processing of ores and minerals excluded pursuant to Section 721.104(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste pursuant to Subpart C of this Part is a hazardous waste only if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred, or if the mixture continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the toxicity characteristic to such mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentration for any contaminant listed in Section 721.124 that would not have been exceeded by the excluded waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.

B) It is listed in Subpart D of this Part and has not been excluded from the lists in Subpart D of this Part pursuant to 35 Ill. Adm. Code 720.120 and 720.122.

C) This subsection (a)(2)(B) corresponds with 40 CFR 261.3(a)(2)(iii), which USEPA removed and marked as "reserved" at 66 Fed. Reg. 27266 (May 16, 2001). This statement maintains structural consistency with the federal regulations.

D) It is a mixture of solid waste and one or more hazardous wastes listed in Subpart D of this Part and has not been excluded from this subsection (a)(2) pursuant to 35 Ill. Adm. Code 720.120 and 720.122, subsection (g) of this Section, or subsection (h) of this

517 Section; however, the following mixtures of solid wastes and
 518 hazardous wastes listed in Subpart D of this Part are not hazardous
 519 wastes (except by application of subsection (a)(2)(A) or (a)(2)(B)
 520 of this Section) if the generator demonstrates that the mixture
 521 consists of wastewater the discharge of which is subject to
 522 regulation under either 35 Ill. Adm. Code 309 or 310 (including
 523 wastewater at facilities that have eliminated the discharge of
 524 wastewater) and the following is true of the waste:

- 525
- 526 i) It is one or more of the following solvents listed in Section
 - 527 721.131: benzene, carbon tetrachloride,
 - 528 tetrachloroethylene, trichloroethylene or the scrubber
 - 529 waters derived from the combustion of these spent solvents,
 - 530 provided that the maximum total weekly usage of these
 - 531 solvents (other than the amounts that can be demonstrated
 - 532 not to be discharged to wastewater) divided by the average
 - 533 weekly flow of wastewater into the headworks of the
 - 534 facility's wastewater treatment or pretreatment system does
 - 535 not exceed 1 part per million, or the total measured
 - 536 concentration of these solvents entering the headworks of
 - 537 the facility's wastewater treatment system (at a facility that
 - 538 is subject to regulation under the federal Clean Air Act new
 - 539 source performance standards or national emission
 - 540 standards for hazardous air pollutants of 40 CFR 60, 61, or
 - 541 63 or at a facility that is subject to an enforceable limit in a
 - 542 federal operating permit that minimizes fugitive emissions)
 - 543 does not exceed 1 part per million on an average weekly
 - 544 basis. Any facility that uses benzene as a solvent and
 - 545 claims this exemption must use an aerated biological
 - 546 wastewater treatment system and must use only lined
 - 547 surface impoundments or tanks prior to secondary
 - 548 clarification in the wastewater treatment system. A facility
 - 549 that chooses to measure concentration levels must file a
 - 550 copy of its sampling and analysis plan with the Agency. A
 - 551 facility must file a copy of a revised sampling and analysis
 - 552 plan only if the initial plan is rendered inaccurate by
 - 553 changes in the facility's operations. The sampling and
 - 554 analysis plan must include the monitoring point location
 - 555 (headworks), the sampling frequency and methodology,
 - 556 and a list of constituents to be monitored. A facility is
 - 557 eligible for the direct monitoring option once it receives
 - 558 confirmation that the sampling and analysis plan has been
 - 559 received by the Agency. The Agency must reject the

560 sampling and analysis plan if it determines that the
 561 sampling and analysis plan fails to include the information
 562 required by this subsection (a)(2)(D)(i) or that the plan
 563 parameters would not enable the facility to calculate the
 564 weekly average concentration of these chemicals
 565 accurately. If the Agency rejects the sampling and analysis
 566 plan, or if the Agency determines that the facility is not
 567 following the sampling and analysis plan, the Agency must
 568 notify the facility to cease the use of the direct monitoring
 569 option until such time as the bases for rejection are
 570 corrected;

571
 572 ii) It is one or more of the following spent solvents listed in
 573 Section 721.131: methylene chloride, 1,1,1-
 574 trichloroethane, chlorobenzene, o-dichlorobenzene, cresols,
 575 cresylic acid, nitrobenzene, toluene, methyl ethyl ketone,
 576 carbon disulfide, isobutanol, pyridine, spent
 577 chlorofluorocarbon solvents, 2-ethoxyethanol, or the
 578 scrubber waters derived-from the combustion of these spent
 579 solvents, provided that the maximum total weekly usage of
 580 these solvents (other than the amounts that can be
 581 demonstrated not to be discharged to wastewater) divided
 582 by the average weekly flow of wastewater into the
 583 headworks of the facility's wastewater treatment or
 584 pretreatment system does not exceed 25 parts per million,
 585 or the total measured concentration of these solvents
 586 entering the headworks of the facility's wastewater
 587 treatment system (at a facility that is subject to regulation
 588 under the federal Clean Air Act new source performance
 589 standards or national emission standards for hazardous air
 590 pollutants of 40 CFR 60, 61, or 63 or at a facility that is
 591 subject to an enforceable limit in a federal operating permit
 592 that minimizes fugitive emissions) does not exceed 25 parts
 593 per million on an average weekly basis. A facility that
 594 chooses to measure concentration levels must file a copy of
 595 its sampling and analysis plan with the Agency. A facility
 596 must file a copy of a revised sampling and analysis plan
 597 only if the initial plan is rendered inaccurate by changes in
 598 the facility's operations. The sampling and analysis plan
 599 must include the monitoring point location (headworks),
 600 the sampling frequency and methodology, and a list of
 601 constituents to be monitored. A facility is eligible for the
 602 direct monitoring option once it receives confirmation that

603 the sampling and analysis plan has been received by the
 604 Agency. The Agency must reject the sampling and analysis
 605 plan if it determines that the sampling and analysis plan
 606 fails to include the information required by this subsection
 607 (a)(2)(D)(ii) or that the plan parameters would not enable
 608 the facility to calculate the weekly average concentration of
 609 these chemicals accurately. If the Agency rejects the
 610 sampling and analysis plan, or if the Agency determines
 611 that the facility is not following the sampling and analysis
 612 plan, the Agency must notify the facility to cease the use of
 613 the direct monitoring option until such time as the bases for
 614 rejection are corrected;
 615

616 iii) It is one of the following wastes listed in Section 721.132,
 617 provided that the wastes are discharged to the refinery oil
 618 recovery sewer before primary oil/water/solids separation:
 619 heat exchanger bundle cleaning sludge from the petroleum
 620 refining industry (USEPA hazardous waste ~~number~~
 621 K050), crude oil storage tank sediment from petroleum
 622 refining operations (USEPA hazardous waste number
 623 K169), clarified slurry oil tank sediment or in-line
 624 filter/separation solids from petroleum refining operations
 625 (USEPA hazardous waste number K170), spent
 626 hydrotreating catalyst (USEPA hazardous waste number
 627 K171), and spent hydrorefining catalyst (USEPA hazardous
 628 waste number K172);
 629

630 iv) It is a discarded hazardous waste, commercial chemical
 631 product or chemical intermediate listed in Section 721.121,
 632 721.132, or 721.133 arising from de minimis losses of these
 633 materials. For purposes of this subsection (a)(2)(D)(iv),
 634 "de minimis" losses are inadvertent releases to a wastewater
 635 treatment system, including those from normal material
 636 handling operations (e.g., spills from the unloading or
 637 transfer of materials from bins or other containers, leaks
 638 from pipes, valves, or other devices used to transfer
 639 materials); minor leaks of process equipment, storage tanks,
 640 or containers; leaks from well-maintained pump packings
 641 and seals; sample purgings; relief device discharges;
 642 discharges from safety showers and rinsing and cleaning of
 643 personal safety equipment; and rinsate from empty
 644 containers or from containers that are rendered empty by
 645 that rinsing. Any manufacturing facility that claims an

646 exemption for de minimis quantities of a waste listed in
 647 Section 721.131 or 721.132, or any nonmanufacturing
 648 facility that claims an exemption for de minimis quantities
 649 of wastes listed in Subpart D of this Part, must either have
 650 eliminated the discharge of wastewaters or have included in
 651 its federal Clean Water Act (33 USC 1251 et seq.) permit
 652 application or wastewater pretreatment submission to the
 653 Agency or the wastewater pretreatment Control Authority
 654 pursuant to 35 Ill. Adm. Code 307 of the constituents for
 655 which each waste was listed (in Appendix G of this Part);
 656 and the constituents in Table T to 35 Ill. Adm. Code 728
 657 for which each waste has a treatment standard (i.e., land
 658 disposal restriction constituents). A facility is eligible to
 659 claim the exemption once the Agency or Control Authority
 660 has been notified of possible de minimis releases via the
 661 Clean Water Act permit application or the wastewater
 662 pretreatment submission. A copy of the Clean Water Act
 663 permit application or the wastewater pretreatment
 664 submission must be placed in the facility's on-site files;
 665

666 v) It is wastewater resulting from laboratory operations
 667 containing toxic (T) wastes listed in Subpart D of this Part,
 668 provided that the annualized average flow of laboratory
 669 wastewater does not exceed one percent of total wastewater
 670 flow into the headworks of the facility's wastewater
 671 treatment or pretreatment system or provided that the
 672 wastes' combined annualized average concentration does
 673 not exceed one part per million in the headworks of the
 674 facility's wastewater treatment or pretreatment facility.
 675 Toxic (T) wastes used in laboratories that are demonstrated
 676 not to be discharged to wastewater are not to be included in
 677 this calculation;
 678

679 vi) It is one or more of the following wastes listed in Section
 680 721.132: wastewaters from the production of carbamates
 681 and carbamoyl oximes (USEPA hazardous waste number
 682 ~~Hazardous Waste No.~~ K157), provided that the maximum
 683 weekly usage of formaldehyde, methyl chloride, methylene
 684 chloride, and triethylamine (including all amounts that
 685 cannot be demonstrated to be reacted in the process,
 686 destroyed through treatment, or recovered, i.e., what is
 687 discharged or volatilized) divided by the average weekly
 688 flow of process wastewater prior to any dilutions into the

689 headworks of the facility's wastewater treatment system
690 does not exceed a total of 5 parts per million by weight, or
691 the total measured concentration of these chemicals
692 entering the headworks of the facility's wastewater
693 treatment system (at a facility that is subject to regulation
694 under the federal Clean Air Act new source performance
695 standards or national emission standards for hazardous air
696 pollutants of 40 CFR 60, 61, or 63 or at a facility that is
697 subject to an enforceable limit in a federal operating permit
698 that minimizes fugitive emissions) does not exceed 5 parts
699 per million on an average weekly basis. A facility that
700 chooses to measure concentration levels must file a copy of
701 its sampling and analysis plan with the Agency. A facility
702 must file a copy of a revised sampling and analysis plan
703 only if the initial plan is rendered inaccurate by changes in
704 the facility's operations. The sampling and analysis plan
705 must include the monitoring point location (headworks),
706 the sampling frequency and methodology, and a list of
707 constituents to be monitored. A facility is eligible for the
708 direct monitoring option once it receives confirmation that
709 the sampling and analysis plan has been received by the
710 Agency. The Agency must reject the sampling and analysis
711 plan if it determines that the sampling and analysis plan
712 fails to include the information required by this subsection
713 (a)(2)(D)(vi) or that the plan parameters would not enable
714 the facility to calculate the weekly average concentration of
715 these chemicals accurately. If the Agency rejects the
716 sampling and analysis plan, or if the Agency determines
717 that the facility is not following the sampling and analysis
718 plan, the Agency must notify the facility to cease the use of
719 the direct monitoring option until such time as the bases for
720 rejection are corrected; or

721
722 vii) It is wastewater derived from the treatment of one or more
723 of the following wastes listed in Section 721.132: organic
724 waste (including heavy ends, still bottoms, light ends, spent
725 solvents, filtrates, and decantates) from the production of
726 carbamates and carbamoyl oximes (USEPA hazardous
727 waste number~~Hazardous Waste No.~~ K156), provided that
728 the maximum concentration of formaldehyde, methyl
729 chloride, methylene chloride, and triethylamine prior to any
730 dilutions into the headworks of the facility's wastewater
731 treatment system does not exceed a total of 5 milligrams

732 per liter, or the total measured concentration of these
 733 chemicals entering the headworks of the facility's
 734 wastewater treatment system (at a facility that is subject to
 735 regulation under the federal Clean Air Act new source
 736 performance standards or national emission standards for
 737 hazardous air pollutants of 40 CFR 60, 61, or 63 or at a
 738 facility that is subject to an enforceable limit in a federal
 739 operating permit that minimizes fugitive emissions) does
 740 not exceed 5 milligrams per liter on an average weekly
 741 basis. A facility that chooses to measure concentration
 742 levels must file a copy of its sampling and analysis plan
 743 with the Agency. A facility must file a copy of a revised
 744 sampling and analysis plan only if the initial plan is
 745 rendered inaccurate by changes in the facility's operations.
 746 The sampling and analysis plan must include the
 747 monitoring point location (headworks), the sampling
 748 frequency and methodology, and a list of constituents to be
 749 monitored. A facility is eligible for the direct monitoring
 750 option once it receives confirmation that the sampling and
 751 analysis plan has been received by the Agency. The
 752 Agency must reject the sampling and analysis plan if it
 753 determines that the sampling and analysis plan fails to
 754 include the information required by this subsection
 755 (a)(2)(D)(vii) or that the plan parameters would not enable
 756 the facility to calculate the weekly average concentration of
 757 these chemicals accurately. If the Agency rejects the
 758 sampling and analysis plan, or if the Agency determines
 759 that the facility is not following the sampling and analysis
 760 plan, the Agency must notify the facility to cease the use of
 761 the direct monitoring option until such time as the bases for
 762 rejection are corrected.

763
 764 E) Rebuttable presumption for used oil. Used oil containing more
 765 than 1,000 ppm total halogens is presumed to be a hazardous waste
 766 because it has been mixed with halogenated hazardous waste listed
 767 in Subpart D of this Part. Persons may rebut this presumption by
 768 demonstrating that the used oil does not contain hazardous waste
 769 (for example, to show that the used oil does not contain significant
 770 concentrations of halogenated hazardous constituents listed in
 771 Appendix H of this Part).

772
 773 i) The rebuttable presumption does not apply to a
 774 metalworking oil or fluid containing chlorinated paraffins if

775 it is processed through a tolling arrangement, as described
776 in 35 Ill. Adm. Code 739.124(c), to reclaim metalworking
777 oils or fluids. The presumption does apply to a
778 metalworking oil or fluid if such an oil or fluid is recycled
779 in any other manner, or disposed of.

780
781 ii) The rebuttable presumption does not apply to a used oil
782 contaminated with chlorofluorocarbons (CFCs) removed
783 from refrigeration units where the CFCs are destined for
784 reclamation. The rebuttable presumption does apply to a
785 used oil contaminated with CFCs that have been mixed
786 with used oil from a source other than a refrigeration unit.
787

788 b) A solid waste that is not excluded from regulation pursuant to subsection (a)(1) of
789 this Section becomes a hazardous waste when any of the following events occur:
790

791 1) In the case of a waste listed in Subpart D of this Part, when the waste first
792 meets the listing description set forth in Subpart D of this Part.

793
794 2) In the case of a mixture of solid waste and one or more listed hazardous
795 wastes, when a hazardous waste listed in Subpart D of this Part is first
796 added to the solid waste.

797
798 3) In the case of any other waste (including a waste mixture), when the waste
799 exhibits any of the characteristics identified in Subpart C of this Part.
800

801 c) Unless and until it meets the criteria of subsection ~~(e)~~(d) of this Section, a
802 hazardous waste will remain a hazardous waste.
803

804 BOARD NOTE: This subsection (c) corresponds with 40 CFR 261.3(c)(1). The
805 Board has codified 40 CFR 261.3(c)(2) at subsection (e) of this Section.
806

807 d) Any solid waste described in subsection (e) of this Section is not a hazardous
808 waste if it meets the following criteria:
809

810 1) In the case of any solid waste, it does not exhibit any of the characteristics
811 of hazardous waste identified in Subpart C of this Part. (However, wastes
812 that exhibit a characteristic at the point of generation may still be subject
813 to 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at
814 the point of land disposal.)
815

816 2) In the case of a waste that is a listed waste pursuant to Subpart D of this
817 Part, a waste that contains a waste listed pursuant to Subpart D of this Part,

818 or a waste that is derived from a waste listed in Subpart D of this Part, it
 819 also has been excluded from subsection (e) of this Section pursuant to 35
 820 Ill. Adm. Code 720.120 and 720.122.

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- e) Specific inclusions and exclusions.
 - 1) Except as otherwise provided in subsection (e)(2), (g), or (h) of this Section, any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate (but not including precipitation run-off), is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)
 - 2) The following solid wastes are not hazardous even though they are generated from the treatment, storage, or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste:
 - A) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332).
 - B) Wastes from burning any of the materials exempted from regulation by Section 721.106(a)(3)(C) and (a)(3)(D).
 - C) Nonwastewater residues, such as slag, resulting from high temperature metal recovery (HTMR) processing of K061, K062, or F006 waste in the units identified in this subsection (e)(2) that are disposed of in non-hazardous waste units, provided that these residues meet the generic exclusion levels identified in the tables in this subsection (e)(2)(C) for all constituents and the residues exhibit no characteristics of hazardous waste. The types of units identified are rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations, or the following types of industrial furnaces (as defined in 35 Ill. Adm. Code 720.110): blast furnaces; smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces); and other furnaces designated by the Agency pursuant to that definition.
 - i) Testing requirements must be incorporated in a facility's

861 waste analysis plan or a generator's self-implementing
 862 waste analysis plan; at a minimum, composite samples of
 863 residues must be collected and analyzed quarterly and when
 864 the process or operation generating the waste changes.
 865
 866 ii) Persons claiming this exclusion in an enforcement action
 867 will have the burden of proving by clear and convincing
 868 evidence that the material meets all of the exclusion
 869 requirements. The generic exclusion levels are the
 870 following:
 871

Generic exclusion levels for K061 and K062
 nonwastewater HTMR residues:

Constituent	Maximum for any single composite sample (mg/ℓ)
Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Vanadium	1.26
Zinc	70

872
 Generic exclusion levels for F006 nonwastewater HTMR
 residues:

Constituent	Maximum for any single composite sample (mg/ℓ)
Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33

Cyanide (total) (mg/kg)	1.8
Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Zinc	70

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iii) A one-time notification and certification must be placed in the facility's files and sent to the Agency (or, for out-of-State shipments, to the appropriate Regional Administrator of USEPA or the state agency authorized to implement federal 40 CFR 268 requirements) for K061, K062, or F006 HTMR residues that meet the generic exclusion levels for all constituents, which do not exhibit any characteristics, and which are sent to RCRA Subtitle D (municipal solid waste landfill) units. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the RCRA Subtitle D unit receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the calendar year, but no later than December 31. The notification must include the following information: the name and address of the non-hazardous waste management unit receiving the waste shipment; the USEPA hazardous waste number and treatability group at the initial point of generation; and the treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows:

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

D) Biological treatment sludge from the treatment of one of the

908 following wastes listed in Section 721.132: organic waste
 909 (including heavy ends, still bottoms, light ends, spent solvents,
 910 filtrates, and decantates) from the production of carbamates and
 911 carbamoyl oximes (USEPA hazardous waste number~~Hazardous~~
 912 ~~Waste No. K156~~) and wastewaters from the production of
 913 carbamates and carbamoyl oximes (USEPA hazardous waste
 914 number~~Hazardous Waste No. K157~~).

915
 916 E) Catalyst inert support media separated from one of the following
 917 wastes listed in Section 721.132: spent hydrotreating catalyst
 918 (USEPA hazardous waste number K171) and spent hydrorefining
 919 catalyst (USEPA hazardous waste number K172).
 920

921 BOARD NOTE: This subsection (e) would normally correspond with 40 CFR
 922 261.3(e), a subsection that has been deleted and marked "reserved" by USEPA.
 923 Rather, this subsection (e) corresponds with 40 CFR 261.3(c)(2), which the Board
 924 codified here to comport with codification requirements and to enhance clarity.
 925

926 f) Notwithstanding subsections (a) through (e) of this Section and provided the
 927 debris, as defined in 35 Ill. Adm. Code 728.102, does not exhibit a characteristic
 928 identified at Subpart C of this Part, the following materials are not subject to
 929 regulation under 35 Ill. Adm. Code 702, 703, 720, 721 to 726, or 728:
 930

931 1) Hazardous debris as defined in 35 Ill. Adm. Code 728.102 that has been
 932 treated using one of the required extraction or destruction technologies
 933 specified in Table F to 35 Ill. Adm. Code 728; persons claiming this
 934 exclusion in an enforcement action will have the burden of proving by
 935 clear and convincing evidence that the material meets all of the exclusion
 936 requirements; or
 937

938 2) Debris, as defined in 35 Ill. Adm. Code 728.102, that the Agency,
 939 considering the extent of contamination, has determined is no longer
 940 contaminated with hazardous waste.
 941

942 g) Exclusion of certain wastes listed in Subpart D of this Part solely because they
 943 exhibit a characteristic of ignitability, corrosivity, or reactivity.
 944

945 1) A hazardous waste that is listed in Subpart D of this Part solely because it
 946 exhibits one or more characteristics of ignitability, as defined under
 947 Section 721.121; corrosivity, as defined under Section 721.122; or
 948 reactivity, as defined under Section 721.123 is not a hazardous waste if the
 949 waste no longer exhibits any characteristic of hazardous waste identified
 950 in Subpart C of this Part.

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- 2) The exclusion described in subsection (g)(1) of this Section also pertains to the following:
 - A) Any mixture of a solid waste and a hazardous waste listed in Subpart D of this Part solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity, as regulated under subsection (a)(2)(D) of this Section; and
 - B) Any solid waste generated from treating, storing, or disposing of a hazardous waste listed in Subpart D of this Part solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity, as regulated under subsection (e)(1) of this Section.
 - 3) Wastes excluded pursuant to this subsection (g) are subject to 35 Ill. Adm. Code 728 (as applicable), even if they no longer exhibit a characteristic at the point of land disposal.
- h) Eligible radioactive mixed waste.
- 1) Hazardous waste containing radioactive waste is no longer a hazardous waste when it meets the eligibility criteria and conditions of Subpart N of 35 Ill. Adm. Code 726 (i.e., it is "eligible radioactive mixed waste").
 - 2) The exemption described in subsection (h)(1) of this Section also pertains to the following:
 - A) Any mixture of a solid waste and an eligible radioactive mixed waste; and
 - B) Any solid waste generated from treating, storing, or disposing of an eligible radioactive mixed waste.
 - 3) Waste exempted pursuant to this subsection (h) must meet the eligibility criteria and specified conditions in 35 Ill. Adm. Code 726.325 and 726.330 (for storage and treatment) and in 35 Ill. Adm. Code 726.410 and 726.415 (for transportation and disposal). Waste that fails to satisfy these eligibility criteria and conditions is regulated as hazardous waste.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

- 994 a) Materials that are not solid wastes. The following materials are not solid wastes
995 for the purpose of this Part:
996
997 1) Sewage.
998
999 A) Domestic sewage (untreated sanitary wastes that pass through a
1000 sewer system); and
1001
1002 B) Any mixture of domestic sewage and other waste that passes
1003 through a sewer system to publicly-owned treatment works for
1004 treatment.
1005
1006 2) Industrial wastewater discharges that are point source discharges with
1007 National Pollutant Discharge Elimination System (NPDES) permits issued
1008 by the Agency pursuant to Section 12(f) of the Environmental Protection
1009 Act [415 ILCS 5/12(f)] and 35 Ill. Adm. Code 309.
1010
1011 BOARD NOTE: This exclusion applies only to the actual point source
1012 discharge. It does not exclude industrial wastewaters while they are being
1013 collected, stored, or treated before discharge, nor does it exclude sludges
1014 that are generated by industrial wastewater treatment.
1015
1016 3) Irrigation return flows.
1017
1018 4) Source, by-product, or special nuclear material, as defined by section 11 of
1019 the Atomic Energy Act of 1954, as amended (42 USC 2014), incorporated
1020 by reference in 35 Ill. Adm. Code 720.111(b).
1021
1022 5) Materials subjected to in-situ mining techniques that are not removed from
1023 the ground as part of the extraction process.
1024
1025 6) Pulping liquors (i.e., black liquors) that are reclaimed in a pulping liquor
1026 recovery furnace and then reused in the pulping process, unless it is
1027 accumulated speculatively, as defined in Section 721.101(c).
1028
1029 7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is
1030 accumulated speculatively, as defined in Section 721.101(c).
1031
1032 8) Secondary materials that are reclaimed and returned to the original process
1033 or processes in which they were generated, where they are reused in the
1034 production process, provided that the following is true:
1035
1036 A) Only tank storage is involved, and the entire process through

1037 completion of reclamation is closed by being entirely connected
1038 with pipes or other comparable enclosed means of conveyance;

1039
1040 B) Reclamation does not involve controlled flame combustion (such
1041 as occurs in boilers, industrial furnaces, or incinerators);

1042
1043 C) The secondary materials are never accumulated in such tanks for
1044 over 12 months without being reclaimed; and

1045
1046 D) The reclaimed material is not used to produce a fuel or used to
1047 produce products that are used in a manner constituting disposal.

1048
1049 9) Wood preserving wastes.

1050
1051 A) Spent wood preserving solutions that have been used and which
1052 are reclaimed and reused for their original intended purpose;

1053
1054 B) Wastewaters from the wood preserving process that have been
1055 reclaimed and which are reused to treat wood; and

1056
1057 C) Prior to reuse, the wood preserving wastewaters and spent wood
1058 preserving solutions described in subsections (a)(9)(A) and
1059 (a)(9)(B) of this Section, so long as they meet all of the following
1060 conditions:

1061
1062 i) The wood preserving wastewaters and spent wood
1063 preserving solutions are reused on-site at water-borne
1064 plants in the production process for their original intended
1065 purpose;

1066
1067 ii) Prior to reuse, the wastewaters and spent wood preserving
1068 solutions are managed to prevent release to either land or
1069 groundwater or both;

1070
1071 iii) Any unit used to manage wastewaters or spent wood
1072 preserving solutions prior to reuse can be visually or
1073 otherwise determined to prevent such releases;

1074
1075 iv) Any drip pad used to manage the wastewaters or spent
1076 wood preserving solutions prior to reuse complies with the
1077 standards in Subpart W of 35 Ill. Adm. Code 725,
1078 regardless of whether the plant generates a total of less than
1079 100 kg/month of hazardous waste; and

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v) Prior to operating pursuant to this exclusion, the plant owner or operator prepares a one-time notification to the Agency stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records until closure of the facility. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the Agency for reinstatement. The Agency must reinstate the exclusion in writing if it finds that the plant has returned to compliance with all conditions and that the violations are not likely to recur. If the Agency denies an application, it must transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. The applicant under this subsection (a)(9)(C)(v) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act [415 ILCS 5/40].

10) Hazardous waste numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the waste from the point it is generated to the point it is recycled to coke ovens, to tar recovery, to the tar refining processes, or prior to when it is mixed with coal.

11) Nonwastewater splash condenser dross residue from the treatment of hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

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- 12) Certain oil-bearing hazardous secondary materials and recovered oil, as follows:
 - A) Oil-bearing hazardous secondary materials (i.e., sludges, by-products, or spent materials) that are generated at a petroleum refinery (standard industrial classification (SIC) code 2911) and are inserted into the petroleum refining process (SIC code 2911: including, but not limited to, distillation, catalytic cracking, fractionation, gasification (as defined in 35 Ill. Adm. Code 720.110), or thermal cracking units (i.e., cokers)), unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this subsection (a)(12), provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated or sent directly to another petroleum refinery and still be excluded under this provision. Except as provided in subsection (a)(12)(B) of this Section, oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (i.e., from sources other than petroleum refineries) are not excluded under this Section. Residuals generated from processing or recycling materials excluded under this subsection (a)(12)(A), where such materials as generated would have otherwise met a listing under Subpart D of this Part, are designated as USEPA hazardous waste number F037 listed wastes when disposed of or intended for disposal.
 - B) Recovered oil that is recycled in the same manner and with the same conditions as described in subsection (a)(12)(A) of this Section. Recovered oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5172). Recovered oil does not include oil-bearing hazardous wastes listed in Subpart D of this Part; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil, as defined in 35 Ill. Adm. Code 739.100.
- 13) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

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- 14) Shredded circuit boards being recycled, provided that they meet the following conditions:
 - A) The circuit boards are stored in containers sufficient to prevent a release to the environment prior to recovery; and
 - B) The circuit boards are free of mercury switches, mercury relays, nickel-cadmium batteries, and lithium batteries.

 - 15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with federal Clean Air Act regulation 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.

 - 16) Comparable fuels or comparable syngas fuels (~~i.e., comparable or syngas fuels~~) that meet the requirements of Section 721.138.

 - 17) Spent materials (as defined in Section 721.101) (other than hazardous wastes listed in Subpart D of this Part) generated within the primary mineral processing industry from which minerals, acids, cyanide, water, or other values are recovered by mineral processing or by beneficiation, provided that the following is true:
 - A) The spent material is legitimately recycled to recover minerals, acids, cyanide, water, or other values;
 - B) The spent material is not accumulated speculatively;
 - C) Except as provided in subsection (a)(17)(D) of this Section, the spent material is stored in tanks, containers, or buildings that meet the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support (except that smelter buildings may have partially earthen floors, provided that the spent material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment (as defined in 35 Ill. Adm. Code 720.110), and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If a tank or container contains any particulate that may be subject to wind dispersal, the owner or operator must operate the unit in a manner

1209 that controls fugitive dust. A tank, container, or building must be
 1210 designed, constructed, and operated to prevent significant releases
 1211 to the environment of these materials.
 1212

1213 D) The Agency must allow by permit that solid mineral processing
 1214 spent materials only may be placed on pads, rather than in tanks,
 1215 containers, or buildings if the facility owner or operator can
 1216 demonstrate the following: the solid mineral processing secondary
 1217 materials do not contain any free liquid; the pads are designed,
 1218 constructed, and operated to prevent significant releases of the
 1219 spent material into the environment; and the pads provide the same
 1220 degree of containment afforded by the non-RCRA tanks,
 1221 containers, and buildings eligible for exclusion.
 1222

1223 i) The Agency must also consider whether storage on pads
 1224 poses the potential for significant releases via groundwater,
 1225 surface water, and air exposure pathways. Factors to be
 1226 considered for assessing the groundwater, surface water,
 1227 and air exposure pathways must include the following: the
 1228 volume and physical and chemical properties of the spent
 1229 material, including its potential for migration off the pad;
 1230 the potential for human or environmental exposure to
 1231 hazardous constituents migrating from the pad via each
 1232 exposure pathway; and the possibility and extent of harm to
 1233 human and environmental receptors via each exposure
 1234 pathway.
 1235

1236 ii) Pads must meet the following minimum standards: they
 1237 must be designed of non earthen material that is compatible
 1238 with the chemical nature of the mineral processing spent
 1239 material; they must be capable of withstanding physical
 1240 stresses associated with placement and removal; they must
 1241 have runoff and runoff controls; they must be operated in a
 1242 manner that controls fugitive dust; and they must have
 1243 integrity assurance through inspections and maintenance
 1244 programs.
 1245

1246 iii) Before making a determination under this subsection
 1247 (a)(17)(D), the Agency must provide notice and the
 1248 opportunity for comment to all persons potentially
 1249 interested in the determination. This can be accomplished
 1250 by placing notice of this action in major local newspapers,
 1251 or broadcasting notice over local radio stations.

1252
1253 BOARD NOTE: See Subpart D of 35 Ill. Adm. Code 703 for the
1254 RCRA Subtitle C permit public notice requirements.
1255

1256 E) The owner or operator provides a notice to the Agency, providing
1257 the following information: the types of materials to be recycled,
1258 the type and location of the storage units and recycling processes,
1259 and the annual quantities expected to be placed in non-land-based
1260 units. This notification must be updated when there is a change in
1261 the type of materials recycled or the location of the recycling
1262 process.
1263

1264 F) For purposes of subsection (b)(7) of this Section, mineral
1265 processing spent materials must be the result of mineral processing
1266 and may not include any listed hazardous wastes. Listed
1267 hazardous wastes and characteristic hazardous wastes generated by
1268 non-mineral processing industries are not eligible for the
1269 conditional exclusion from the definition of solid waste.
1270

1271 18) Petrochemical recovered oil from an associated organic chemical
1272 manufacturing facility, where the oil is to be inserted into the petroleum
1273 refining process (SIC code 2911) along with normal petroleum refinery
1274 process streams, provided that both of the following conditions are true of
1275 the oil:
1276

1277 A) The oil is hazardous only because it exhibits the characteristic of
1278 ignitability (as defined in Section 721.121) or toxicity for benzene
1279 (Section 721.124, USEPA hazardous waste code D018);
1280

1281 B) The oil generated by the organic chemical manufacturing facility is
1282 not placed on the land, or speculatively accumulated before being
1283 recycled into the petroleum refining process. An "associated
1284 organic chemical manufacturing facility" is a facility for which all
1285 of the following is true: its primary SIC code is 2869, but its
1286 operations may also include SIC codes 2821, 2822, and 2865; it is
1287 physically co-located with a petroleum refinery; and the petroleum
1288 refinery to which the oil being recycled is returned also provides
1289 hydrocarbon feedstocks to the organic chemical manufacturing
1290 facility. "Petrochemical recovered oil" is oil that has been
1291 reclaimed from secondary materials (i.e., sludges, by-products, or
1292 spent materials, including wastewater) from normal organic
1293 chemical manufacturing operations, as well as oil recovered from
1294 organic chemical manufacturing processes.

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- 19) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid, unless the material is placed on the land or accumulated speculatively, as defined in Section 721.101(c).
 - 20) Hazardous secondary materials used to make zinc fertilizers, provided that the following conditions are satisfied:
 - A) Hazardous secondary materials used to make zinc micronutrient fertilizers must not be accumulated speculatively, as defined in Section 721.101(c)(8).
 - B) A generator or intermediate handler of zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers must fulfill the following conditions:
 - i) It must submit a one-time notice to the Agency that contains the name, address, and USEPA identification number of the generator or intermediate handler facility, that provides a brief description of the secondary material that will be subject to the exclusion, and which identifies when the manufacturer intends to begin managing excluded zinc-bearing hazardous secondary materials under the conditions specified in this subsection (a)(20).
 - ii) It must store the excluded secondary material in tanks, containers, or buildings that are constructed and maintained in a way that prevents releases of the secondary materials into the environment. At a minimum, any building used for this purpose must be an engineered structure made of non-earthen materials that provide structural support, and it must have a floor, walls, and a roof that prevent wind dispersal and contact with rainwater. A tank used for this purpose must be structurally sound and, if outdoors, it must have a roof or cover that prevents contact with wind and rain. A container used for this purpose must be kept closed, except when it is necessary to add or remove material, and it must be in sound condition. Containers that are stored outdoors must be managed within storage areas that fulfill the conditions of subsection (a)(20)(F) of this Section:

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- iii) With each off-site shipment of excluded hazardous secondary materials, it must provide written notice to the receiving facility that the material is subject to the conditions of this subsection (a)(20).
 - iv) It must maintain records at the generator's or intermediate handler's facility for no less than three years of all shipments of excluded hazardous secondary materials. For each shipment these records must, at a minimum, contain the information specified in subsection (a)(20)(G) of this Section.
- C) A manufacturer of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must fulfill the following conditions:
- i) It must store excluded hazardous secondary materials in accordance with the storage requirements for generators and intermediate handlers, as specified in subsection (a)(20)(B)(ii) of this Section.
 - ii) It must submit a one-time notification to the Agency that, at a minimum, specifies the name, address, and USEPA identification number of the manufacturing facility and which identifies when the manufacturer intends to begin managing excluded zinc-bearing hazardous secondary materials under the conditions specified in this subsection (a)(20).
 - iii) It must maintain for a minimum of three years records of all shipments of excluded hazardous secondary materials received by the manufacturer, which must at a minimum identify for each shipment the name and address of the generating facility, the name of transporter, and the date on which the materials were received, the quantity received, and a brief description of the industrial process that generated the material.
 - iv) It must submit an annual report to the Agency that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the

1381 industrial processes from which the hazardous secondary
1382 materials were generated.

- 1383
1384 D) Nothing in this Section preempts, overrides, or otherwise negates
1385 the provision in 35 Ill. Adm. Code 722.111 that requires any
1386 person who generates a solid waste to determine if that waste is a
1387 hazardous waste.
1388
- 1389 E) Interim status and permitted storage units that have been used to
1390 store only zinc-bearing hazardous wastes prior to the submission of
1391 the one-time notice described in subsection (a)(20)(B)(i) of this
1392 Section, and that afterward will be used only to store hazardous
1393 secondary materials excluded under this subsection (a)(20), are not
1394 subject to the closure requirements of 35 Ill. Adm. Code 724 and
1395 725.
1396
- 1397 F) A container used to store excluded secondary material must fulfill
1398 the following conditions:
1399
- 1400 i) It must have containment structures or systems sufficiently
1401 impervious to contain leaks, spills, and accumulated
1402 precipitation;
 - 1403
 - 1404 ii) It must provide for effective drainage and removal of leaks,
1405 spills, and accumulated precipitation; and
 - 1406
 - 1407 iii) It must prevent run-on into the containment system.
1408
- 1409 BOARD NOTE: Subsections (a)(20)(F)(i) through (a)(20)(F)(iii)
1410 are derived from 40 CFR 261.4(a)(20)(ii)(B)(1) through
1411 (a)(20)(ii)(B)(3). The Board added the preamble to these federal
1412 paragraphs as subsection (a)(20)(F) to comport with Illinois
1413 Administrative Code codification requirements.
1414
- 1415 G) Required records of shipments of excluded hazardous secondary
1416 materials must, at a minimum, contain the following information:
1417
- 1418 i) The name of the transporter and date of the shipment;
 - 1419
 - 1420 ii) The name and address of the facility that received the
1421 excluded material, along with documentation confirming
1422 receipt of the shipment; and
1423

1424 iii) The type and quantity of excluded secondary material in
 1425 each shipment.
 1426

1427 BOARD NOTE: Subsections (a)(20)(G)(i) through (a)(20)(G)(iii)
 1428 are derived from 40 CFR 261.4(a)(20)(ii)(D)(1) through
 1429 (a)(20)(ii)(D)(3). The Board added the preamble to these federal
 1430 paragraphs as subsection (a)(20)(G) to comport with Illinois
 1431 Administrative Code codification requirements.
 1432

1433 21) Zinc fertilizers made from hazardous wastes or hazardous secondary
 1434 materials that are excluded under subsection (a)(20) of this Section,
 1435 provided that the following conditions are fulfilled:
 1436

1437 A) The fertilizers meet the following contaminant limits:
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1439 i) For metal contaminants:
 1440

Constituent	Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm)
Arsenic	0.3
Cadmium	1.4
Chromium	0.6
Lead	2.8
Mercury	0.3

1441
 1442 ii) For dioxin contaminants, the fertilizer must contain no
 1443 more than eight parts per trillion of dioxin, measured as
 1444 toxic equivalent (TEQ).
 1445

1446 B) The manufacturer performs sampling and analysis of the fertilizer
 1447 product to determine compliance with the contaminant limits for
 1448 metals no less frequently than once every six months, and for
 1449 dioxins no less frequently than once every 12 months. Testing
 1450 must also be performed whenever changes occur to manufacturing
 1451 processes or ingredients that could significantly affect the amounts
 1452 of contaminants in the fertilizer product. The manufacturer may
 1453 use any reliable analytical method to demonstrate that no
 1454 constituent of concern is present in the product at concentrations
 1455 above the applicable limits. It is the responsibility of the
 1456 manufacturer to ensure that the sampling and analysis are
 1457 unbiased, precise, and representative of the products introduced
 1458 into commerce.
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- C) The manufacturer maintains for no less than three years records of all sampling and analyses performed for purposes of determining compliance with subsection (a)(21)(B) of this Section. Such records must at a minimum include the following:
 - i) The dates and times product samples were taken, and the dates the samples were analyzed;
 - ii) The names and qualifications of the persons taking the samples;
 - iii) A description of the methods and equipment used to take the samples;
 - iv) The name and address of the laboratory facility at which analyses of the samples were performed;
 - v) A description of the analytical methods used, including any cleanup and sample preparation methods; and
 - vi) All laboratory analytical results used to determine compliance with the contaminant limits specified in this subsection (a)(21).

- 22) Used CRTs.
 - A) Used, intact CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste within the United States, unless they are disposed of or speculatively accumulated, as defined in Section 721.101(c)(8), by a CRT collector or glass processor.
 - B) Used, intact CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste when exported for recycling, provided that they meet the requirements of Section 721.140.
 - C) Used, broken CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste, provided that they meet the requirements of Section 721.139.
 - D) Glass removed from CRTs is not a solid waste provided that it meets the requirements of Section 721.139(c).

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- 23) Hazardous secondary materials managed in land-based units. Hazardous secondary material generated and reclaimed within the United States or its territories and managed in land-based units, as defined in 35 Ill. Adm. Code 720.110, is not a solid waste if the following conditions are fulfilled with regard to the material:
- A) The material is contained;
 - B) The material is a hazardous secondary material generated and reclaimed under the control of the generator, as defined in 35 Ill. Adm. Code 720.110;
 - C) The material is not speculatively accumulated, as defined in Section 721.101(c)(8);
 - D) The material is not otherwise subject to material-specific management conditions under subsection (a) of this Section when reclaimed, it is not a spent lead acid battery (see 35 Ill. Adm. Code 726.180 and 733.102), and it does not meet either of the listing descriptions for K171 or K172 waste in Section 721.132;
 - E) The reclamation of the material is legitimate, as determined pursuant to 35 Ill. Adm. Code 720.143; and
 - F) In addition, a person claiming the exclusion under this subsection (a)(23) must provide notification of regulated waste activity, as required by 35 Ill. Adm. Code 720.142. (For hazardous secondary material managed in a non-land-based unit, see Section 721.102(a)(2)(B)).
- 24) Hazardous secondary materials transferred for off-site recycling. Hazardous secondary material that is generated and then transferred to another person for the purpose of reclamation is not a solid waste if the management of the material fulfills the conditions of subsections (a)(24)(A) through (a)(24)(G) of this Section:
- A) The hazardous secondary material must not be speculatively accumulated, as defined in Section 721.10).
 - B) No person or facility other than the hazardous secondary material generator, the transporter, an intermediate facility, or a reclaimer handles the material; the material must not be stored for more than 10 days at a transfer facility, as defined in Section 721.110; and the

1545 material must be packaged according to applicable USDOT
1546 regulations codified as 49 CFR 173, 178, and 179, incorporated by
1547 reference in 35 Ill. Adm. Code 720.111, while in transport.
1548

1549 C) The hazardous secondary material must not otherwise be subject to
1550 material-specific management conditions pursuant to other
1551 provisions of this subsection (a) when reclaimed; the material must
1552 not be a spent lead-acid battery (see 35 Ill. Adm. Code 726.180
1553 and 733.102); and the material must not fulfill either of the listing
1554 descriptions for K171 or K172 waste in Section 721.132.
1555

1556 D) The reclamation of the hazardous secondary material must be
1557 legitimate, as determined pursuant to 35 Ill. Adm. Code 720.143.
1558

1559 E) The hazardous secondary material generator must satisfy each of
1560 the following conditions:
1561

1562 i) The hazardous secondary material must be contained.
1563

1564 ii) This subsection (a)(24)(E)(ii) applies when non-RCRA
1565 management of hazardous secondary material will occur at
1566 a reclamation facility or transfer facility. For the purposes
1567 of this subsection (a)(24), "non-Subtitle C management" is
1568 management of the hazardous secondary material that is not
1569 addressed under a RCRA Part B permit or under the interim
1570 status facility standards (of 35 Ill. Adm. Code 725 or
1571 similar regulations authorized by USEPA as equivalent to
1572 40 CFR 265). Prior to arranging for transport of hazardous
1573 secondary materials to a reclamation facility where non-
1574 Subtitle C management will occur, the hazardous secondary
1575 material generator must make reasonable efforts to ensure
1576 that the reclaimer intends to properly and legitimately
1577 reclaim the hazardous secondary material and not discard
1578 it, and that the reclaimer will manage the hazardous
1579 secondary material in a manner that is protective of human
1580 health and the environment. If the hazardous secondary
1581 material will pass through an intermediate facility where
1582 non-RCRA management will occur, the hazardous
1583 secondary material generator must make contractual
1584 arrangements with the intermediate facility to ensure that
1585 the hazardous secondary material is sent to the reclamation
1586 facility identified by the hazardous secondary material
1587 generator, and the hazardous secondary material generator

1588 must perform reasonable efforts to ensure that the
1589 intermediate facility will manage the hazardous secondary
1590 material in a manner that is protective of human health and
1591 the environment. Reasonable efforts must be repeated at a
1592 minimum of once every three years for the hazardous
1593 secondary material generator to claim the exclusion of this
1594 subsection (a)(24) and to send the hazardous secondary
1595 materials to a reclaimer and any intermediate facility. In
1596 making these reasonable efforts, the generator may use any
1597 credible evidence available, including information gathered
1598 by the hazardous secondary material generator, provided by
1599 the reclaimer or intermediate facility, or provided by a third
1600 party. The hazardous secondary material generator must
1601 make the series of affirmative determinations set forth in
1602 subsection (a)(24)(H) of this Section for each reclamation
1603 facility and intermediate facility that will manage its waste.

1604
1605 BOARD NOTE: Corresponding 40 CFR
1606 261.4(a)(24)(v)(B) makes it clear that USEPA intends that
1607 the generator undertake this determination for each
1608 reclaimer that will manage its hazardous secondary
1609 material. The Board added a definition of "non-Subtitle C
1610 management" and substituted this term for the language
1611 "management of the hazardous secondary materials is not
1612 addressed under a RCRA Part B permit or interim status
1613 standards." Although the Board shifted the language for
1614 enhanced readability, the Board intends no shift in
1615 meaning. The Board moved the material from 40 CFR
1616 261.4(a)(24)(v)(B)(1) through (a)(24)(v)(B)(5) to appear as
1617 35 Ill. Adm. Code 721.104(a)(24)(H)(i) through
1618 (a)(24)(H)(v). This movement allowed compliance with
1619 codification requirements relating to the maximum
1620 permissible indent level.

- 1621
1622 iii) The hazardous secondary material generator must execute a
1623 certification statement that includes the following language,
1624 together with the printed name and official title of an
1625 authorized representative of the hazardous secondary
1626 material generator, the authorized representative's
1627 signature, and the date signed:

1628
1629 I hereby certify in good faith and to the best of my
1630 knowledge that, prior to arranging for transport of

1631 excluded hazardous secondary materials to [insert
1632 the name of each reclamation facility and any
1633 intermediate facility that will manage the materials],
1634 reasonable efforts were made in accordance with 35
1635 Ill. Adm. Code 721.104(a)(24)(E)(ii) (and
1636 corresponding 40 CFR 261.4(a)(24)(v)(B)) to
1637 ensure that the hazardous secondary materials
1638 would be recycled legitimately and would be
1639 otherwise managed in a manner that is protective of
1640 human health and the environment, and that such
1641 efforts were based on current and accurate
1642 information.

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1644 BOARD NOTE: Corresponding 40 CFR
1645 261.4(a)(24)(v)(C) combines the requirements for records
1646 retention and availability for inspection with the
1647 requirement for certification. The Board combined the
1648 certification requirements from 40 CFR 261.4(a)(24)(v)(C),
1649 (a)(24)(v)(C)(1), and (a)(24)(v)(C)(2) in this single
1650 subsection (a)(24)(E)(iii). This combination allowed
1651 compliance with codification requirements relating to the
1652 maximum permissible indent level. The Board moved the
1653 records retention and availability for inspection
1654 requirements to subsection (a)(24)(E)(iv) of this Section.
1655 This forced renumbering 40 CFR 261.4(a)(24)(v)(D) and
1656 (a)(24)(v)(E) as subsections (a)(24)(E)(v) and
1657 (a)(24)(E)(vi) of this Section. Although the Board shifted
1658 the language for enhanced readability, the Board intends no
1659 shift in meaning.

- 1660
1661 iv) The hazardous secondary material generator must maintain
1662 the following records for a minimum of three years:
1663 documentation and certification that the generator made
1664 reasonable efforts, prior to transferring hazardous
1665 secondary material, for each reclamation facility and, if
1666 applicable, intermediate facility where non-Subtitle C
1667 management of the hazardous secondary materials will
1668 occur. Documentation and certification must be made
1669 available, within 72 hours, or within any longer period of
1670 time specified by the Agency, upon request by the Agency.

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1672 BOARD NOTE: The Board moved the records retention
1673 and availability for inspection requirements of

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corresponding 40 CFR 261.4(a)(24)(v)(C) to this subsection (a)(24)(E)(iv).

- v) The hazardous secondary material generator must maintain certain records at the generating facility for a minimum of three years that document every off-site shipment of hazardous secondary materials. The documentation for each shipment must, at a minimum, include the following information about the shipment: the name of the transporter and date of the shipment; the name and address of each reclaimer and intermediate facility to which the hazardous secondary material was sent; and the type and quantity of hazardous secondary material in the shipment.

BOARD NOTE: The Board combined and moved the shipping documentation and records retention requirements of corresponding 40 CFR 261.4(a)(24)(v)(D) and (a)(24)(v)(D)(1) through (a)(24)(v)(D)(3) to this single subsection (a)(24)(E)(v). This combination allowed compliance with codification requirements relating to the maximum permissible indent level.

- vi) The hazardous secondary material generator must maintain at the generating facility, for a minimum of three years, for every off-site shipment of hazardous secondary materials, confirmations of receipt from each reclaimer and intermediate facility to which its hazardous secondary materials were sent. Each confirmation of receipt must include the name and address of the reclaimer (or intermediate facility), the type and quantity of the hazardous secondary materials received, and the date on which the facility received the hazardous secondary materials. The generator may satisfy this requirement using routine business records (e.g., financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt).

BOARD NOTE: The Board moved the shipment confirmation documentation and records retention requirements of corresponding 40 CFR 261.4(a)(24)(v)(E) to this subsection (a)(24)(E)(vi).

- 1716 F) The reclaimer of hazardous secondary material or any intermediate
1717 facility, as defined in 35 Ill. Adm. Code 720.110, that handles
1718 material that is excluded from regulation pursuant to this
1719 subsection (a)(24) must satisfy all of the following conditions:
1720
1721 i) The owner or operator of a reclamation or intermediate
1722 facility must maintain at its facility for a minimum of three
1723 years records of every shipment of hazardous secondary
1724 material that the facility received and, if applicable, for
1725 every shipment of hazardous secondary material that the
1726 facility received and subsequently sent off-site from the
1727 facility for further reclamation. For each shipment, these
1728 records must, at a minimum, contain the following
1729 information: the name of the transporter and date of the
1730 shipment; the name and address of the hazardous secondary
1731 material generator and, if applicable, the name and address
1732 of the reclaimer or intermediate facility from which the
1733 facility received the hazardous secondary materials; the
1734 type and quantity of hazardous secondary material in the
1735 shipment; and, for hazardous secondary materials that the
1736 facility subsequently transferred off-site for further
1737 reclamation after receiving it, the name and address of the
1738 (subsequent) reclaimer and any intermediate facility to
1739 which the facility sent the hazardous secondary material.
1740
1741 BOARD NOTE: The Board combined the provisions from
1742 40 CFR 261.4(a)(24)(vi)(A) and (a)(24)(vi)(A)(1) through
1743 (a)(24)(vi)(A)(3) that enumerate the required information
1744 into this single subsection (b)(24)(F)(i). This combination
1745 allowed compliance with codification requirements relating
1746 to the maximum permissible indent level.
1747
1748 ii) The intermediate facility must send the hazardous
1749 secondary material to the reclaimers designated by the
1750 generator of the hazardous secondary materials.
1751
1752 iii) The reclaimer or intermediate facility that receives a
1753 shipment of hazardous secondary material must send a
1754 confirmation of receipt to the hazardous secondary material
1755 generator for each off-site shipment of hazardous
1756 secondary materials. A confirmation of receipt must
1757 include the name and address of the reclaimer (or
1758 intermediate facility), the type and quantity of the

- 1759 hazardous secondary materials received, and the date on
1760 which the facility received the hazardous secondary
1761 materials. The reclaimer or intermediate facility may
1762 satisfy this requirement using routine business records (e.g.,
1763 financial records, bills of lading, copies of DOT shipping
1764 papers, or electronic confirmations of receipt).
- 1765
- 1766 iv) The reclaimer or intermediate facility must manage the
1767 hazardous secondary material in a manner that is at least as
1768 protective of human health and the environment as that
1769 employed for analogous raw material, and the material
1770 must be contained. An "analogous raw material" is a raw
1771 material for which the hazardous secondary material
1772 substitutes and that serves the same function and has
1773 similar physical and chemical properties as the hazardous
1774 secondary material.
- 1775
- 1776 v) A reclaimer of hazardous secondary materials must manage
1777 any residuals that are generated from its reclamation
1778 processes in a manner that is protective of human health
1779 and the environment. If any residuals of the reclamation
1780 process exhibit a characteristic of hazardous waste, as
1781 defined in Subpart C of this Part, or if the residuals
1782 themselves are specifically listed as hazardous waste in
1783 Subpart D of this Part, those residuals are hazardous waste.
1784 The reclaimer and any subsequent persons must manage
1785 that hazardous waste in accordance with the applicable
1786 requirements of 35 Ill. Adm. Code: Subtitle G or similar
1787 regulations authorized by USEPA as equivalent to 40 CFR
1788 260 through 272.
- 1789
- 1790 vi) The reclaimer and intermediate facility must have financial
1791 assurance that satisfies the requirements of Subpart H of
1792 this Part.
- 1793
- 1794 G) Any person claiming the exclusion for recycled hazardous
1795 secondary material pursuant to this subsection (a)(24) must provide
1796 notification as required by 35 Ill. Adm. Code 720.142.
- 1797
- 1798 H) For the purposes of subsection (a)(24)(E)(ii) of this Section, the
1799 hazardous secondary material generator must affirmatively
1800 determine that each of the following conditions is true for each

reclamation facility and any intermediate facility that will manage the generator's hazardous secondary material:

- i) Available information indicates that the reclamation process is legitimate recycling, as determined pursuant to 35 Ill. Adm. Code 720.143. In making this determination, the hazardous secondary material generator may rely on its existing knowledge of the physical and chemical properties of the hazardous secondary material, as well as on information from other sources (e.g., the reclamation facility, audit reports, etc.) about the reclamation process. (By making this determination, the hazardous secondary material generator has also satisfied the requirement in 35 Ill. Adm. Code 720.143(a) that the generator demonstrate that the recycling is legitimate).
- ii) Publicly available information indicates that each reclamation facility and any intermediate facility that is used by the hazardous secondary material generator has submitted the notification required by 35 Ill. Adm. Code 720.142, and these facilities have submitted the required proofs of financial assurance as required by the applicable of Section 721.243(a)(1), (b)(1), (c)(1), (d)(1), (e)(3), and (g) and notification of financial assurance pursuant to 35 Ill. Adm. Code 720.142(a)(5). In making this dual determination, the hazardous secondary material generator may rely on the available information documenting the reclamation facility's and any intermediate facility's compliance with the notification requirements pursuant to 35 Ill. Adm. Code 720.142, including the requirement in 35 Ill. Adm. Code 720.142(a)(5) to notify the Agency whether the reclaimer or intermediate facility has financial assurance.
- iii) Publicly available information indicates that each reclamation facility and any intermediate facility that is used by the hazardous secondary material generator has not had any formal enforcement actions taken against the facility within the previous three years for violations of the RCRA hazardous waste regulations, and the facility has not been classified as a significant non-complier (SNC) with RCRA Subtitle C requirements. In making this determination, the hazardous secondary material generator

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1844 may rely on the publicly available information from
 1845 USEPA, the Agency, or the Office of the Attorney General.
 1846 If the reclamation facility or any intermediate facility that is
 1847 used by the hazardous secondary material generator has had
 1848 a formal enforcement action taken against the facility
 1849 within the previous three years for violations of the RCRA
 1850 hazardous waste regulations, or if the facility has been
 1851 classified as a SNC with RCRA Subtitle C requirements,
 1852 the hazardous secondary material generator must have
 1853 credible evidence that the facility will manage the
 1854 hazardous secondary materials properly. In making this
 1855 determination, the hazardous secondary material generator
 1856 can obtain additional information from USEPA, the
 1857 Agency, the Office of the Attorney General, or the facility
 1858 itself that indicates the facility has addressed the violations,
 1859 taken remedial steps to address the violations and prevent
 1860 future violations, or that the violations are not relevant to
 1861 the proper management of the generator's hazardous
 1862 secondary materials.

1863
 1864 BOARD NOTE: USEPA or a state may make a formalized
 1865 determination that a facility is a SNC (pronounced "snick")
 1866 pursuant to USEPA's "Hazardous Waste Civil Enforcement
 1867 Response Policy" (most recent version: December 2003,
 1868 available from USEPA, Envirofacts Data Warehouse
 1869 (www.epa.gov/compliance/resources/policies/civil/rcra/finalerp1203.pdf).
 1870 USEPA operates the online RCRAInfo
 1871 database (www.epa.gov/enviro/html/rcris/) from which
 1872 interested persons can learn whether a facility has
 1873 significant federal enforcement action against it, or if it is a
 1874 SNC.

- 1875
 1876 iv) Available information indicates that the reclamation facility
 1877 and any intermediate facility used by the hazardous
 1878 secondary material generator have the equipment and
 1879 trained personnel to safely recycle the hazardous secondary
 1880 material. In making this determination, the generator may
 1881 rely on a description made by the reclamation facility or an
 1882 independent third party of the equipment and trained
 1883 personnel that the facility will use to manage and recycle
 1884 the generator's hazardous secondary material.
 1885

1886 v) If residuals are generated from the reclamation of the
1887 excluded hazardous secondary materials, the reclamation
1888 facility has the permits required (if any) to manage the
1889 residuals. If the reclamation facility does not have required
1890 permits, the facility has a contract with an appropriately
1891 permitted facility to dispose of the residuals. If the
1892 reclamation facility does not have required permits or a
1893 contract with a permitted facility, the hazardous secondary
1894 material generator has credible evidence that the residuals
1895 will be managed in a manner that is protective of human
1896 health and the environment. In making these
1897 determinations, the hazardous secondary material generator
1898 may rely on publicly available information from USEPA or
1899 the Agency, or on information provided by the facility
1900 itself.

1901
1902 BOARD NOTE: The Board moved 40 CFR 261.4(a)(24)(v)(B)(1)
1903 through (a)(24)(v)(B)(5) to appear as 35 Ill. Adm. Code
1904 721.104(a)(24)(H)(i) through (a)(24)(H)(v), which set forth the
1905 determinations mandated for the purposes of subsection
1906 (a)(24)(E)(ii). This movement allowed compliance with
1907 codification requirements relating to the maximum permissible
1908 indent level.

1909
1910 25) Hazardous secondary materials exported for recycling. Hazardous
1911 secondary material that is exported from the United States and reclaimed
1912 at a reclamation facility located in a foreign country is not a solid waste,
1913 so long as the hazardous secondary material generator complies with the
1914 applicable requirements of subsections (a)(24)(A) through (a)(24)(E) of
1915 this Section, except that the requirements of subsection (a)(24)(H)(ii) of
1916 this Section (requiring the use of publicly available information to verify
1917 that the facility has submitted required notifications) do not apply to
1918 foreign reclaimers and intermediate facilities, and the hazardous secondary
1919 material generator also complies with the following requirements:

1920
1921 A) The generator must notify the Agency and USEPA of an intended
1922 export before the hazardous secondary material is scheduled to
1923 leave the United States. The generator must submit a complete
1924 notification at least 60 days before the initial shipment is intended
1925 to be shipped off-site. This notification may cover export activities
1926 extending over a period up to 12 months in duration, but not
1927 longer. The notification must be in writing and signed by the

hazardous secondary material generator, and must include the following information:

- i) The name, mailing address, telephone number and USEPA identification number (if applicable) of the hazardous secondary material generator;
- ii) A description of the hazardous secondary material; the USEPA hazardous waste number that would apply were the hazardous secondary material to be managed as hazardous waste; and the USDOT proper shipping name, hazard class, and identification number (UN or NA number) for each hazardous secondary material, as identified in 49 CFR 171 through 173, each incorporated by reference in 35 Ill. Adm. Code 720.111;
- iii) The estimated frequency or rate at which the hazardous secondary material is to be exported, and the period of time over which the hazardous secondary material is to be exported;
- iv) The estimated total quantity of hazardous secondary material;
- v) All points of entry to and departure from each foreign country through which the hazardous secondary material will pass;
- vi) A description of the means by which each shipment of the hazardous secondary material will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), and the types of container (drums, boxes, tanks, etc.));
- vii) A description of the manner in which the hazardous secondary material will be reclaimed in the receiving country;
- viii) The name and address of each reclaimer, any intermediate facility, and any alternative reclaimer and intermediate facilities; and
- ix) The name of any transit countries through which the hazardous secondary material will be sent, together with a

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description of the approximate length of time the material will remain in each transit country and the nature of the handling of the material while in the country (for purposes of this Section, the meanings of the terms "Acknowledgement of Consent," "receiving country," and "transit country" are as defined in 35 Ill. Adm. Code 722.151, with the exception that the terms in this Section refer to hazardous secondary materials, rather than hazardous waste).

B) Submission of notification of intent to export hazardous secondary material. Whether delivered by mail or hand delivery, the following words must prominently appear on the front of the envelope: "Attention: Notification of Intent to Export."

i) A notification that is submitted by mail must be sent to the following mailing addresses:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division (Mail Code 2254A)
Environmental Protection Agency
1200 Pennsylvania Ave., NW.
Washington, DC 20460

Permits Section
Division of Land Pollution Control
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, Illinois 62794-9276

ii) A notification that is hand-delivered must be delivered to the following addresses:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division
Environmental Protection Agency
Ariel Rios Bldg., Room 6144
12th St. and Pennsylvania Ave., NW.
Washington, DC 20004

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Permits Section
Division of Land Pollution Control
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

- C) Except for a change in the telephone number submitted pursuant to subsection (a)(25)(A)(i) of this Section or a decrease in the quantity of hazardous secondary material indicated pursuant to subsection (a)(25)(A)(iv) of this Section, when the conditions specified on the original notification change (including any exceedance of the estimate of the quantity of hazardous secondary material specified in the original notification), the hazardous secondary material generator must provide the Agency and USEPA with a written re-notification of the change. The shipment cannot take place until consent of the receiving country to the changes (except for changes to subsection (a)(25)(A)(ix) of this Section and in the ports of entry to and departure from transit countries pursuant to subsection (a)(25)(A)(v) of this Section) has been obtained and the hazardous secondary material generator receives from USEPA an Acknowledgment of Consent reflecting the receiving country's consent to the changes.

- D) Upon request from the Agency or USEPA, the hazardous secondary material generator must furnish to the Agency and USEPA any additional information that a receiving country requests in order to respond to a notification.

- E) USEPA has stated in corresponding 40 CFR 261.4(a)(25)(v) that it will provide a complete notification to the receiving country and any transit countries. A notification is complete when USEPA determines that the notification satisfies the requirements of subsection (a)(25)(A) of this Section. When a claim of confidentiality is asserted with respect to any notification information required by subsection (a)(25)(A) of this Section, USEPA has stated in corresponding 40 CFR 261.4(a)(25)(v) that it may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.

- F) The export of hazardous secondary material pursuant to this subsection (a)(25) is prohibited, unless the receiving country consents to the intended export. When the receiving country consents in writing to the receipt of the hazardous secondary

- 2057 material, USEPA has stated in corresponding 40 CFR
 2058 261.4(a)(25)(vi) that it will send an Acknowledgment of Consent
 2059 to the hazardous secondary material generator. When the receiving
 2060 country objects to receipt of the hazardous secondary material or
 2061 withdraws a prior consent, USEPA has stated that it will notify the
 2062 hazardous secondary material generator in writing. USEPA has
 2063 stated that it will also notify the hazardous secondary material
 2064 generator of any responses from transit countries.
- 2065
- 2066 G) For exports to OECD Member countries, the receiving country
 2067 may respond to the notification using tacit consent. If no objection
 2068 has been lodged by any receiving country or transit countries to a
 2069 notification provided pursuant to subsection (a)(25)(A) of this
 2070 Section within 30 days after the date of issuance of the
 2071 acknowledgement of receipt of notification by the competent
 2072 authority of the receiving country, the trans-boundary movement
 2073 may commence. In such cases, USEPA has stated in
 2074 corresponding 40 CFR 261.4(a)(25)(vii) that it will send an
 2075 Acknowledgment of Consent to inform the hazardous secondary
 2076 material generator that the receiving country and any relevant
 2077 transit countries have not objected to the shipment, and are thus
 2078 presumed to have consented tacitly. Tacit consent expires one
 2079 calendar year after the close of the 30-day period; re-notification
 2080 and renewal of all consents is required for exports after that date.
- 2081
- 2082 H) A copy of the Acknowledgment of Consent must accompany the
 2083 shipment. The shipment must conform to the terms of the
 2084 Acknowledgment of Consent.
- 2085
- 2086 I) If a shipment cannot be delivered for any reason to the reclaimer,
 2087 intermediate facility or the alternate reclaimer or alternate
 2088 intermediate facility, the hazardous secondary material generator
 2089 must re-notify the Agency and USEPA of a change in the
 2090 conditions of the original notification to allow shipment to a new
 2091 reclaimer in accordance with subsection (a)(25)(C) of this Section
 2092 and obtain another Acknowledgment of Consent.
- 2093
- 2094 J) The hazardous secondary material generator must keep a copy of
 2095 each notification of intent to export and each Acknowledgment of
 2096 Consent for a period of three years following receipt of the
 2097 Acknowledgment of Consent.
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- K) Annual reporting of hazardous secondary material exports. A hazardous secondary material generator must file with the Agency and USEPA, no later than March 1 of each year, a report that summarizes the types, quantities, frequency, and ultimate destinations of all hazardous secondary materials exported during the previous calendar year. Annual reports must be sent to the addresses listed in subsection (a)(25)(B) of this Section (for mail or hand delivery, as appropriate) for submission notification of intent to export hazardous secondary material. The annual reports must include the following information:
- i) The name, mailing and site addresses, and USEPA identification number (if applicable) of the hazardous secondary material generator;
 - ii) The calendar year covered by the report;
 - iii) The name and site address of each reclaimer and intermediate facility that received exported hazardous secondary material from the generator;
 - iv) By reclaimer and intermediate facility, for each hazardous secondary material exported, a description of the hazardous secondary material and the USEPA hazardous waste number that would apply were the hazardous secondary material to be managed as hazardous waste; the USDOT hazard class for the material, as determined pursuant to 49 CFR 171 through 173, each incorporated by reference in 35 Ill. Adm. Code 720.111; the name and USEPA identification number (when applicable) for each transporter used; the total amount of hazardous secondary material shipped; and the number of shipments pursuant to each notification;
 - v) A certification signed by the hazardous secondary material generator that states as follows:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted

2142 information is true, accurate, and complete. I am
2143 aware that there are significant penalties for
2144 submitting false information, including the
2145 possibility of fine and imprisonment.
2146

2147 L) Any person that claims an exclusion under this subsection (a)(25)
2148 must provide notification as required by 35 Ill. Adm. Code
2149 720.142.
2150

2151 b) Solid wastes that are not hazardous wastes. The following solid wastes are not
2152 hazardous wastes:
2153

2154 1) Household waste, including household waste that has been collected,
2155 transported, stored, treated, disposed of, recovered (e.g., refuse-derived
2156 fuel), or reused. "Household waste" means any waste material (including
2157 garbage, trash, and sanitary wastes in septic tanks) derived from
2158 households (including single and multiple residences, hotels, and motels,
2159 bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds,
2160 and day-use recreation areas). A resource recovery facility managing
2161 municipal solid waste must not be deemed to be treating, storing,
2162 disposing of, or otherwise managing hazardous wastes for the purposes of
2163 regulation under this Part, if the following describe the facility:
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2165 A) The facility receives and burns only the following waste:
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- 2167 i) Household waste (from single and multiple dwellings,
2168 hotels, motels, and other residential sources); or
2169
2170 ii) Solid waste from commercial or industrial sources that does
2171 not contain hazardous waste; and
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2173 B) The facility does not accept hazardous waste and the owner or
2174 operator of such facility has established contractual requirements
2175 or other appropriate notification or inspection procedures to assure
2176 that hazardous wastes are not received at or burned in such facility.
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2178 BOARD NOTE: The U.S. Supreme Court determined, in City of
2179 Chicago v. Environmental Defense Fund, Inc., 511 U.S. 328, 114
2180 S. Ct. 1588, 128 L. Ed. 2d 302 (1994), that this exclusion and
2181 RCRA section 3001(i) (42 USC 6921(i)) do not exclude the ash
2182 from facilities covered by this subsection (b)(1) from regulation as
2183 a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), USEPA
2184 granted facilities managing ash from such facilities that is

2185 determined a hazardous waste under Subpart C of this Part until
2186 December 7, 1994 to file a Part A permit application pursuant to
2187 35 Ill. Adm. Code 703.181. At 60 Fed. Reg. 6666 (Feb. 3, 1995),
2188 USEPA stated that it interpreted that the point at which ash
2189 becomes subject to RCRA Subtitle C regulation is when that
2190 material leaves the combustion building (including connected air
2191 pollution control equipment).

- 2192
- 2193 2) Solid wastes generated by any of the following that are returned to the soil
2194 as fertilizers:
- 2195
- 2196 A) The growing and harvesting of agricultural crops, or
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2198 B) The raising of animals, including animal manures.
2199
- 2200 3) Mining overburden returned to the mine site.
2201
- 2202 4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control
2203 waste generated primarily from the combustion of coal or other fossil
2204 fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that
2205 burn or process hazardous waste.
2206
- 2207 5) Drilling fluids, produced waters, and other wastes associated with the
2208 exploration, development, or production of crude oil, natural gas, or
2209 geothermal energy.
2210
- 2211 6) Chromium wastes.
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- 2213 A) Wastes that fail the test for the toxicity characteristic (Section
2214 721.124 and Appendix B to this Part) because chromium is present
2215 or which are listed in Subpart D of this Part due to the presence of
2216 chromium, that do not fail the test for the toxicity characteristic for
2217 any other constituent or which are not listed due to the presence of
2218 any other constituent, and that do not fail the test for any other
2219 characteristic, if the waste generator shows the following:
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- 2221 i) The chromium in the waste is exclusively (or nearly
2222 exclusively) trivalent chromium;
- 2223
- 2224 ii) The waste is generated from an industrial process that uses
2225 trivalent chromium exclusively (or nearly exclusively) and
2226 the process does not generate hexavalent chromium; and
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- iii) The waste is typically and frequently managed in non-oxidizing environments.

 - B) The following are specific wastes that meet the standard in subsection (b)(6)(A) of this Section (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic):
 - i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

 - ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

 - iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue;

 - iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

 - v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

 - vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and through-the-blue;

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- viii) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
 - ix) Slag tailings from primary copper processing;
 - x) Fluorogypsum from hydrofluoric acid production;
 - xi) Process wastewater from hydrofluoric acid production;
 - xii) Air pollution control dust or sludge from iron blast furnaces;
 - xiii) Iron blast furnace slag;
 - xiv) Treated residue from roasting and leaching of chrome ore;
 - xv) Process wastewater from primary magnesium processing by the anhydrous process;
 - xvi) Process wastewater from phosphoric acid production;
 - xvii) Basic oxygen furnace and open hearth furnace air pollution control dust or sludge from carbon steel production;
 - xviii) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
 - xix) Chloride processing waste solids from titanium tetrachloride production; and
 - xx) Slag from primary zinc production.
- C) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials or with normal mineral processing raw materials remains excluded under this subsection (b) if the following conditions are fulfilled:
- i) The owner or operator processes at least 50 percent by weight normal beneficiation raw materials or normal mineral processing raw materials; and
 - ii) The owner or operator legitimately reclaims the secondary

- 2357 mineral processing materials.
2358
2359 8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212
2360 for facilities that burn or process hazardous waste.
2361
2362 9) Solid waste that consists of discarded arsenical-treated wood or wood
2363 products that fails the test for the toxicity characteristic for hazardous
2364 waste codes D004 through D017 and which is not a hazardous waste for
2365 any other reason if the waste is generated by persons that utilize the
2366 arsenical-treated wood and wood products for these materials' intended
2367 end use.
2368
2369 10) Petroleum-contaminated media and debris that fail the test for the toxicity
2370 characteristic of Section 721.124 (hazardous waste codes D018 through
2371 D043 only) and which are subject to corrective action regulations under 35
2372 Ill. Adm. Code 731.
2373
2374 11) This subsection (b)(11) corresponds with 40 CFR 261.4(b)(11), which
2375 expired by its own terms on January 25, 1993. This statement maintains
2376 structural parity with USEPA regulations.
2377
2378 12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer
2379 equipment, including mobile air conditioning systems, mobile
2380 refrigeration, and commercial and industrial air conditioning and
2381 refrigeration systems, that use chlorofluorocarbons as the heat transfer
2382 fluid in a refrigeration cycle, provided the refrigerant is reclaimed for
2383 further use.
2384
2385 13) Non-terne plated used oil filters that are not mixed with wastes listed in
2386 Subpart D of this Part, if these oil filters have been gravity hot-drained
2387 using one of the following methods:
2388
2389 A) Puncturing the filter anti-drain back valve or the filter dome end
2390 and hot-draining;
2391
2392 B) Hot-draining and crushing;
2393
2394 C) Dismantling and hot-draining; or
2395
2396 D) Any other equivalent hot-draining method that will remove used
2397 oil.
2398
2399 14) Used oil re-refining distillation bottoms that are used as feedstock to

2400 manufacture asphalt products.

2401
2402 15) Leachate or gas condensate collected from landfills where certain solid
2403 wastes have been disposed of, under the following circumstances:

2404
2405 A) The following conditions must be fulfilled:

2406
2407 i) The solid wastes disposed of would meet one or more of
2408 the listing descriptions for the following USEPA hazardous
2409 waste numbers that are generated after the effective date
2410 listed for the waste:

USEPA Hazardous Waste Numbers	Listing Effective Date
K169, K170, K171, and K172	February 8, 1999
K174 and K175	May 7, 2001
K176, K177, and K178	May 20, 2002
K181	August 23, 2005

2412
2413 ii) The solid wastes described in subsection (b)(15)(A)(i) of
2414 this Section were disposed of prior to the effective date of
2415 the listing (as set forth in that subsection);

2416
2417 iii) The leachate or gas condensate does not exhibit any
2418 characteristic of hazardous waste nor is derived from any
2419 other listed hazardous waste; and

2420
2421 iv) Discharge of the leachate or gas condensate, including
2422 leachate or gas condensate transferred from the landfill to a
2423 POTW by truck, rail, or dedicated pipe, is subject to
2424 regulation under section 307(b) or 402 of the federal Clean
2425 Water Act.

2426
2427 B) Leachate or gas condensate derived from K169, K170, K171,
2428 K172, K176, K177, or K178 waste will no longer be exempt if it is
2429 stored or managed in a surface impoundment prior to discharge.
2430 After February 26, 2007, leachate or gas condensate derived from
2431 K181 waste will no longer be exempt if it is stored or managed in a
2432 surface impoundment prior to discharge. There is one exception:
2433 if the surface impoundment is used to temporarily store leachate or
2434 gas condensate in response to an emergency situation (e.g.,

shutdown of wastewater treatment system), provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of this subsection (b)(15) after the emergency ends.

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

sample may be necessary).

2) In order to qualify for the exemption in subsection (d)(1)(A) or (d)(1)(B) of this Section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must do the following:

A) Comply with U.S. Department of Transportation (USDOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or

B) Comply with the following requirements if the sample collector determines that USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample:

i) Assure that the following information accompanies the sample: The sample collector's name, mailing address, and telephone number; the laboratory's name, mailing address, and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample; and

ii) Package the sample so that it does not leak, spill, or vaporize from its packaging.

3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1) of this Section.

e) Treatability study samples.

1) Except as is provided in subsection (e)(2) of this Section, a person that generates or collects samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:

A) The sample is being collected and prepared for transportation by the generator or sample collector;

B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or

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- C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.
- 2) The exemption in subsection (e)(1) of this Section is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that the following conditions are fulfilled:
 - A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1,000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2,500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated waste stream;
 - B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of hazardous waste, and 1 kg of acute hazardous waste;
 - C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements of subsection (e)(2)(C)(i) or (e)(2)(C)(ii) of this Section are met.
 - i) The transportation of each sample shipment complies with ~~U.S. Department of Transportation (USDOT), U.S. Postal Service (USPS),~~ or any other applicable shipping requirements; or
 - ii) If the USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number;
 - D) The sample is shipped to a laboratory or testing facility that is exempt under subsection (f) of this Section, or has an appropriate

RCRA permit or interim status;

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E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

- i) Copies of the shipping documents;
- ii) A copy of the contract with the facility conducting the treatability study; and
- iii) Documentation showing the following: The amount of waste shipped under this exemption; the name, address, and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and whether or not unused samples and residues were returned to the generator; and

F) The generator reports the information required in subsection (e)(2)(E)(iii) of this Section in its report under 35 Ill. Adm. Code 722.141.

3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsections (e)(2)(A), (e)(2)(B), and (f)(4) of this Section, for up to an additional 5,000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste under the circumstances set forth in either subsection (e)(3)(A) or (e)(3)(B) of this Section, subject to the limitations of subsection (e)(3)(C) of this Section:

A) In response to requests for authorization to ship, store, and conduct further treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.

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- B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies when the following occurs: There has been an equipment or mechanical failure during the conduct of the treatability study, there is need to verify the results of a previously-conducted treatability study, there is a need to study and analyze alternative techniques within a previously-evaluated treatment process, or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

- C) The additional quantities allowed and timeframes allowed in subsections (e)(3)(A) and (e)(3)(B) of this Section are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F) of this Section. The generator or sample collector must apply to the Agency and provide in writing the following information:
 - i) The reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;

 - ii) Documentation accounting for all samples of hazardous waste from the waste stream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

 - iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;

 - iv) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and

 - v) Such other information as the Agency determines is necessary.

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- 4) Final Agency determinations pursuant to this subsection (e) may be appealed to the Board.

 - f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 722 through 726, and 728 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11) of this Section are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11) of this Section. Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) of this Section apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.
 - 1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection (f).
 - 2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.
 - 3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.
 - 4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including non-hazardous solid waste) added to "as received" hazardous waste.
 - 5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or

- 2693 testing facility, whichever date first occurs. Up to 500 kg of treated
 2694 material from a particular waste stream from treatability studies may be
 2695 archived for future evaluation up to five years from the date of initial
 2696 receipt. Quantities of materials archived are counted against the total
 2697 storage limit for the facility.
 2698
- 2699 6) The treatability study does not involve the placement of hazardous waste
 2700 on the land or open burning of hazardous waste.
 2701
- 2702 7) The facility maintains records for three years following completion of
 2703 each study that show compliance with the treatment rate limits and the
 2704 storage time and quantity limits. The following specific information must
 2705 be included for each treatability study conducted:
 2706
- 2707 A) The name, address, and USEPA identification number of the
 2708 generator or sample collector of each waste sample;
 2709
- 2710 B) The date the shipment was received;
 2711
- 2712 C) The quantity of waste accepted;
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- 2714 D) The quantity of "as received" waste in storage each day;
 2715
- 2716 E) The date the treatment study was initiated and the amount of "as
 2717 received" waste introduced to treatment each day;
 2718
- 2719 F) The date the treatability study was concluded;
 2720
- 2721 G) The date any unused sample or residues generated from the
 2722 treatability study were returned to the generator or sample collector
 2723 or, if sent to a designated facility, the name of the facility and the
 2724 USEPA identification number.
 2725
- 2726 8) The facility keeps, on-site, a copy of the treatability study contract and all
 2727 shipping papers associated with the transport of treatability study samples
 2728 to and from the facility for a period ending three years from the
 2729 completion date of each treatability study.
 2730
- 2731 9) The facility prepares and submits a report to the Agency, by March 15 of
 2732 each year, that includes the following information for the previous
 2733 calendar year:
 2734
- 2735 A) The name, address, and USEPA identification number of the

- 2736 facility conducting the treatability studies;
2737
2738 B) The types (by process) of treatability studies conducted;
2739
2740 C) The names and addresses of persons for whom studies have been
2741 conducted (including their USEPA identification numbers);
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2743 D) The total quantity of waste in storage each day;
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2745 E) The quantity and types of waste subjected to treatability studies;
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2747 F) When each treatability study was conducted; and
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2749 G) The final disposition of residues and unused sample from each
2750 treatability study.
2751
2752 10) The facility determines whether any unused sample or residues generated
2753 by the treatability study are hazardous waste under Section 721.103 and, if
2754 so, are subject to 35 Ill. Adm. Code 702, 703, and 721 through 728, unless
2755 the residues and unused samples are returned to the sample originator
2756 under the exemption of subsection (e) of this Section.
2757
2758 11) The facility notifies the Agency by letter when the facility is no longer
2759 planning to conduct any treatability studies at the site.
2760
2761 g) Dredged material that is not a hazardous waste. Dredged material that is subject
2762 to the requirements of a permit that has been issued under section 404 of the
2763 Federal Water Pollution Control Act (33 USC 1344) is not a hazardous waste.
2764 For the purposes of this subsection (g), the following definitions apply:
2765
2766 "Dredged material" has the meaning ascribed it in 40 CFR 232.2
2767 (Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
2768
2769 "Permit" means any of the following:
2770
2771 A permit issued by the U.S. Army Corps of Engineers (Army
2772 Corps) under section 404 of the Federal Water Pollution Control
2773 Act (33 USC 1344);
2774
2775 A permit issued by the Army Corps under section 103 of the
2776 Marine Protection, Research, and Sanctuaries Act of 1972 (33
2777 USC 1413); or
2778

In the case of Army Corps civil works projects, the administrative equivalent of the permits referred to in the preceding two paragraphs of this definition, as provided for in Army Corps regulations (for example, see 33 CFR 336.1, 336.2, and 337.6).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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

- a) A generator is a conditionally exempt small quantity generator (CESQG) in a calendar month if it generates no more than 100 kilograms of hazardous waste in that month.
- b) Except for those wastes identified in subsections (e), (f), (g), and (j) of this Section, a CESQG's~~conditionally exempt small quantity generator's~~ hazardous wastes are not subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728, and the notification requirements of section 3010 of Resource Conservation and Recovery Act, provided the generator complies with subsections (f), (g), and (j) of this Section.
- c) When making the quantity determinations of this Part and 35 Ill. Adm. Code 722, the generator must include all hazardous waste that it generates, except the following hazardous waste:
 - 1) Hazardous waste that is exempt from regulation under Section 721.104(c) through (f), 721.106(a)(3), 721.107(a)(1), or 721.108;
 - 2) Hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;
 - 3) Hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under Section 721.106(c)(2);
 - 4) Hazardous waste that is used oil managed pursuant to Section 721.106(a)(4) and 35 Ill. Adm. Code 739;
 - 5) Hazardous waste that is spent lead-acid batteries managed pursuant to Subpart G of 35 Ill. Adm. Code 726;~~and~~
 - 6) Hazardous waste that is universal waste managed pursuant to Section

2822 721.109 and 35 Ill. Adm. Code 733; and-

2823

2824 7) Hazardous waste that is an unused commercial chemical product (that is
2825 listed in Subpart D of 35 Ill. Adm. Code 721 or that exhibits one or more
2826 characteristics in Subpart C of 35 Ill. Adm. Code 721) that is generated
2827 solely as a result of a laboratory clean-out conducted at an eligible
2828 academic entity pursuant to Section 722.313. For purposes of this
2829 subsection (c)(7), the term "eligible academic entity" has the meaning
2830 given that term in 35 Ill. Adm. Code 722.300.

2831

2832 d) In determining the quantity of hazardous waste it generates, a generator need not
2833 include the following:

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- 2835 1) Hazardous waste when it is removed from on-site storage;
- 2836
- 2837 2) Hazardous waste produced by on-site treatment (including reclamation) of
- 2838 its hazardous waste so long as the hazardous waste that is treated was
- 2839 counted once;
- 2840
- 2841 3) Spent materials that are generated, reclaimed, and subsequently reused on-
- 2842 site, so long as such spent materials have been counted once.
- 2843

2844

2845 e) If a generator generates acute hazardous waste in a calendar month in quantities
2846 greater than those set forth in subsections (e)(1) and (e)(2) of this Section, all
2847 quantities of that acute hazardous waste are subject to full regulation under 35 Ill.
2848 Adm. Code 702, 703, and 722 through 728, and the notification requirements of
2849 section 3010 of the Resource Conservation and Recovery Act.

2850

- 2851 1) A total of one kilogram of one or more of the acute hazardous wastes
- 2852 listed in Section 721.131, 721.132, or 721.133(e); or
- 2853
- 2854 2) A total of 100 kilograms of any residue or contaminated soil, waste, or
- 2855 other debris resulting from the clean-up of a spill, into or on any land or
- 2856 water, of any one or more of the acute hazardous wastes listed in Section
- 2857 721.131, 721.132, or 721.133(e).

2858

2859 BOARD NOTE: "Full regulation" means those regulations applicable to
2860 generators of greater than 1,000 kg of non-acute hazardous waste in a calendar
2861 month.

2862

2863 f) In order for acute hazardous wastes generated by a generator of acute hazardous
2864 wastes in quantities equal to or less than those set forth in subsection (e)(1) or
(e)(2) of this Section to be excluded from full regulation under this Section, the

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generator must comply with the following requirements:

- 1) 35 Ill. Adm. Code 722.111.
- 2) The generator may accumulate acute hazardous waste on-site. If the generator accumulates at any time acute hazardous wastes in quantities greater than set forth in subsection (e)(1) or (e)(2) of this Section, all of those accumulated wastes are subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728, and the applicable notification requirements of section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(a), for accumulation of wastes on-site, begins when the accumulated wastes exceed the applicable exclusion limit.
- 3) A ~~CESQ~~ ~~conditionally exempt small quantity generator~~ may either treat or dispose of its acute hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, any of which, if located in the United States, meets any of the following conditions:
 - A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;
 - B) The facility has interim status under 35 Ill. Adm. Code 702, 703, and 725;
 - C) The facility is authorized to manage hazardous waste by a state with a hazardous waste management program approved by USEPA pursuant to 40 CFR 271;
 - D) The facility is permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill facility, the landfill is subject to 35 Ill. Adm. Code 810 through 814 or federal 40 CFR 258;
 - E) The facility is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, the unit is subject to federal 40 CFR 257.5 through 257.30;

BOARD NOTE: The Illinois non-hazardous waste landfill regulations, 35 Ill. Adm. Code 810 through 814, do not allow the disposal of hazardous waste in a landfill regulated under those rules. The Board intends that subsections (f)(3)(D) and (f)(3)(E) of this Section impose a federal requirement on the hazardous waste

generator. The Board specifically does not intend that these subsections authorize any disposal of conditionally-exempt small quantity generator waste in a landfill not specifically permitted to accept the particular hazardous waste.

F) The facility is one that fulfills one of the following conditions:

i) It beneficially uses or reuses or legitimately recycles or reclaims its waste; or

ii) It treats its waste prior to beneficial use or reuse or legitimate recycling or reclamation; or

G) For universal waste managed under 35 Ill. Adm. Code 733 or federal 40 CFR 273, the facility is a universal waste handler or destination facility subject to 35 Ill. Adm. Code 733 or federal 40 CFR 273.

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

1) 35 Ill. Adm. Code 722.111;

2) The CESQ~~conditionally exempt small quantity generator~~ may accumulate hazardous waste on-site. If it accumulates at any time more than a total of 1,000 kilograms of the generator's hazardous waste, all of those accumulated wastes are subject to regulation pursuant to the special provisions of 35 Ill. Adm. Code 722 applicable to generators of between 100 kg and 1,000 kg of hazardous waste in a calendar month, as well as 35 Ill. Adm. Code 702, 703, and 723 through 728, and the applicable notification requirements of Section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(d) for accumulation of wastes on-site begins for a small quantity generator when the accumulated wastes exceed 1,000 kilograms;

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

A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;

- 2951
- 2952 B) The facility has interim status under 35 Ill. Adm. Code 702, 703,
- 2953 and 725;
- 2954
- 2955 C) The facility is authorized to manage hazardous waste by a state
- 2956 with a hazardous waste management program approved by USEPA
- 2957 pursuant to 40 CFR 271;
- 2958
- 2959 D) The facility is permitted, licensed, or registered by a state to
- 2960 manage municipal solid waste and, if managed in a municipal solid
- 2961 waste landfill facility, the landfill is subject to 35 Ill. Adm. Code
- 2962 810 through 814 or federal 40 CFR 258;
- 2963
- 2964 E) The facility is permitted, licensed, or registered by a state to
- 2965 manage non-municipal non-hazardous waste and, if managed in a
- 2966 non-municipal non-hazardous waste disposal unit, the unit is
- 2967 subject to federal 40 CFR 257.5 through 257.30;
- 2968

2969 BOARD NOTE: The Illinois non-hazardous waste landfill
2970 regulations, 35 Ill. Adm. Code 810 through 814, do not allow the
2971 disposal of hazardous waste in a landfill regulated under those
2972 rules. The Board intends that subsections (g)(3)(D) and (g)(3)(E)
2973 of this Section impose a federal requirement on the hazardous
2974 waste generator. The Board specifically does not intend that these
2975 subsections authorize any disposal of conditionally-exempt small
2976 quantity generator waste in a landfill not specifically permitted to
2977 accept the particular hazardous waste.

- 2978
- 2979 F) The facility is one that fulfills the following conditions:
- 2980
- 2981 i) It beneficially uses or re-uses, or legitimately recycles or
- 2982 reclaims the small quantity generator's waste; or
- 2983
- 2984 ii) It treats its waste prior to beneficial use or re-use or
- 2985 legitimate recycling or reclamation; or
- 2986
- 2987 G) For universal waste managed under 35 Ill. Adm. Code 733 or
- 2988 federal 40 CFR 273, the facility is a universal waste handler or
- 2989 destination facility subject to 35 Ill. Adm. Code 733 or federal 40
- 2990 CFR 273.
- 2991

- 2992 h) Hazardous waste subject to the reduced requirements of this Section may be
- 2993 mixed with non-hazardous waste and remain subject to these reduced

2994 requirements even though the resultant mixture exceeds the quantity limitations
2995 identified in this Section, unless the mixture meets any of the characteristics of
2996 hazardous wastes identified in Subpart C of this Part.

2997
2998 i) If a small quantity generator mixes a solid waste with a hazardous waste that
2999 exceeds a quantity exclusion level of this Section, the mixture is subject to full
3000 regulation.

3001
3002 j) If a ~~CESQG's conditionally exempt small quantity generator's~~ hazardous wastes
3003 are mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 739. Any
3004 material produced from such a mixture by processing, blending, or other
3005 treatment is also so regulated.

3006
3007 (Source: Amended at 34 Ill. Reg. _____, effective _____)
3008

3009 **SUBPART D: LISTS OF HAZARDOUS WASTE**

3010
3011 **Section 721.133 Discarded Commercial Chemical Products, Off-Specification Species,**
3012 **Container Residues, and Spill Residues Thereof**

3013
3014 The following materials or items are hazardous wastes if and when they are discarded or
3015 intended to be discarded, as described in Section 721.102(a)(2)(A); when they are mixed with
3016 waste oil or used oil or other material and applied to the land for dust suppression or road
3017 treatment; when they are otherwise applied to the land in lieu of their original intended use or
3018 when they are contained in products that are applied to land in lieu of their original intended use;
3019 or when, in lieu of their original intended use, they are produced for use as (or as a component
3020 of) a fuel, distributed for use as a fuel, or burned as a fuel.

3021
3022 a) Any commercial chemical product or manufacturing chemical intermediate
3023 having the generic name listed in subsection (e) or (f) of this Section.

3024
3025 b) Any off-specification commercial chemical product or manufacturing chemical
3026 intermediate that, if it met specifications, would have the generic name listed in
3027 subsection (e) or (f) of this Section.

3028
3029 c) Any residue remaining in a container or inner liner removed from a container that
3030 has held any commercial chemical product or manufacturing chemical
3031 intermediate having the generic name listed in subsection (e) or (f) of this Section,
3032 unless the container is empty, as defined in Section 721.107(b)(3).

3033
3034 **BOARD NOTE:** Unless the residue is being beneficially used or reused;
3035 legitimately recycled or reclaimed; or accumulated, stored, transported, or treated
3036 prior to such use, reuse, recycling, or reclamation, the Board considers the residue

3037 to be intended for discard, and thus a hazardous waste. An example of a
 3038 legitimate reuse of the residue would be where the residue remains in the
 3039 container and the container is used to hold the same commercial chemical product
 3040 or manufacturing chemical intermediate it previously held. An example of the
 3041 discard of the residue would be where the drum is sent to a drum reconditioner
 3042 that reconditions the drum but discards the residue.

3043
 3044 d) Any residue or contaminated soil, water, or other debris resulting from the
 3045 cleanup of a spill into or on any land or water of any commercial chemical
 3046 product or manufacturing chemical intermediate having the generic name listed in
 3047 subsection (e) or (f) of this Section or any residue or contaminated soil, water, or
 3048 other debris resulting from the cleanup of a spill into or on any land or water of
 3049 any off-specification chemical product or manufacturing chemical intermediate
 3050 that, if it met specifications, would have the generic name listed in subsection (e)
 3051 or (f) of this Section.

3052
 3053 BOARD NOTE: The phrase "commercial chemical product or manufacturing
 3054 chemical intermediate having the generic name listed in..." refers to a chemical
 3055 substance that is manufactured or formulated for commercial or manufacturing
 3056 use that consists of the commercially pure grade of the chemical, any technical
 3057 grades of the chemical that are produced or marketed, and all formulations in
 3058 which the chemical is the sole active ingredient. It does not refer to a material,
 3059 such as a manufacturing process waste, that contains any of the substances listed
 3060 in subsection (e) or (f) of this Section. Where a manufacturing process waste is
 3061 deemed to be a hazardous waste because it contains a substance listed in
 3062 subsection (e) or (f) of this Section, such waste will be listed in either Sections
 3063 721.131 or 721.132 or will be identified as a hazardous waste by the
 3064 characteristics set forth in Subpart C of this Part.

3065
 3066 e) The commercial chemical products, manufacturing chemical intermediates, or off-
 3067 specification commercial chemical products or manufacturing chemical
 3068 intermediates referred to in subsections (a) through (d) of this Section are
 3069 identified as acute hazardous waste (H) and are subject to the small quantity
 3070 exclusion defined in Section 721.105(e). These wastes and their corresponding
 3071 USEPA hazardous waste numbers are the following:

3072
 3073 BOARD NOTE: For the convenience of the regulated community, the primary
 3074 hazardous properties of these materials have been indicated by the letters T
 3075 (Toxicity), and R (Reactivity). The absence of a letter indicates that the
 3076 compound is only listed for acute toxicity. Wastes are first listed in alphabetical
 3077 order by substance and then listed again in numerical order by USEPA hazardous
 3078 waste number.

3079

3080
3081

Alphabetical Listing

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	<u>Hazard Code</u>
P023	107-20-0	Acetaldehyde, chloro-	
P002	591-08-2	Acetamide, N-(aminothioxomethyl)	
P057	640-19-7	Acetamide, 2-fluoro-	
P058	62-74-8	Acetic acid, fluoro-, sodium salt	
P002	591-08-2	1-Acetyl-2-thiourea	
P003	107-02-8	Acrolein	
P070	116-06-3	Aldicarb	
P203	1646-88-4	Aldicarb sulfone	
P004	309-00-2	Aldrin	
P005	107-18-6	Allyl alcohol	
P006	20859-73-8	Aluminum phosphide (R,T)	(R, T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol	
P008	504-24-5	4-Aminopyridine	
P009	131-74-8	Ammonium picrate (R)	(R)
P119	7803-55-6	Ammonium vanadate	
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium	
P010	7778-39-4	Arsenic acid H ₃ AsO ₄	
P012	1327-53-3	Arsenic oxide As ₂ O ₃	
P011	1303-28-2	Arsenic oxide As ₂ O ₅	
P011	1303-28-2	Arsenic pentoxide	
P012	1327-53-3	Arsenic trioxide	
P038	692-42-2	Arsine, diethyl-	
P036	696-28-6	Arsonous dichloride, phenyl-	
P054	151-56-4	Aziridine	
P067	75-55-8	Aziridine, 2-methyl	
P013	542-62-1	Barium cyanide	
P024	106-47-8	Benzenamine, 4-chloro-	
P077	100-01-6	Benzenamine, 4-nitro-	
P028	100-44-7	Benzene, (chloromethyl)-	
P042	51-43-4	1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl) -, (R)-	
P046	122-09-8	Benzeneethanamine, α,α-dimethyl-	
P014	108-98-5	Benzenethiol	
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	

P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with (3a <i>S</i> - <i>cis</i>)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3- <i>b</i>) indol-5-yl methylcarbamate ester (1:1)
P001	81-81-2*	2 <i>H</i> -1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3 percent
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium powder
P017	598-31-2	Bromoacetone
P018	357-57-3	Brucine
P045	39196-18-6	2-Butanone,3,3-dimethyl-1-(methylthio)-, <i>O</i> -((methylamino)carbonyl) oxime
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide $\text{Ca}(\text{CN})_2$
P189	55285-14-8	Carbamic acid, ((dibutylamino)-thio)methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P191	644-64-4	Carbamic acid, dimethyl-, 1-((dimethyl-amino)carbonyl) -5-methyl-1 <i>H</i> -pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1 <i>H</i> -pyrazol-5-yl ester
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P127	1563-66-2	Carbofuran
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P189	55285-14-8	Carbosulfan
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	<i>p</i> -Chloroaniline
P026	5344-82-1	1-(<i>o</i> -Chlorophenyl)thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide CuCN
P202	64-00-6	<i>m</i> -Cumenyl methylcarbamate
P030		Cyanides (soluble cyanide salts), not otherwise specified

P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P191	644-64-4	Dimetilan
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1 α ,4 α ,4a β ,5 α ,8 α ,8a β)-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1 α ,4 α ,4a β ,5 β ,8 β ,8a β)-
P037	60-57-1	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1 α ,2 β ,2a α ,3 β ,6 β ,6a α ,7 β ,7a α)-
P051	72-20-8*	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1 α ,2 β ,2a β ,3 α ,6 α ,6a β ,7 β ,7a α)-, and metabolites
P044	60-51-5	Dimethoate
P046	122-09-8	α,α -Dimethylphenethylamine
P047	534-52-1*	4,6-Dinitro-o-cresol and salts
P048	51-28-5	2,4-Dinitrophenol
P020	88-85-7	Dinoseb
P085	152-16-9	Diphosphoramidate, octamethyl-
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P039	298-04-4	Disulfoton
P049	541-53-7	Dithiobiuret
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)-carbonyl)oxime
P050	115-29-7	Endosulfan

P088	145-73-3	Endothall	
P051	72-20-8	Endrin	
P051	72-20-8	Endrin, and metabolites	
P042	51-43-4	Epinephrine	
P031	460-19-5	Ethanedinitrile	
P194	23135-22-0	Ethanimidothioic acid, 2- (dimethylamino)-N- (((methylamino)carbonyl)oxy)-2- oxo-, methyl ester	
P066	16752-77-5	Ethanimidothioic acid, N- (((methylamino)carbonyl)oxy)-, methyl ester	
P101	107-12-0	Ethyl cyanide	
P054	151-56-4	Ethylenimine	
P097	52-85-7	Famphur	
P056	7782-41-4	Fluorine	
P057	640-19-7	Fluoroacetamide	
P058	62-74-8	Fluoroacetic acid, sodium salt	
P198	23422-53-9	Formetanate hydrochloride	
P197	17702-57-7	Formparanate	
P065	628-86-4	Fulminic acid, mercury (2+) salt (R , <u>T</u>)	
P059	76-44-8	Heptachlor	
P062	757-58-4	Hexaethyl tetraphosphate	
P116	79-19-6	Hydrazinecarbothioamide	
P068	60-34-4	Hydrazine, methyl-	
P063	74-90-8	Hydrocyanic acid	
P063	74-90-8	Hydrogen cyanide	
P096	7803-51-2	Hydrogen phosphide	
P060	465-73-6	Isodrin	
P192	119-38-0	Isolan	
P202	64-00-6	3-Isopropylphenyl-N- methylcarbamate	
P007	2763-96-4	3(2H)-Isoxazolone, 5- (aminomethyl)-	
P196	15339-36-3	Manganese, bis(dimethylcarbamo-dithioato-S,S')-	
P196	15339-36-3	Manganese dimethyldithiocarbamate	
P092	62-38-4	Mercury, (acetato-O)phenyl-	
P065	628-86-4	Mercury fulminate (R , <u>T</u>)	<u>(R, T)</u>
P082	62-75-9	Methanamine, N-methyl-N-nitroso-	
P064	624-83-9	Methane, isocyanato-	

P016	542-88-1	Methane, oxybis(chloro-	
P112	509-14-8	Methane, tetranitro- (R)	(R)
P118	75-70-7	Methanethiol, trichloro-	
P198	23422-53-9	Methanimidamide, N,N-dimethyl- N'-(3-((methylamino)- carbonyl)oxy)phenyl)-, monohydrochloride	
P197	17702-57-7	Methanimidamide, N,N-dimethyl- N'-(2-methyl-4- (((methylamino)carbonyl)oxy)pheny l)-	
P199	2032-65-7	Methiocarb	
P050	115-29-7	6,9-Methano-2,4,3- benzodioxathiepen, 6,7,8,9,10,10- hexachloro-1,5,5a,6,9,9a- hexahydro-, 3-oxide	
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a- tetrahydro-	
P066	16752-77-5	Methomyl	
P068	60-34-4	Methyl hydrazine	
P064	624-83-9	Methyl isocyanate	
P069	75-86-5	2-Methylactonitrile	
P071	298-00-0	Methyl parathion	
P190	1129-41-5	Metolcarb	
P128	315-18-4	Mexacarbate	
P072	86-88-4	α -Naphthylthiourea	
P073	13463-39-3	Nickel carbonyl	
P073	13463-39-3	Nickel carbonyl Ni(CO) ₄ , (T-4)-	
P074	557-19-7	Nickel cyanide	
P074	557-19-7	Nickel cyanide Ni(CN) ₂	
P075	54-11-5*	Nicotine, and salts	
P076	10102-43-9	Nitric oxide	
P077	100-01-6	p-Nitroaniline	
P078	10102-44-0	Nitrogen dioxide	
P076	10102-43-9	Nitrogen oxide NO	
P078	10102-44-0	Nitrogen oxide NO ₂	
P081	55-63-0	Nitroglycerine (R)	(R)
P082	62-75-9	N-Nitrosodimethylamine	
P084	4549-40-0	N-Nitrosomethylvinylamine	
P085	152-16-9	Octamethylpyrophosphoramide	
P087	20816-12-0	Osmium oxide OsO ₄ , (T-4)-	
P087	20816-12-0	Osmium tetroxide	

P088	145-73-3	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid	
P194	23135-22-0	Oxamyl	
P089	56-38-2	Parathion	
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-	
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate	
P048	51-28-5	Phenol, 2,4-dinitro-	
P047	534-52-1*	Phenol, 2-methyl-4,6-dinitro-, and salts	
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate	
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate	
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)	(R)
P092	62-38-4	Phenylmercury acetate	
P093	103-85-5	Phenylthiourea	
P094	298-02-2	Phorate	
P095	75-44-5	Phosgene	
P096	7803-51-2	Phosphine	
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester	
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) ester	
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester	
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) ester	
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl)ester	
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	
P097	52-85-7	Phosphorothioic acid, O-(4-((dimethylamino)-sulfonyl)phenyl) O,O-dimethyl ester	

P071	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	
P204	57-47-6	Physostigmine	
P188	57-64-7	Physostigmine salicylate	
P110	78-00-2	Plumbane, tetraethyl-	
P098	151-50-8	Potassium cyanide	
P098	151-50-8	Potassium cyanide KCN	
P099	506-61-6	Potassium silver cyanide	
P201	2631-37-0	Promecarb	
P203	1646-88-4	Propanal, 2-methyl-2-(methyl- sulfonyl)-, O- ((methylamino)carbonyl) oxime	
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-((methylamino)carbonyl)oxime	
P101	107-12-0	Propanenitrile	
P027	542-76-7	Propanenitrile, 3-chloro-	
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-	
P081	55-63-0	1,2,3-Propanetriol, trinitrate- (R)	(R)
P017	598-31-2	2-Propanone, 1-bromo-	
P102	107-19-7	Propargyl alcohol	
P003	107-02-8	2-Propenal	
P005	107-18-6	2-Propen-1-ol	
P067	75-55-8	1,2-Propylenimine	
P102	107-19-7	2-Propyn-1-ol	
P008	504-24-5	4-Pyridinamine	
P075	54-11-5*	Pyridine, 3-(1-methyl-2- pyrrolidinyl)-, (S)- and salts	
P204	57-47-6	Pyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8- trimethyl-, methylcarbamate (ester), (3aS-cis)-	
P114	12039-52-0	Selenious acid, dithallium (1+) salt	
P103	630-10-4	Selenourea	
P104	506-64-9	Silver cyanide	
P104	506-64-9	Silver cyanide AgCN	
P105	26628-22-8	Sodium azide	
P106	143-33-9	Sodium cyanide	
P106	143-33-9	Sodium cyanide NaCN	
P108	57-24-9*	Strychnidin-10-one, and salts	
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-	
P108	57-24-9*	Strychnine and salts	
P115	7446-18-6	Sulfuric acid, dithallium (1+) salt	
P109	3689-24-5	Tetraethyldithiopyrophosphate	

P110	78-00-2	Tetraethyl lead	
P111	107-49-3	Tetraethylpyrophosphate	
P112	509-14-8	Tetranitromethane (R)	(R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester	
P113	1314-32-5	Thallic oxide	
P113	1314-32-5	Thallium oxide Tl_2O_3	
P114	12039-52-0	Thallium (I) selenite	
P115	7446-18-6	Thallium (I) sulfate	
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester	
P045	39196-18-4	Thiofanox	
P049	541-53-7	Thioimidodicarbonic diamide $((H_2N)C(S))_2NH$	
P014	108-98-5	Thiophenol	
P116	79-19-6	Thiosemicarbazide	
P026	5344-82-1	Thiourea, (2-chlorophenyl)-	
P072	86-88-4	Thiourea, 1-naphthalenyl-	
P093	103-85-5	Thiourea, phenyl-	
P123	8001-35-2	Toxaphene	
P185	26419-73-8	Tirpate	
P118	75-70-7	Trichloromethanethiol	
P119	7803-55-6	Vanadic acid, ammonium salt	
P120	1314-62-1	Vanadium oxide V_2O_5	
P120	1314-62-1	Vanadium pentoxide	
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-	
P001	81-81-2*	Warfarin, and salts, when present at concentrations greater than 0.3 percent	
P121	557-21-1	Zinc cyanide	
P121	557-21-1	Zinc cyanide $Zn(CN)_2$	
P205	137-30-4	Zinc, bis(dimethylcarbamo-dithioato-S,S')-	
P122	1314-84-7	Zinc phosphide Zn_3P_2 , when present at concentrations greater than 10 percent (R, T)	(R, T)
P205	137-30-4	Ziram	

3083
3084

Numerical Listing

3085

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	<u>Hazard Code</u>
P001	81-81-2*	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3 percent	
P001	81-81-2*	Warfarin, and salts, when present at concentrations greater than 0.3 percent	
P002	591-08-2	Acetamide, N-(aminothioxomethyl)	
P002	591-08-2	1-Acetyl-2-thiourea	
P003	107-02-8	Acrolein	
P003	107-02-8	2-Propenal	
P004	309-00-2	Aldrin	
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1 α ,4 α ,4 β ,5 α ,8 α ,8 β)-	
P005	107-18-6	Allyl alcohol	
P005	107-18-6	2-Propen-1-ol	
P006	20859-73-8	Aluminum phosphide (R, T)	(R, T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol	
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-	
P008	504-24-5	4-Aminopyridine	
P008	504-24-5	4-Pyridinamine	
P009	131-74-8	Ammonium picrate (R)	(R)
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)	(R)
P010	7778-39-4	Arsenic acid H ₃ AsO ₄	
P011	1303-28-2	Arsenic oxide As ₂ O ₅	
P011	1303-28-2	Arsenic pentoxide	
P012	1327-53-3	Arsenic oxide As ₂ O ₃	
P012	1327-53-3	Arsenic trioxide	
P013	542-62-1	Barium cyanide	
P014	108-98-5	Benzenethiol	
P014	108-98-5	Thiophenol	
P015	7440-41-7	Beryllium powder	
P016	542-88-1	Dichloromethyl ether	
P016	542-88-1	Methane, oxybis(chloro-	
P017	598-31-2	Bromoacetone	
P017	598-31-2	2-Propanone, 1-bromo-	
P018	357-57-3	Brucine	

P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P020	88-85-7	Dinoseb
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide $\text{Ca}(\text{CN})_2$
P022	75-15-0	Carbon disulfide
P023	107-20-0	Acetaldehyde, chloro-
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	Benzenamine, 4-chloro-
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P027	542-76-7	3-Chloropropionitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P028	100-44-7	Benzene, (chloromethyl)-
P028	100-44-7	Benzyl chloride
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide CuCN
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P031	460-19-5	Ethanedinitrile
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P036	696-28-6	Arsonous dichloride, phenyl-
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P037	60-57-1	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1 α ,2 β ,2 α ,3 β ,6 β ,6 α ,7 β ,7 α)-
P038	692-42-2	Arsine, diethyl-
P038	692-42-2	Diethylarsine
P039	298-04-4	Disulfoton
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) ester
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester

P042	51-43-4	1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)-, (R)-
P042	51-43-4	Epinephrine
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl)ester
P044	60-51-5	Dimethoate
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) ester
P045	39196-18-6	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-((methylamino)carbonyl) oxime
P045	39196-18-4	Thiofanox
P046	122-09-8	Benzeneethanamine, α,α -dimethyl-
P046	122-09-8	α,α -Dimethylphenethylamine
P047	534-52-1*	4,6-Dinitro-o-cresol and salts
P047	534-52-1*	Phenol, 2-methyl-4,6-dinitro-, and salts
P048	51-28-5	2,4-Dinitrophenol
P048	51-28-5	Phenol, 2,4-dinitro-
P049	541-53-7	Dithiobiuret
P049	541-53-7	Thioimidodicarbonic diamide $((\text{H}_2\text{N})\text{C}(\text{S}))_2\text{NH}$
P050	115-29-7	Endosulfan
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P051	72-20-8*	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1 α ,2 β ,2a β ,3 α ,6 α ,6a β ,7 β ,7a α)-, and metabolites
P051	72-20-8	Endrin
P051	72-20-8	Endrin, and metabolites
P054	151-56-4	Aziridine
P054	151-56-4	Ethylenimine
P056	7782-41-4	Fluorine
P057	640-19-7	Acetamide, 2-fluoro-
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P058	62-74-8	Fluoroacetic acid, sodium salt
P059	76-44-8	Heptachlor
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-

P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a- hexahydro-, (1 α ,4 α ,4a β ,5 β ,8 β ,8a β)-	
P060	465-73-6	Isodrin	
P062	757-58-4	Hexaethyl tetraphosphate	
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester	
P063	74-90-8	Hydrocyanic acid	
P063	74-90-8	Hydrogen cyanide	
P064	624-83-9	Methane, isocyanato-	
P064	624-83-9	Methyl isocyanate	
P065	628-86-4	Fulminic acid, mercury (2+) salt (R , T)	(<u>R</u> , <u>T</u>)
P065	628-86-4	Mercury fulminate (R , T)	(<u>R</u> , <u>T</u>)
P066	16752-77-5	Ethanimidothioic acid, N-(((methylamino)- carbonyl)oxy)-, methyl ester	
P066	16752-77-5	Methomyl	
P067	75-55-8	Aziridine, 2-methyl	
P067	75-55-8	1,2-Propylenimine	
P068	60-34-4	Hydrazine, methyl-	
P068	60-34-4	Methyl hydrazine	
P069	75-86-5	2-Methylactonitrile	
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-	
P070	116-06-3	Aldicarb	
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O- ((methylamino)carbonyl)oxime	
P071	298-00-0	Methyl parathion	
P071	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4- nitrophenyl) ester	
P072	86-88-4	α -Naphthylthiourea	
P072	86-88-4	Thiourea, 1-naphthalenyl-	
P073	13463-39-3	Nickel carbonyl	
P073	13463-39-3	Nickel carbonyl Ni(CO) ₄ , (T-4)-	
P074	557-19-7	Nickel cyanide	
P074	557-19-7	Nickel cyanide Ni(CN) ₂	
P075	54-11-5*	Nicotine, and salts	
P075	54-11-5*	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)- and salts	
P076	10102-43-9	Nitric oxide	
P076	10102-43-9	Nitrogen oxide NO	
P077	100-01-6	Benzenamine, 4-nitro-	
P077	100-01-6	p-Nitroaniline	
P078	10102-44-0	Nitrogen dioxide	
P078	10102-44-0	Nitrogen oxide NO ₂	
P081	55-63-0	Nitroglycerine (R)	(<u>R</u>)

P081	55-63-0	1,2,3-Propanetriol, trinitrate- (R)	(R)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-	
P082	62-75-9	N-Nitrosodimethylamine	
P084	4549-40-0	N-Nitrosomethylvinylamine	
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-	
P085	152-16-9	Diphosphoramidate, octamethyl-	
P085	152-16-9	Octamethylpyrophosphoramidate	
P087	20816-12-0	Osmium oxide OsO ₄ , (T-4)-	
P087	20816-12-0	Osmium tetroxide	
P088	145-73-3	Endothall	
P088	145-73-3	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid	
P089	56-38-2	Parathion	
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	
P092	62-38-4	Mercury, (acetato-O)phenyl-	
P092	62-38-4	Phenylmercury acetate	
P093	103-85-5	Phenylthiourea	
P093	103-85-5	Thiourea, phenyl-	
P094	298-02-2	Phorate	
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester	
P095	75-44-5	Carbonic dichloride	
P095	75-44-5	Phosgene	
P096	7803-51-2	Hydrogen phosphide	
P096	7803-51-2	Phosphine	
P097	52-85-7	Famphur	
P097	52-85-7	Phosphorothioic acid, O-(4-((dimethylamino)-sulfonyl)phenyl) O,O-dimethyl ester	
P098	151-50-8	Potassium cyanide	
P098	151-50-8	Potassium cyanide KCN	
P099	506-61-6	Argentate(1-), bis(cyano-C), potassium	
P099	506-61-6	Potassium silver cyanide	
P101	107-12-0	Ethyl cyanide	
P101	107-12-0	Propanenitrile	
P102	107-19-7	Propargyl alcohol	
P102	107-19-7	2-Propyn-1-ol	
P103	630-10-4	Selenourea	
P104	506-64-9	Silver cyanide	
P104	506-64-9	Silver cyanide AgCN	
P105	26628-22-8	Sodium azide	
P106	143-33-9	Sodium cyanide	

P106	143-33-9	Sodium cyanide NaCN	
P108	57-24-9*	Strychnidin-10-one, and salts	
P108	57-24-9*	Strychnine and salts	
P109	3689-24-5	Tetraethyldithiopyrophosphate	
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester	
P110	78-00-2	Plumbane, tetraethyl-	
P110	78-00-2	Tetraethyl lead	
P111	107-49-3	Diphosphoric acid, tetraethyl ester	
P111	107-49-3	Tetraethylpyrophosphate	
P112	509-14-8	Methane, tetranitro- (R)	(R)
P112	509-14-8	Tetranitromethane (R)	(R)
P113	1314-32-5	Thallic oxide	
P113	1314-32-5	Thallium oxide Tl ₂ O ₃	
P114	12039-52-0	Selenious acid, dithallium (1+) salt	
P114	12039-52-0	Thallium (I) selenite	
P115	7446-18-6	Sulfuric acid, dithallium (1+) salt	
P115	7446-18-6	Thallium (I) sulfate	
P116	79-19-6	Hydrazinecarbothioamide	
P116	79-19-6	Thiosemicarbazide	
P118	75-70-7	Methanethiol, trichloro-	
P118	75-70-7	Trichloromethanethiol	
P119	7803-55-6	Ammonium vanadate	
P119	7803-55-6	Vanadic acid, ammonium salt	
P120	1314-62-1	Vanadium oxide V ₂ O ₅	
P120	1314-62-1	Vanadium pentoxide	
P121	557-21-1	Zinc cyanide	
P121	557-21-1	Zinc cyanide Zn(CN) ₂	
P122	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations greater than 10 percent (R, T)	(R, T)
P123	8001-35-2	Toxaphene	
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	
P127	1563-66-2	Carbofuran	
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	
P128	315-18-4	Mexacarbate	
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)-carbonyl)oxime	
P185	26419-73-8	Tirpate	

P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with (3a <i>S</i> -cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3-b)indol-5-yl methylcarbamate ester (1:1)
P188	57-64-7	Physostigmine salicylate
P189	55285-14-8	Carbamic acid, ((dibutylamino)-thio)methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P189	55285-14-8	Carbosulfan
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P190	1129-41-5	Metolcarb
P191	644-64-4	Carbamic acid, dimethyl-, 1-((dimethylamino)carbonyl)-5-methyl-1H-pyrazol-3-yl ester
P191	644-64-4	Dimetilan
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P192	119-38-0	Isolan
P194	23135-22-0	Ethanimidothioic acid, 2-(dimethylamino)-N-(((methylamino)carbonyl)oxy)-2-oxo-, methyl ester
P194	23135-22-0	Oxamyl
P196	15339-36-3	Manganese, bis(dimethylcarbamo-dithioato-S,S')-
P196	15339-36-3	Manganese dimethyldithiocarbamate
P197	17702-57-7	Formparanate
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-(2-methyl-4-(((methylamino)carbonyl)oxy)phenyl)-
P198	23422-53-9	Formetanate hydrochloride
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-(3-(((methylamino)-carbonyl)oxy)phenyl)-, monohydrochloride
P199	2032-65-7	Methiocarb
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P201	2631-37-0	Promecarb
P202	64-00-6	m-Cumenyl methylcarbamate
P202	64-00-6	3-Isopropylphenyl-N-methylcarbamate

P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P203	1646-88-4	Aldicarb sulfone
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-((methylamino)carbonyl) oxime
P204	57-47-6	Physostigmine
P204	57-47-6	Pyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S')
P205	137-30-4	Ziram

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BOARD NOTE: An asterisk (*) following the CAS number indicates that the CAS number is given for the parent compound only.

- f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in subsections (a) through (d) of this Section, are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in Section 721.105(a) and (g). These wastes and their corresponding USEPA hazardous waste numbers are the following:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The absence of a letter indicates that the compound is only listed for toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by USEPA hazardous waste number.

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	<u>Hazard Code</u>
U394	30558-43-1	A2213	
U001	75-07-0	Acetaldehyde (†)	(I)
U034	75-87-6	Acetaldehyde, trichloro-	
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-	
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-	
U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters	
U112	141-78-6	Acetic acid, ethyl ester (†)	(I)
U144	301-04-2	Acetic acid, lead (2+) salt	
U214	563-68-8	Acetic acid, thallium (1+) salt	

See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-	
U002	67-64-1	Acetone (F)	(I)
U003	75-05-8	Acetonitrile (I, T)	(I, T)
U004	98-86-2	Acetophenone	
U005	53-96-3	2-Acetylaminofluorene	
U006	75-36-5	Acetyl chloride (C, R, T)	(C, R, T)
U007	79-06-1	Acrylamide	
U008	79-10-7	Acrylic acid (F)	(I)
U009	107-13-1	Acrylonitrile	
U011	61-82-5	Amitrole	
U012	62-53-3	Aniline (I, T)	(I, T)
U136	75-60-5	Arsinic acid, dimethyl-	
U014	492-80-8	Auramine	
U015	115-02-6	Azaserine	
U010	50-07-7	Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-(((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-S-(1 α ,8 β ,8 α ,8 β))-	
U280	101-27-9	Barban	
U278	22781-23-3	Bendiocarb	
U364	22961-82-6	Bendiocarb phenol	
U271	17804-35-2	Benomyl	
U157	56-49-5	Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-	
U016	225-51-4	Benz(c)acridine	
U017	98-87-3	Benzal chloride	
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	
U018	56-55-3	Benz(a)anthracene	
U094	57-97-6	Benz(a)anthracene, 7,12-dimethyl-	
U012	62-53-3	Benzenamine (I, T)	(I, T)
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis(N,N-dimethyl-	
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride	
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-	
U328	95-53-4	Benzenamine, 2-methyl-	
U353	106-49-0	Benzenamine, 4-methyl-	
U158	101-14-4	Benzenamine, 4,4'-methylenebis(2-chloro-	
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride	
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-	

U019	71-43-2	Benzene (I , T)	(<u>I</u> , T)
U038	510-15-6	Benzeneacetic acid, 4-chloro- α -(4-chlorophenyl)- α -hydroxy-, ethyl ester	
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-	
U035	305-03-3	Benzenebutanoic acid, 4-(bis(2-chloroethyl)amino)-	
U037	108-90-7	Benzene, chloro-	
U221	25376-45-8	Benzenediamine, ar-methyl-	
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester	
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester	
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester	
U070	95-50-1	Benzene, 1,2-dichloro-	
U071	541-73-1	Benzene, 1,3-dichloro-	
U072	106-46-7	Benzene, 1,4-dichloro-	
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-	
U017	98-87-3	Benzene, (dichloromethyl)-	
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl- (R , T)	(<u>R</u> , T)
U239	1330-20-7	Benzene, dimethyl- (I , T)	(<u>I</u> , T)
U201	108-46-3	1,3-Benzenediol	
U127	118-74-1	Benzene, hexachloro-	
U056	110-82-7	Benzene, hexahydro- (F)	(<u>I</u>)
U220	108-88-3	Benzene, methyl-	
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-	
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-	
U055	98-82-8	Benzene, (1-methylethyl)- (F)	(<u>I</u>)
U169	98-95-3	Benzene, nitro-	(<u>I</u> , T)
U183	608-93-5	Benzene, pentachloro-	
U185	82-68-8	Benzene, pentachloronitro-	
U020	98-09-9	Benzenesulfonic acid chloride (C , R)	(<u>C</u> , R)
U020	98-09-9	Benzenesulfonyl chloride (C , R)	(<u>C</u> , R)
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-	
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-	
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy-	

U023	98-07-7	Benzene, (trichloromethyl)-	<u>(C, R, T)</u>
U234	99-35-4	Benzene, 1,3,5-trinitro-	<u>(R, T)</u>
U021	92-87-5	Benzidene	
U202	P 81-07-2	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, and salts	
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	
U090	94-58-6	1,3-Benzodioxole, 5-propyl-	
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate	
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-	
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-	
U064	189-55-9	Benzo(rst)pentaphene	
U248	P 81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations of 0.3 percent or less	
U022	50-32-8	Benzo(a)pyrene	
U197	106-51-4	p-Benzoquinone	
U023	98-07-7	Benzotrichloride (C, R, T)	<u>(C, R, T)</u>
U085	1464-53-5	2,2'-Bioxirane	<u>(I, T)</u>
U021	92-87-5	(1,1'-Biphenyl)-4,4'-diamine	
U073	91-94-1	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-	
U091	119-90-4	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-	
U095	119-93-7	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	
U225	75-25-2	Bromoform	
U030	101-55-3	4-Bromophenyl phenyl ether	
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-	
U031	71-36-3	1-Butanol (I)	<u>(I)</u>
U159	78-93-3	2-Butanone (I, T)	<u>(I, T)</u>
U160	1338-23-4	2-Butanone, peroxide (R, T)	<u>(R, T)</u>
U053	4170-30-3	2-Butenal	
U074	764-41-0	2-Butene, 1,4-dichloro- (I, T)	<u>(I, T)</u>
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1 α (Z), 7(2S*,3R*), 7 α))-	

U031	71-36-3	n-Butyl alcohol (F)	(I)
U136	75-60-5	Cacodylic acid	
U032	13765-19-0	Calcium chromate	
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester	
U271	17804-35-2	Carbamic acid, (1-((butylamino)carbonyl)-1H-benzimidazol-2-yl)-, methyl ester	
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester	
U238	51-79-6	Carbamic acid, ethyl ester	
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester	
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester	
U409	23564-05-8	Carbamic acid, (1,2-phenylenebis(iminocarbonothioyl))bis-, dimethyl ester	
U097	79-44-7	Carbamic chloride, dimethyl-	
U114	P 111-54-6	Carbamodithioic acid, 1,2-ethanediybis-, salts and esters	
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester	
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester	
U279	63-25-2	Carbaryl	
U372	10605-21-7	Carbendazim	
U367	1563-38-8	Carbofuran phenol	
U215	6533-73-9	Carbonic acid, dithallium (1+) salt	
U033	353-50-4	Carbonic difluoride	(R, T)
U156	79-22-1	Carbonochloridic acid, methyl ester (F, T)	(I, T)
U033	353-50-4	Carbon oxyfluoride (R, T)	(R, T)
U211	56-23-5	Carbon tetrachloride	
U034	75-87-6	Chloral	
U035	305-03-3	Chlorambucil	
U036	57-74-9	Chlordane, α and γ isomers	
U026	494-03-1	Chlornaphazin	
U037	108-90-7	Chlorobenzene	
U038	510-15-6	Chlorobenzilate	
U039	59-50-7	p-Chloro-m-cresol	
U042	110-75-8	2-Chloroethyl vinyl ether	
U044	67-66-3	Chloroform	

U046	107-30-2	Chloromethyl methyl ether	
U047	91-58-7	β -Chloronaphthalene	
U048	95-57-8	o-Chlorophenol	
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride	
U032	13765-19-0	Chromic acid H ₂ CrO ₄ , calcium salt	
U050	218-01-9	Chrysene	
U051		Creosote	
U052	1319-77-3	Cresol (Cresylic acid)	
U053	4170-30-3	Crotonaldehyde	
U055	98-82-8	Cumene (†)	(I)
U246	506-68-3	Cyanogen bromide CNBr	
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione	
U056	110-82-7	Cyclohexane (†)	(I)
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 α ,3 β ,4 α ,5 α ,6 β)-	
U057	108-94-1	Cyclohexanone (†)	(I)
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5- hexachloro-	
U058	50-18-0	Cyclophosphamide	
U240	P 94-75-7	2,4-D, salts and esters	
U059	20830-81-3	Daunomycin	
U060	72-54-8	DDD	
U061	50-29-3	DDT	
U062	2303-16-4	Diallate	
U063	53-70-3	Dibenz(a,h)anthracene	
U064	189-55-9	Dibenzo(a,i)pyrene	
U066	96-12-8	1,2-Dibromo-3-chloropropane	
U069	84-74-2	Dibutyl phthalate	
U070	95-50-1	o-Dichlorobenzene	
U071	541-73-1	m-Dichlorobenzene	
U072	106-46-7	p-Dichlorobenzene	
U073	91-94-1	3,3'-Dichlorobenzidine	
U074	764-41-0	1,4-Dichloro-2-butene (†, T)	(I, T)
U075	75-71-8	Dichlorodifluoromethane	
U078	75-35-4	1,1-Dichloroethylene	
U079	156-60-5	1,2-Dichloroethylene	
U025	111-44-4	Dichloroethyl ether	
U027	108-60-1	Dichloroisopropyl ether	
U024	111-91-1	Dichloromethoxy ethane	
U081	120-83-2	2,4-Dichlorophenol	
U082	87-65-0	2,6-Dichlorophenol	
U084	542-75-6	1,3-Dichloropropene	
U085	1464-53-5	1,2:3,4-Diepoxybutane (†, T)	(I, T)

U395	5952-26-1	Diethylene glycol, dicarbamate	
U108	123-91-1	1,4-Diethyleneoxide	
U028	117-81-7	Diethylhexyl phthalate	
U086	1615-80-1	N,N'-Diethylhydrazine	
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate	
U088	84-66-2	Diethyl phthalate	
U089	56-53-1	Diethylstilbestrol	
U090	94-58-6	Dihydrosafrole	
U091	119-90-4	3,3'-Dimethoxybenzidine	
U092	124-40-3	Dimethylamine (F)	(I)
U093	60-11-7	p-Dimethylaminoazobenzene	
U094	57-97-6	7,12-Dimethylbenz(a)anthracene	
U095	119-93-7	3,3'-Dimethylbenzidine	
U096	80-15-9	α , α -Dimethylbenzylhydroperoxide (R)	(R)
U097	79-44-7	Dimethylcarbonyl chloride	
U098	57-14-7	1,1-Dimethylhydrazine	
U099	540-73-8	1,2-Dimethylhydrazine	
U101	105-67-9	2,4-Dimethylphenol	
U102	131-11-3	Dimethyl phthalate	
U103	77-78-1	Dimethyl sulfate	
U105	121-14-2	2,4-Dinitrotoluene	
U106	606-20-2	2,6-Dinitrotoluene	
U107	117-84-0	Di-n-octyl phthalate	
U108	123-91-1	1,4-Dioxane	
U109	122-66-7	1,2-Diphenylhydrazine	
U110	142-84-7	Dipropylamine (F)	(I)
U111	621-64-7	Di-n-propylnitrosamine	
U041	106-89-8	Epichlorohydrin	
U001	75-07-0	Ethanal (F)	(I)
U404	121-44-8	Ethanamine, N,N-diethyl-	
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-	
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	
U067	106-93-4	Ethane, 1,2-dibromo-	
U076	75-34-3	Ethane, 1,1-dichloro-	
U077	107-06-2	Ethane, 1,2-dichloro-	
U131	67-72-1	Ethane, hexachloro-	
U024	111-91-1	Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-	
U117	60-29-7	Ethane, 1,1'-oxybis- (F)	(I)
U025	111-44-4	Ethane, 1,1'-oxybis(2-chloro-	
U184	76-01-7	Ethane, pentachloro-	
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-	

U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-	
U218	62-55-5	Ethanethioamide	
U226	71-55-6	Ethane, 1,1,1-trichloro-	
U227	79-00-5	Ethane, 1,1,2-trichloro-	
U410	59669-26-0	Ethanimidothioic acid, N,N'- (thiobis((methylimino)carbonyloxy))bis-, dimethyl ester	
U394	30558-43-1	Ethanimidothioic acid, 2- (dimethylamino)-N-hydroxy-2-oxo-, methyl ester	
U359	110-80-5	Ethanol, 2-ethoxy-	
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-	
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate	
U004	98-86-2	Ethanone, 1-phenyl-	
U043	75-01-4	Ethene, chloro-	
U042	110-75-8	Ethene, (2-chloroethoxy)-	
U078	75-35-4	Ethene, 1,1-dichloro-	
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-	
U210	127-18-4	Ethene, tetrachloro-	
U228	79-01-6	Ethene, trichloro-	
U112	141-78-6	Ethyl acetate (F)	(I)
U113	140-88-5	Ethyl acrylate (F)	(I)
U238	51-79-6	Ethyl carbamate (urethane)	
U117	60-29-7	Ethyl ether	(I)
U114	P 111-54-6	Ethylenebisdithiocarbamic acid, salts and esters	
U067	106-93-4	Ethylene dibromide	
U077	107-06-2	Ethylene dichloride	
U359	110-80-5	Ethylene glycol monoethyl ether	
U115	75-21-8	Ethylene oxide (F, T)	(I, T)
U116	96-45-7	Ethylenethiourea	
U076	75-34-3	Ethylidene dichloride	
U118	97-63-2	Ethyl methacrylate	
U119	62-50-0	Ethyl methanesulfonate	
U120	206-44-0	Fluoranthene	
U122	50-00-0	Formaldehyde	
U123	64-18-6	Formic acid (C, T)	(C, T)
U124	110-00-9	Furan (F)	(I)
U125	98-01-1	2-Furancarboxaldehyde (F)	(I)
U147	108-31-6	2,5-Furandione	
U213	109-99-9	Furan, tetrahydro- (F)	(I)
U125	98-01-1	Furfural (F)	(I)
U124	110-00-9	Furfuran (F)	(I)

U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-	
U206	18883-66-4	D-Glucose, 2-deoxy-2-(((methylnitrosoamino)-carbonyl)amino)-	
U126	765-34-4	Glycidylaldehyde	
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-	
U127	118-74-1	Hexachlorobenzene	
U128	87-68-3	Hexachlorobutadiene	
U130	77-47-4	Hexachlorocyclopentadiene	
U131	67-72-1	Hexachloroethane	
U132	70-30-4	Hexachlorophene	
U243	1888-71-7	Hexachloropropene	
U133	302-01-2	Hydrazine (R , T)	(<u>R</u> , <u>T</u>)
U086	1615-80-1	Hydrazine, 1,2-diethyl-	
U098	57-14-7	Hydrazine, 1,1-dimethyl-	
U099	540-73-8	Hydrazine, 1,2-dimethyl-	
U109	122-66-7	Hydrazine, 1,2-diphenyl-	
U134	7664-39-3	Hydrofluoric acid (C , T)	(<u>C</u> , <u>T</u>)
U134	7664-39-3	Hydrogen fluoride (C , T)	(<u>C</u> , <u>T</u>)
U135	7783-06-4	Hydrogen sulfide	
U135	7783-06-4	Hydrogen sulfide H ₂ S	
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl- (R)	(<u>R</u>)
U116	96-45-7	2-Imidazolidinethione	
U137	193-39-5	Indeno(1,2,3-cd)pyrene	
U190	85-44-9	1,3-Isobenzofurandione	
U140	78-83-1	Isobutyl alcohol (I , T)	(<u>I</u> , <u>T</u>)
U141	120-58-1	Isosafrole	
U142	143-50-0	Kepone	
U143	303-34-4	Lasiocarpene	
U144	301-04-2	Lead acetate	
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-	
U145	7446-27-7	Lead phosphate	
U146	1335-32-6	Lead subacetate	
U129	58-89-9	Lindane	
U163	70-25-7	MNNG	
U147	108-31-6	Maleic anhydride	
U148	123-33-1	Maleic hydrazide	
U149	109-77-3	Malononitrile	
U150	148-82-3	Melphalan	
U151	7439-97-6	Mercury	
U152	126-98-7	Methacrylonitrile (I , T)	(<u>I</u> , <u>T</u>)
U092	124-40-3	Methanamine, N-methyl- (I)	(<u>I</u>)

U029	74-83-9	Methane, bromo-	
U045	74-87-3	Methane, chloro- (I, T)	(I, T)
U046	107-30-2	Methane, chloromethoxy-	
U068	74-95-3	Methane, dibromo-	
U080	75-09-2	Methane, dichloro-	
U075	75-71-8	Methane, dichlorodifluoro-	
U138	74-88-4	Methane, iodo-	
U119	62-50-0	Methanesulfonic acid, ethyl ester	
U211	56-23-5	Methane, tetrachloro-	
U153	74-93-1	Methanethiol (I, T)	(I, T)
U225	75-25-2	Methane, tribromo-	
U044	67-66-3	Methane, trichloro-	
U121	75-69-4	Methane, trichlorofluoro-	
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	
U154	67-56-1	Methanol (I)	(I)
U155	91-80-5	Methapyrilene	
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta(cd)pentalen-2-one, 1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydro-	
U247	72-43-5	Methoxychlor	
U154	67-56-1	Methyl alcohol (I)	(I)
U029	74-83-9	Methyl bromide	
U186	504-60-9	1-Methylbutadiene (I)	(I)
U045	74-87-3	Methyl chloride (I, T)	(I, T)
U156	79-22-1	Methyl chlorocarbonate (I, T)	(I, T)
U226	71-55-6	Methylchloroform	
U157	56-49-5	3-Methylcholanthrene	
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)	
U068	74-95-3	Methylene bromide	
U080	75-09-2	Methylene chloride	
U159	78-93-3	Methyl ethyl ketone (MEK) (I, T)	(I, T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R, T)	(R, T)
U138	74-88-4	Methyl iodide	
U161	108-10-1	Methyl isobutyl ketone (I)	(I)
U162	80-62-6	Methyl methacrylate (I, T)	(I, T)
U161	108-10-1	4-Methyl-2-pentanone (I)	(I)
U164	56-04-2	Methylthiouracil	
U010	50-07-7	Mitomycin C	
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-((3-amino-2,3,6-trideoxy- α -L-lyxo-hexapyranosyl)oxyl)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-	

U167	134-32-7	1-Naphthalenamine	
U168	91-59-8	2-Naphthalenamine	
U026	494-03-1	Naphthaleneamine, N,N'-bis(2-chloroethyl)-	
U165	91-20-3	Naphthalene	
U047	91-58-7	Naphthalene, 2-chloro-	
U166	130-15-4	1,4-Naphthalenedione	
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-((3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt	
U279	63-25-2	1-Naphthalenol, methylcarbamate	
U166	130-15-4	1,4-Naphthoquinone	
U167	134-32-7	α -Naphthylamine	
U168	91-59-8	β -Naphthylamine	
U217	10102-45-1	Nitric acid, thallium (1+) salt	
U169	98-95-3	Nitrobenzene (I , T)	(I, T)
U170	100-02-7	p-Nitrophenol	
U171	79-46-9	2-Nitropropane (I , T)	(I, T)
U172	924-16-3	N-Nitrosodi-n-butylamine	
U173	1116-54-7	N-Nitrosodiethanolamine	
U174	55-18-5	N-Nitrosodiethylamine	
U176	759-73-9	N-Nitroso-N-ethylurea	
U177	684-93-5	N-Nitroso-N-methylurea	
U178	615-53-2	N-Nitroso-N-methylurethane	
U179	100-75-4	N-Nitrosopiperidine	
U180	930-55-2	N-Nitrosopyrrolidine	
U181	99-55-8	5-Nitro-o-toluidine	
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide	
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide	
U115	75-21-8	Oxirane (I , T)	(I, T)
U126	765-34-4	Oxiranecarboxyaldehyde	
U041	106-89-8	Oxirane, (chloromethyl)-	
U182	123-63-7	Paraldehyde	
U183	608-93-5	Pentachlorobenzene	
U184	76-01-7	Pentachloroethane	
U185	82-68-8	Pentachloronitrobenzene (PCNB)	
See F027	87-86-5	Pentachlorophenol	
U161	108-10-1	Pentanol, 4-methyl-	(I)
U186	504-60-9	1,3-Pentadiene (I)	(I)
U187	62-44-2	Phenacetin	
U188	108-95-2	Phenol	

U048	95-57-8	Phenol, 2-chloro-	
U039	59-50-7	Phenol, 4-chloro-3-methyl-	
U081	120-83-2	Phenol, 2,4-dichloro-	
U082	87-65-0	Phenol, 2,6-dichloro-	
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	
U101	105-67-9	Phenol, 2,4-dimethyl-	
U052	1319-77-3	Phenol, methyl-	
U132	70-30-4	Phenol, 2,2'-methylenebis(3,4,6-trichloro-	
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate	
U170	100-02-7	Phenol, 4-nitro-	
See F027	87-86-5	Phenol, pentachloro-	
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-	
See F027	95-95-4	Phenol, 2,4,5-trichloro-	
See F027	88-06-2	Phenol, 2,4,6-trichloro-	
U150	148-82-3	L-Phenylalanine, 4-(bis(2-chloroethyl)amino)-	
U145	7446-27-7	Phosphoric acid, lead (2+) salt (2:3)	
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester	
U189	1314-80-3	Phosphorus sulfide (R)	(R)
U190	85-44-9	Phthalic anhydride	
U191	109-06-8	2-Picoline	
U179	100-75-4	Piperidine, 1-nitroso-	
U192	23950-58-5	Pronamide	
U194	107-10-8	1-Propanamine (I, T)	(I, T)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-	
U110	142-84-7	1-Propanamine, N-propyl- (I)	(I)
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-	
U083	78-87-5	Propane, 1,2-dichloro-	
U149	109-77-3	Propanedinitrile	
U171	79-46-9	Propane, 2-nitro- (I, T)	(I, T)
U027	108-60-1	Propane, 2,2'-oxybis(2-chloro-	
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	
U193	1120-71-4	1,3-Propane sultone	
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)	
U140	78-83-1	1-Propanol, 2-methyl- (I, T)	(I, T)
U002	67-64-1	2-Propanone (I)	(I)
U007	79-06-1	2-Propenamide	
U084	542-75-6	1-Propene, 1,3-dichloro-	
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-	

U009	107-13-1	2-Propenenitrile	
U152	126-98-7	2-Propenenitrile, 2-methyl- (I, T)	<u>(L, T)</u>
U008	79-10-7	2-Propenoic acid (⊕)	<u>(I)</u>
U113	140-88-5	2-Propenoic acid, ethyl ester (⊕)	<u>(I)</u>
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I, T)	<u>(L, T)</u>
U373	122-42-9	Propham	
U411	114-26-1	Propoxur	
See F027	93-72-1	Propionic acid, 2-(2,4,5-trichlorophenoxy)-	
U194	107-10-8	n-Propylamine (I, T)	<u>(L, T)</u>
U083	78-87-5	Propylene dichloride	
U387	52888-80-9	Prosulfocarb	
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-	
U196	110-86-1	Pyridine	
U191	109-06-8	Pyridine, 2-methyl-	
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl) amino)-	
U164	58-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	
U180	930-55-2	Pyrrolidine, 1-nitroso-	
U200	50-55-5	Reserpine	
U201	108-46-3	Resorcinol	
U202	P 81-07-2	Saccharin and salts	
U203	94-59-7	Safrole	
U204	7783-00-8	Selenious acid	
U204	7783-00-8	Selenium dioxide	
U205	7488-56-4	Selenium sulfide	<u>(R, T)</u>
U205	7488-56-4	Selenium sulfide SeS ₂ (R, T)	<u>(R, T)</u>
U015	115-02-6	L-Serine, diazoacetate (ester)	
See F027	93-72-1	Silvex (2,4,5-TP)	
U206	18883-66-4	Streptozotocin	
U103	77-78-1	Sulfuric acid, dimethyl ester	
U189	1314-80-3	Sulfur phosphide (R)	<u>(R)</u>
See F027	93-76-5	2,4,5-T	
U207	95-94-3	1,2,4,5-Tetrachlorobenzene	
U208	630-20-6	1,1,1,2-Tetrachloroethane	
U209	79-34-5	1,1,2,2-Tetrachloroethane	
U210	127-18-4	Tetrachloroethylene	
See F027	58-90-2	2,3,4,6-Tetrachlorophenol	
U213	109-99-9	Tetrahydrofuran (⊕)	<u>(I)</u>
U214	563-68-8	Thallium (I) acetate	

U215	6533-73-9	Thallium (I) carbonate	
U216	7791-12-0	Thallium (I) chloride	
U216	7791-12-0	Thallium chloride TlCl	
U217	10102-45-1	Thallium (I) nitrate	
U218	62-55-5	Thioacetamide	
U410	59669-26-0	Thiodicarb	
U153	74-93-1	Thiomethanol (I, T)	(<u>I, T</u>)
U244	137-26-8	Thioperoxydicarbonic diamide ($(\text{H}_2\text{N})\text{C}(\text{S})_2\text{S}_2$, tetramethyl-	
U409	23564-05-8	Thiophanate-methyl	
U219	62-56-6	Thiourea	
U244	137-26-8	Thiram	
U220	108-88-3	Toluene	
U221	25376-45-8	Toluenediamine	
U223	26471-62-5	Toluene diisocyanate (R, T)	(<u>R, T</u>)
U328	95-53-4	o-Toluidine	
U353	106-49-0	p-Toluidine	
U222	636-21-5	o-Toluidine hydrochloride	
U389	2303-17-5	Triallate	
U011	61-82-5	1H-1,2,4-Triazol-3-amine	
U227	79-00-05	Ethane, 1,1,2-trichloro-	
U227	79-00-5	1,1,2-Trichloroethane	
U228	79-01-6	Trichloroethylene	
U121	75-69-4	Trichloromonofluoromethane	
See F027	95-95-4	2,4,5-Trichlorophenol	
See F027	88-06-2	2,4,6-Trichlorophenol	
U404	121-44-8	Triethylamine	
U234	99-35-4	1,3,5-Trinitrobenzene (R, T)	(<u>R, T</u>)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-	
U235	126-72-7	Tris (2,3-dibromopropyl) phosphate	
U236	72-57-1	Trypan blue	
U237	66-75-1	Uracil mustard	
U176	759-73-9	Urea, N-ethyl-N-nitroso-	
U177	684-93-5	Urea, N-methyl-N-nitroso-	
U043	75-01-4	Vinyl chloride	
U248	P 81-81-2	Warfarin, and salts, when present at concentrations of 0.3 percent or less	
U239	1330-20-7	Xylene (H)	(<u>I, T</u>)
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17- dimethoxy-18-((3,4,5- trimethoxybenzoyl)oxy)-, methyl ester, (3 β ,16 β ,17 α ,18 β ,20 α)-	

U249 1314-84-7 Zinc phosphide Zn₃P₂, when present at concentrations of 10 percent or less

3104
3105
3106

Numerical Listing

3107

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	Hazard Code
U001	75-07-0	Acetaldehyde (F)	(I)
U001	75-07-0	Ethanal (F)	(I)
U002	67-64-1	Acetone (F)	(I)
U002	67-64-1	2-Propanone (F)	(I)
U003	75-05-8	Acetonitrile (F, T)	(I, T)
U004	98-86-2	Acetophenone	
U004	98-86-2	Ethanone, 1-phenyl-	
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-	
U005	53-96-3	2-Acetylaminofluorene	
U006	75-36-5	Acetyl chloride (C, R, T)	(C, R, T)
U007	79-06-1	Acrylamide	
U007	79-06-1	2-Propenamamide	
U008	79-10-7	Acrylic acid (F)	(I)
U008	79-10-7	2-Propenoic acid (F)	(I)
U009	107-13-1	Acrylonitrile	
U009	107-13-1	2-Propenenitrile	
U010	50-07-7	Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-(((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-S-(1α,8β,8α,8bα))-	
U010	50-07-7	Mitomycin C	
U011	61-82-5	Amitrole	
U011	61-82-5	1H-1,2,4-Triazol-3-amine	
U012	62-53-3	Aniline (F, T)	(I, T)
U012	62-53-3	Benzenamine (F, T)	(I, T)
U014	492-80-8	Auramine	
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis(N,N-dimethyl-	
U015	115-02-6	Azaserine	
U015	115-02-6	L-Serine, diazoacetate (ester)	
U016	225-51-4	Benz(c)acridine	
U017	98-87-3	Benzal chloride	
U017	98-87-3	Benzene, (dichloromethyl)-	

U018	56-55-3	Benz(a)anthracene	
U019	71-43-2	Benzene (I , T)	(<u>I</u> , T)
U020	98-09-9	Benzenesulfonic acid chloride (C , R)	(<u>C</u> , R)
U020	98-09-9	Benzenesulfonyl chloride (C , R)	(<u>C</u> , R)
U021	92-87-5	Benzidene	
U021	92-87-5	(1,1'-Biphenyl)-4,4'-diamine	
U022	50-32-8	Benzo(a)pyrene	
U023	98-07-7	Benzene, (trichloromethyl)-	(<u>C</u> , R, T)
U023	98-07-7	Benzotrichloride (C , R, T)	(<u>C</u> , R, T)
U024	111-91-1	Dichloromethoxy ethane	
U024	111-91-1	Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-	
U025	111-44-4	Dichloroethyl ether	
U025	111-44-4	Ethane, 1,1'-oxybis(2-chloro-	
U026	494-03-1	Chlornaphazin	
U026	494-03-1	Naphthaleneamine, N,N'-bis(2-chloroethyl)-	
U027	108-60-1	Dichloroisopropyl ether	
U027	108-60-1	Propane, 2,2'-oxybis(2-chloro-	
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	
U028	117-81-7	Diethylhexyl phthalate	
U029	74-83-9	Methane, bromo-	
U029	74-83-9	Methyl bromide	
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-	
U030	101-55-3	4-Bromophenyl phenyl ether	
U031	71-36-3	1-Butanol (I)	(<u>I</u>)
U031	71-36-3	n-Butyl alcohol (I)	(<u>I</u>)
U032	13765-19-0	Calcium chromate	
U032	13765-19-0	Chromic acid H ₂ CrO ₄ , calcium salt	
U033	353-50-4	Carbonic difluoride	(<u>R</u> , T)
U033	353-50-4	Carbon oxyfluoride (R , T)	(<u>R</u> , T)
U034	75-87-6	Acetaldehyde, trichloro-	
U034	75-87-6	Chloral	
U035	305-03-3	Benzenebutanoic acid, 4-(bis(2-chloroethyl)amino)-	
U035	305-03-3	Chlorambucil	
U036	57-74-9	Chlordane, α and γ isomers	
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	
U037	108-90-7	Benzene, chloro-	
U037	108-90-7	Chlorobenzene	

U038	510-15-6	Benzeneacetic acid, 4-chloro- α -(4-chlorophenyl)- α -hydroxy-, ethyl ester	
U038	510-15-6	Chlorobenzilate	
U039	59-50-7	p-Chloro-m-cresol	
U039	59-50-7	Phenol, 4-chloro-3-methyl-	
U041	106-89-8	Epichlorohydrin	
U041	106-89-8	Oxirane, (chloromethyl)-	
U042	110-75-8	2-Chloroethyl vinyl ether	
U042	110-75-8	Ethene, (2-chloroethoxy)-	
U043	75-01-4	Ethene, chloro-	
U043	75-01-4	Vinyl chloride	
U044	67-66-3	Chloroform	
U044	67-66-3	Methane, trichloro-	
U045	74-87-3	Methane, chloro- (I, T)	(I, T)
U045	74-87-3	Methyl chloride (I, T)	(I, T)
U046	107-30-2	Chloromethyl methyl ether	
U046	107-30-2	Methane, chloromethoxy-	
U047	91-58-7	β -Chloronaphthalene	
U047	91-58-7	Naphthalene, 2-chloro-	
U048	95-57-8	o-Chlorophenol	
U048	95-57-8	Phenol, 2-chloro-	
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride	
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride	
U050	218-01-9	Chrysene	
U051		Creosote	
U052	1319-77-3	Cresol (Cresylic acid)	
U052	1319-77-3	Phenol, methyl-	
U053	4170-30-3	2-Butenal	
U053	4170-30-3	Crotonaldehyde	
U055	98-82-8	Benzene, (1-methylethyl)- (I)	(I)
U055	98-82-8	Cumene (I)	(I)
U056	110-82-7	Benzene, hexahydro- (I)	(I)
U056	110-82-7	Cyclohexane (I)	(I)
U057	108-94-1	Cyclohexanone (I)	(I)
U058	50-18-0	Cyclophosphamide	
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide	
U059	20830-81-3	Daunomycin	

U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-((3-amino-2,3,6-trideoxy)- α -L-lyxo-hexapyranosyl)oxyl)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-	
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-	
U060	72-54-8	DDD	
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-	
U061	50-29-3	DDT	
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester	
U062	2303-16-4	Diallate	
U063	53-70-3	Dibenz(a,h)anthracene	
U064	189-55-9	Benzo(rst)pentaphene	
U064	189-55-9	Dibenzo(a,i)pyrene	
U066	96-12-8	1,2-Dibromo-3-chloropropane	
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-	
U067	106-93-4	Ethane, 1,2-dibromo-	
U067	106-93-4	Ethylene dibromide	
U068	74-95-3	Methane, dibromo-	
U068	74-95-3	Methylene bromide	
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester	
U069	84-74-2	Dibutyl phthalate	
U070	95-50-1	Benzene, 1,2-dichloro-	
U070	95-50-1	o-Dichlorobenzene	
U071	541-73-1	Benzene, 1,3-dichloro-	
U071	541-73-1	m-Dichlorobenzene	
U072	106-46-7	Benzene, 1,4-dichloro-	
U072	106-46-7	p-Dichlorobenzene	
U073	91-94-1	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-	
U073	91-94-1	3,3'-Dichlorobenzidine	
U074	764-41-0	2-Butene, 1,4-dichloro- (I, T)	(I, T)
U074	764-41-0	1,4-Dichloro-2-butene (I, T)	(I, T)
U075	75-71-8	Dichlorodifluoromethane	
U075	75-71-8	Methane, dichlorodifluoro-	
U076	75-34-3	Ethane, 1,1-dichloro-	
U076	75-34-3	Ethylidene dichloride	
U077	107-06-2	Ethane, 1,2-dichloro-	
U077	107-06-2	Ethylene dichloride	
U078	75-35-4	1,1-Dichloroethylene	

U078	75-35-4	Ethene, 1,1-dichloro-	
U079	156-60-5	1,2-Dichloroethylene	
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-	
U080	75-09-2	Methane, dichloro-	
U080	75-09-2	Methylene chloride	
U081	120-83-2	2,4-Dichlorophenol	
U081	120-83-2	Phenol, 2,4-dichloro-	
U082	87-65-0	2,6-Dichlorophenol	
U082	87-65-0	Phenol, 2,6-dichloro-	
U083	78-87-5	Propane, 1,2-dichloro-	
U083	78-87-5	Propylene dichloride	
U084	542-75-6	1,3-Dichloropropene	
U084	542-75-6	1-Propene, 1,3-dichloro-	
U085	1464-53-5	2,2'-Bioxirane	(I, T)
U085	1464-53-5	1,2:3,4-Diepoxybutane (I, T)	(I, T)
U086	1615-80-1	N,N'-Diethylhydrazine	
U086	1615-80-1	Hydrazine, 1,2-diethyl-	
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate	
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester	
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	
U088	84-66-2	Diethyl phthalate	
U089	56-53-1	Diethylstilbestrol	
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	
U090	94-58-6	1,3-Benzodioxole, 5-propyl-	
U090	94-58-6	Dihydrosafrole	
U091	119-90-4	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-	
U091	119-90-4	3,3'-Dimethoxybenzidine	
U092	124-40-3	Dimethylamine (I)	(I)
U092	124-40-3	Methanamine, N-methyl- (I)	(I)
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-	
U093	60-11-7	p-Dimethylaminoazobenzene	
U094	57-97-6	Benz(a)anthracene, 7,12-dimethyl-	
U094	57-97-6	7,12-Dimethylbenz(a)anthracene	
U095	119-93-7	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	
U095	119-93-7	3,3'-Dimethylbenzidine	
U096	80-15-9	α , α -Dimethylbenzylhydroperoxide (R)	(R)

U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl- (R)	(R)
U097	79-44-7	Carbamic chloride, dimethyl-	
U097	79-44-7	Dimethylcarbamoyl chloride	
U098	57-14-7	1,1-Dimethylhydrazine	
U098	57-14-7	Hydrazine, 1,1-dimethyl-	
U099	540-73-8	1,2-Dimethylhydrazine	
U099	540-73-8	Hydrazine, 1,2-dimethyl-	
U101	105-67-9	2,4-Dimethylphenol	
U101	105-67-9	Phenol, 2,4-dimethyl-	
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester	
U102	131-11-3	Dimethyl phthalate	
U103	77-78-1	Dimethyl sulfate	
U103	77-78-1	Sulfuric acid, dimethyl ester	
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-	
U105	121-14-2	2,4-Dinitrotoluene	
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-	
U106	606-20-2	2,6-Dinitrotoluene	
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester	
U107	117-84-0	Di-n-octyl phthalate	
U108	123-91-1	1,4-Diethyleneoxide	
U108	123-91-1	1,4-Dioxane	
U109	122-66-7	1,2-Diphenylhydrazine	
U109	122-66-7	Hydrazine, 1,2-diphenyl-	
U110	142-84-7	Dipropylamine (T)	(I)
U110	142-84-7	1-Propanamine, N-propyl- (T)	(I)
U111	621-64-7	Di-n-propylnitrosamine	
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-	
U112	141-78-6	Acetic acid, ethyl ester (T)	(I)
U112	141-78-6	Ethyl acetate (T)	(I)
U113	140-88-5	Ethyl acrylate (T)	(I)
U113	140-88-5	2-Propenoic acid, ethyl ester (T)	(I)
U114	P 111-54-6	Carbamodithioic acid, 1,2-ethanediybis-, salts and esters	
U114	P 111-54-6	Ethylenebisdithiocarbamic acid, salts and esters	
U115	75-21-8	Ethylene oxide (I, T)	(I, T)
U115	75-21-8	Oxirane (I, T)	(I, T)
U116	96-45-7	Ethylenethiourea	
U116	96-45-7	2-Imidazolidinethione	
U117	60-29-7	Ethane, 1,1'-oxybis- (T)	(I)

U117	60-29-7	Ethyl ether	(I)
U118	97-63-2	Ethyl methacrylate	
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	
U119	62-50-0	Ethyl methanesulfonate	
U119	62-50-0	Methanesulfonic acid, ethyl ester	
U120	206-44-0	Fluoranthene	
U121	75-69-4	Methane, trichlorofluoro-	
U121	75-69-4	Trichloromonofluoromethane	
U122	50-00-0	Formaldehyde	
U123	64-18-6	Formic acid (C, T)	(C, T)
U124	110-00-9	Furan (F)	(I)
U124	110-00-9	Furfuran (F)	(I)
U125	98-01-1	2-Furancarboxaldehyde (F)	(I)
U125	98-01-1	Furfural (F)	(I)
U126	765-34-4	Glycidylaldehyde	
U126	765-34-4	Oxiranecarboxyaldehyde	
U127	118-74-1	Benzene, hexachloro-	
U127	118-74-1	Hexachlorobenzene	
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	
U128	87-68-3	Hexachlorobutadiene	
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 α ,3 β ,4 α ,5 α ,6 β)-	
U129	58-89-9	Lindane	
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5- hexachloro-	
U130	77-47-4	Hexachlorocyclopentadiene	
U131	67-72-1	Ethane, hexachloro-	
U131	67-72-1	Hexachloroethane	
U132	70-30-4	Hexachlorophene	
U132	70-30-4	Phenol, 2,2'-methylenebis(3,4,6- trichloro-	
U133	302-01-2	Hydrazine (R, T)	(R, T)
U134	7664-39-3	Hydrofluoric acid (C, T)	(C, T)
U134	7664-39-3	Hydrogen fluoride (C, T)	(C, T)
U135	7783-06-4	Hydrogen sulfide	
U135	7783-06-4	Hydrogen sulfide H ₂ S	
U136	75-60-5	Arsinic acid, dimethyl-	
U136	75-60-5	Cacodylic acid	
U137	193-39-5	Indeno(1,2,3-cd)pyrene	
U138	74-88-4	Methane, iodo-	
U138	74-88-4	Methyl iodide	
U140	78-83-1	Isobutyl alcohol (I, T)	(I, T)
U140	78-83-1	1-Propanol, 2-methyl- (I, T)	(I, T)

U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	
U141	120-58-1	Isosafrole	
U142	143-50-0	Kepone	
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta(cd)pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-	
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1 α (Z), 7(2S*,3R*), 7 α))-	
U143	303-34-4	Lasiocarpene	
U144	301-04-2	Acetic acid, lead (2+) salt	
U144	301-04-2	Lead acetate	
U145	7446-27-7	Lead phosphate	
U145	7446-27-7	Phosphoric acid, lead (2+) salt (2:3)	
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-	
U146	1335-32-6	Lead subacetate	
U147	108-31-6	2,5-Furandione	
U147	108-31-6	Maleic anhydride	
U148	123-33-1	Maleic hydrazide	
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-	
U149	109-77-3	Malononitrile	
U149	109-77-3	Propanedinitrile	
U150	148-82-3	Melphalan	
U150	148-82-3	L-Phenylalanine, 4-(bis(2-chloroethyl)amino)-	
U151	7439-97-6	Mercury	
U152	126-98-7	Methacrylonitrile (I, T)	<u>(I, T)</u>
U152	126-98-7	2-Propenenitrile, 2-methyl- (I, T)	<u>(I, T)</u>
U153	74-93-1	Methanethiol (I, T)	<u>(I, T)</u>
U153	74-93-1	Thiomethanol (I, T)	<u>(I, T)</u>
U154	67-56-1	Methanol (I)	<u>(I)</u>
U154	67-56-1	Methyl alcohol (I)	<u>(I)</u>
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	
U155	91-80-5	Methapyrilene	
U156	79-22-1	Carbonochloridic acid, methyl ester (I, T)	<u>(I, T)</u>
U156	79-22-1	Methyl chlorocarbonate (I, T)	<u>(I, T)</u>
U157	56-49-5	Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-	
U157	56-49-5	3-Methylcholanthrene	

U158	101-14-4	Benzenamine, 4,4'-methylenebis(2-chloro-	
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)	
U159	78-93-3	2-Butanone (I , T)	<u>(I, T)</u>
U159	78-93-3	Methyl ethyl ketone (MEK) (I , T)	<u>(I, T)</u>
U160	1338-23-4	2-Butanone, peroxide (R , T)	<u>(R, T)</u>
U160	1338-23-4	Methyl ethyl ketone peroxide (R , T)	<u>(R, T)</u>
U161	108-10-1	Methyl isobutyl ketone (I)	<u>(I)</u>
U161	108-10-1	4-Methyl-2-pentanone (I)	<u>(I)</u>
U161	108-10-1	Pentanol, 4-methyl-	<u>(I)</u>
U162	80-62-6	Methyl methacrylate (I , T)	<u>(I, T)</u>
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I , T)	<u>(I, T)</u>
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-	
U163	70-25-7	MNNG	
U164	56-04-2	Methylthiouracil	
U164	58-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	
U165	91-20-3	Naphthalene	
U166	130-15-4	1,4-Naphthalenedione	
U166	130-15-4	1,4-Naphthoquinone	
U167	134-32-7	1-Naphthalenamine	
U167	134-32-7	α -Naphthylamine	
U168	91-59-8	2-Naphthalenamine	
U168	91-59-8	β -Naphthylamine	
U169	98-95-3	Benzene, nitro-	<u>(I, T)</u>
U169	98-95-3	Nitrobenzene (I , T)	<u>(I, T)</u>
U170	100-02-7	p-Nitrophenol	
U170	100-02-7	Phenol, 4-nitro-	
U171	79-46-9	2-Nitropropane (I , T)	<u>(I, T)</u>
U171	79-46-9	Propane, 2-nitro- (I , T)	<u>(I, T)</u>
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-	
U172	924-16-3	N-Nitrosodi-n-butylamine	
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-	
U173	1116-54-7	N-Nitrosodiethanolamine	
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-	
U174	55-18-5	N-Nitrosodiethylamine	
U176	759-73-9	N-Nitroso-N-ethylurea	
U176	759-73-9	Urea, N-ethyl-N-nitroso-	
U177	684-93-5	N-Nitroso-N-methylurea	
U177	684-93-5	Urea, N-methyl-N-nitroso-	
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester	

U178	615-53-2	N-Nitroso-N-methylurethane	
U179	100-75-4	N-Nitrosopiperidine	
U179	100-75-4	Piperidine, 1-nitroso-	
U180	930-55-2	N-Nitrosopyrrolidine	
U180	930-55-2	Pyrrolidine, 1-nitroso-	
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-	
U181	99-55-8	5-Nitro-o-toluidine	
U182	123-63-7	Paraldehyde	
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-	
U183	608-93-5	Benzene, pentachloro-	
U183	608-93-5	Pentachlorobenzene	
U184	76-01-7	Ethane, pentachloro-	
U184	76-01-7	Pentachloroethane	
U185	82-68-8	Benzene, pentachloronitro-	
U185	82-68-8	Pentachloronitrobenzene (PCNB)	
U186	504-60-9	1-Methylbutadiene (†)	(I)
U186	504-60-9	1,3-Pentadiene (†)	(I)
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-	
U187	62-44-2	Phenacetin	
U188	108-95-2	Phenol	
U189	1314-80-3	Phosphorus sulfide (R)	(R)
U189	1314-80-3	Sulfur phosphide (R)	(R)
U190	85-44-9	1,3-Isobenzofurandione	
U190	85-44-9	Phthalic anhydride	
U191	109-06-8	2-Picoline	
U191	109-06-8	Pyridine, 2-methyl-	
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	
U192	23950-58-5	Pronamide	
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide	
U193	1120-71-4	1,3-Propane sultone	
U194	107-10-8	1-Propanamine (I, T)	(I, T)
U194	107-10-8	n-Propylamine (I, T)	(I, T)
U196	110-86-1	Pyridine	
U197	106-51-4	p-Benzoquinone	
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione	
U200	50-55-5	Reserpine	
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester, (3β,16β,17α,18β,20α)-	
U201	108-46-3	1,3-Benzenediol	
U201	108-46-3	Resorcinol	

U202	P 81-07-2	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, and salts	
U202	P 81-07-2	Saccharin and salts	
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	
U203	94-59-7	Safrole	
U204	7783-00-8	Selenious acid	
U204	7783-00-8	Selenium dioxide	
U205	7488-56-4	Selenium sulfide	(R, T)
U205	7488-56-4	Selenium sulfide SeS ₂ (R, T)	(R, T)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-	
U206	18883-66-4	D-Glucose, 2-deoxy-2-(((methylnitrosoamino)-carbonyl)amino)-	
U206	18883-66-4	Streptozotocin	
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-	
U207	95-94-3	1,2,4,5-Tetrachlorobenzene	
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-	
U208	630-20-6	1,1,1,2-Tetrachloroethane	
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-	
U209	79-34-5	1,1,2,2-Tetrachloroethane	
U210	127-18-4	Ethene, tetrachloro-	
U210	127-18-4	Tetrachloroethylene	
U211	56-23-5	Carbon tetrachloride	
U211	56-23-5	Methane, tetrachloro-	
U213	109-99-9	Furan, tetrahydro- (†)	(I)
U213	109-99-9	Tetrahydrofuran (†)	(I)
U214	563-68-8	Acetic acid, thallium (1+) salt	
U214	563-68-8	Thallium (I) acetate	
U215	6533-73-9	Carbonic acid, dithallium (1+) salt	
U215	6533-73-9	Thallium (I) carbonate	
U216	7791-12-0	Thallium (I) chloride	
U216	7791-12-0	Thallium chloride TlCl	
U217	10102-45-1	Nitric acid, thallium (1+) salt	
U217	10102-45-1	Thallium (I) nitrate	
U218	62-55-5	Ethanethioamide	
U218	62-55-5	Thioacetamide	
U219	62-56-6	Thiourea	
U220	108-88-3	Benzene, methyl-	
U220	108-88-3	Toluene	
U221	25376-45-8	Benzenediamine, ar-methyl-	
U221	25376-45-8	Toluenediamine	
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride	
U222	636-21-5	o-Toluidine hydrochloride	

U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl- (R, T)	<u>(R, T)</u>
U223	26471-62-5	Toluene diisocyanate (R, T)	<u>(R, T)</u>
U225	75-25-2	Bromoform	
U225	75-25-2	Methane, tribromo-	
U226	71-55-6	Ethane, 1,1,1-trichloro-	
U226	71-55-6	Methylchloroform	
U227	79-00-5	Ethane, 1,1,2-trichloro-	
U227	79-00-5	1,1,2-Trichloroethane	
U228	79-01-6	Ethene, trichloro-	
U228	79-01-6	Trichloroethylene	
U234	99-35-4	Benzene, 1,3,5-trinitro-	<u>(R, T)</u>
U234	99-35-4	1,3,5-Trinitrobenzene (R, T)	<u>(R, T)</u>
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)	
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate	
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-((3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt	
U236	72-57-1	Trypan blue	
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl)amino)-	
U237	66-75-1	Uracil mustard	
U238	51-79-6	Carbamic acid, ethyl ester	
U238	51-79-6	Ethyl carbamate (urethane)	
U239	1330-20-7	Benzene, dimethyl- (I, T)	<u>(I, T)</u>
U239	1330-20-7	Xylene (I)	<u>(I, T)</u>
U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters	
U240	P 94-75-7	2,4-D, salts and esters	
U243	1888-71-7	Hexachloropropene	
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-	
U244	137-26-8	Thioperoxydicarbonic diamide ((H ₂ N)C(S)) ₂ S ₂ , tetramethyl-	
U244	137-26-8	Thiram	
U246	506-68-3	Cyanogen bromide CNBr	
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy-	
U247	72-43-5	Methoxychlor	
U248	P 81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations of 0.3 percent or less	

U248	P 81-81-2	Warfarin, and salts, when present at concentrations of 0.3 percent or less
U249	1314-84-7	Zinc phosphide Zn_3P_2 , when present at concentrations of 10 percent or less
U271	17804-35-2	Benomyl
U271	17804-35-2	Carbamic acid, (1-((butylamino)carbonyl)-1H-benzimidazol-2-yl)-, methyl ester
U278	22781-23-3	Bendiocarb
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate
U279	63-25-2	Carbaryl
U279	63-25-2	1-Naphthalenol, methylcarbamate
U280	101-27-9	Barban
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U328	95-53-4	Benzenamine, 2-methyl-
U328	95-53-4	o-Toluidine
U353	106-49-0	Benzenamine, 4-methyl-
U353	106-49-0	p-Toluidine
U359	110-80-5	Ethanol, 2-ethoxy-
U359	110-80-5	Ethylene glycol monoethyl ether
U364	22961-82-6	Bendiocarb phenol
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U367	1563-38-8	Carbofuran phenol
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
U372	10605-21-7	Carbendazim
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester
U373	122-42-9	Propham
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U387	52888-80-9	Prosulfocarb
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
U389	2303-17-5	Triallate
U394	30558-43-1	A2213
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester

U395	5952-26-1	Diethylene glycol, dicarbamate
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U404	121-44-8	Ethanamine, N,N-diethyl-
U404	121-44-8	Triethylamine
U409	23564-05-8	Carbamic acid, (1,2-phenylenebis(iminocarbonothioyl))bis-, dimethyl ester
U409	23564-05-8	Thiophanate-methyl
U410	59669-26-0	Ethanimidothioic acid, N,N'-(thiobis((methylimino)carbonyloxy))bis-, dimethyl ester
U410	59669-26-0	Thiodicarb
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate
U411	114-26-1	Propoxur

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART E: EXCLUSIONS AND EXEMPTIONS

Section 721.138 ~~Comparable or Syngas Fuel~~ Exclusion of Comparable Fuel and Syngas Fuel

a) Specifications for excluded fuels. ~~Wastes that meet specifications for the following comparable fuel or syngas fuel under subsection (a)(1) or (a)(2) of this Section, respectively, and the other requirements of this Section, are not solid wastes:~~

1a) Comparable fuel specifications.

A1) Physical specifications.

iA) Heating value. The heating value must exceed 5,000 Btu/lb (11,500 J/g).

iiB) Viscosity. The viscosity must not exceed 50 cSes, as fired.

B2) Constituent specifications. For the compounds listed, the constituent specification levels and minimum required detection limits (where non-detect is the constituent specification) are set forth in the table in Appendix Y to this Part ~~at subsection (d) of this Section.~~

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- 2b) Synthesis gas fuel specifications~~specification~~. Synthesis gas fuel (i.e., syngas fuel) that is generated from hazardous waste must fulfill the following requirements:
 - A) It must have a minimum Btu value of 100 Btu/Scf;
 - B) It must contain less than 1 ppmv of total halogen;
 - C) It must contain less than 300 ppmv of total nitrogen other than diatomic nitrogen (N₂);
 - D) It must contain less than 200 ppmv of hydrogen sulfide; and
 - E) It must contain less than 1 ppmv of each hazardous constituent in the target list of constituents listed in Appendix H of this Part.

- 3) Blending to meet the specifications.
 - A) Hazardous waste shall not be blended to meet the comparable fuel specification under subsection (a)(1) of this Section, except as provided by subsection (a)(3)(B) of this Section;
 - B) Blending to meet the viscosity specification. A hazardous waste blended to meet the viscosity specification for comparable fuel must fulfill the following requirements:
 - i) As generated, and prior to any blending, manipulation, or processing, the hazardous waste must meet the constituent and heating value specifications of subsections (a)(1)(A)(i) and (a)(1)(B) of this Section;
 - ii) The hazardous waste must be blended at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 722.134, 724, 725, or 727; and
 - iii) The hazardous waste must not violate the dilution prohibition of subsection (a)(6) of this Section.

- 4) Treatment to meet the comparable fuel specifications.
 - A) A hazardous waste may be treated to meet the specifications for comparable fuel set forth in subsection (a)(1) of this Section, provided the treatment fulfills the following requirements:

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- i) The treatment destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying hazardous constituents or materials;
 - ii) The treatment is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 722.134, 724, 725, or 727; and
 - iii) The treatment does not violate the dilution prohibition of subsection (a)(6) of this Section.
 - B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a comparable fuel remain a hazardous waste.
- 5) Generation of a syngas fuel.
 - A) A syngas fuel can be generated from the processing of hazardous wastes to meet the exclusion specifications of subsection (a)(2) of this Section, provided the processing fulfills the following requirements:
 - i) The processing destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying constituents or materials;
 - ii) The processing is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 722.134, 724, 725, or 727 or is an exempt recycling unit pursuant to 35 Ill. Adm. Code 721.106(c); and
 - iii) The processing does not violate the dilution prohibition of subsection (a)(6) of this Section.
 - B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a syngas fuel remain a hazardous waste.
- b) Implementation.
 - 1) General.

3222 Ae) ~~WastesImplementation.~~ Waste that ~~meet~~meets the comparable or
3223 ~~syngas fuel specifications provided by subsection (a) or (b) of this~~
3224 ~~Section for comparable fuel or syngas fuel are (these constituent~~
3225 ~~levels must be achieved by the comparable fuel when generated, or~~
3226 ~~as a result of treatment or blending, as provided in subsection~~
3227 ~~(e)(3) or (e)(4) of this Section) is excluded from the definition of~~
3228 ~~solid waste provided that the following requirements are met. For~~
3229 ~~purposes of this Section, such materials are called "excluded fuel,"~~
3230 ~~the person claiming and qualifying for the exclusion is called the~~
3231 ~~"excluded fuel generator," and the person burning the excluded~~
3232 ~~fuel is called the "excluded fuel burner.";~~
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3234 B) ~~The person who generates the excluded fuel must claim the~~
3235 ~~exclusion by complying with the conditions of this Section and~~
3236 ~~keeping records necessary to document compliance with those~~
3237 ~~conditions.~~
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3239 21) ~~Notices. For purposes of this Section, the person claiming and qualifying~~
3240 ~~for the exclusion is called the comparable or syngas fuel generator and the~~
3241 ~~person burning the comparable or syngas fuel is called the comparable or~~
3242 ~~syngas burner. The person that generates the comparable fuel or syngas~~
3243 ~~fuel must claim and certify to the exclusion.~~
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3245 A) ~~Notice to the Agency.~~
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3247 i) ~~The generator must submit a one-time notice, except as~~
3248 ~~provided by subsection (b)(2)(A)(iii) of this Section, to the~~
3249 ~~Agency, certifying compliance with the conditions of the~~
3250 ~~exclusion and providing documentation, as required by~~
3251 ~~subsection (b)(2)(C)(e)(1)(A)(iii) of this Section;~~
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3253 BOARD NOTE: This subsection (b)(2)(A)(i) corresponds
3254 ~~with 40 CFR 261.38(c)(2)(i)(A) (2009). Due to limitations~~
3255 ~~on the maximum indent levels allowed in the Illinois~~
3256 ~~Administrative Code, the Board found it necessary to move~~
3257 ~~40 CFR 261.38(c)(2)(i)(A)(1) through (c)(2)(i)(A)(5) to~~
3258 ~~appear as subsections (c)(2)(C)(i) through (c)(2)(C)(v) of~~
3259 ~~this Section.~~
3260

3261 ii) ~~If there is a substantive change in the information provided~~
3262 ~~in the one-time notice required under this subsection~~
3263 ~~(b)(2)(A), the generator must submit a revised notification.~~
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- iii) An excluded fuel generator must include an estimate of the average and maximum monthly and annual quantity of material for which an exclusion would be claimed in notices for newly excluded fuel or for revised notices as required by subsection (b)(2)(A)(ii) of this Section.
 - ii) ~~If the generator is a company that generates comparable or syngas fuel at more than one facility, the generator must specify at which sites the comparable or syngas fuel will be generated;~~
 - iii) ~~A comparable or syngas fuel generator's notification to the Agency must contain the items listed in subsection (e)(1)(C) of this Section.~~
- B) Public notice. Prior to burning an excluded ~~comparable or syngas~~ fuel, the burner must publish in a major newspaper of general circulation, local to the site where the fuel will be burned, a notice entitled "Notification of Burning a ~~Comparable or Syngas~~-Fuel Excluded Under the Resource Conservation and Recovery Act" containing the following information:
- i) The name, address, and USEPA identification number of the generating facility;
 - ii) The name and address of the burner and identification of the units that will burn the excluded~~comparable or syngas~~ fuel;
 - iii) A brief, general description of the manufacturing, treatment, or other process generating the excluded~~comparable or syngas~~ fuel;
 - iv) An estimate of the average and maximum monthly and annual quantity of the ~~waste claimed to be excluded~~ fuel to be burned; and
 - v) The name and mailing address of the Agency office to which the ~~generator claim~~ was submitted a claim for the exclusion.
- C) The one-time notice required by subsection (b)(2)(A)(i) of this Section must certify compliance with the conditions of the

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~~exclusion and provide documentation, as follows: Required content of comparable or syngas notification to the Agency.~~

- i) The name, address, and USEPA identification number of the person or facility claiming the exclusion;
- ii) The applicable USEPA hazardous waste codes for the hazardous waste;
- iii) The name and address of the units that meet the requirements of subsection (b)(3) and (c)(2) of this Section that will burn the ~~excluded comparable or syngas fuel; and~~
- iv) An estimate of the average and maximum monthly and annual quantity of material for which an exclusion would be claimed, except as provided by subsection (b)(2)(A)(iii) of this Section; and
- ~~v)~~ The following statement must be, signed and submitted by the person claiming the exclusion or its authorized representative:

Under penalty of criminal and civil prosecution for making or submitting false statements, representations, or omissions, I certify that the requirements of 35 Ill. Adm. Code 721.138 have been met for all waste identified in this notification. Copies of the records and information required by 35 Ill. Adm. Code ~~721.138(b)(8)721.138(e)(10)~~ are available at the comparable or syngas fuel generator's facility. Based on my inquiry of the individuals immediately responsible for obtaining the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

BOARD NOTE: Subsections ~~(b)(2)(C)(i)(e)(1)(C)(i)~~ through ~~(c)(2)(C)(v)(e)(1)(C)(iv)~~ are derived from 40 CFR ~~261.138(b)(2)(i)(A)(1) and (b)(2)(i)(A)(5)261.138(e)(1)(i)(C)(1) and (e)(1)(i)(C)(4)~~, which the Board has codified here to comport

with Illinois Administrative Code format requirements.

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- 32) Burning. ~~The comparable or syngas fuel exclusion for fuels that meet the requirements of subsections (a) or (b) and (c)(1) of this Section applies only if the fuel is burned in the following units that also must be subject to federal, State, and local air emission requirements, including all applicable federal hazardous air pollutant emissions requirements implementing section 112 of the Clean Air Act (CAA) (42 USC 7412) maximum achievable control technology (MACT) requirements:~~
 - A) Industrial furnaces, as defined in 35 Ill. Adm. Code 720.110;
 - B) Boilers, as defined in 35 Ill. Adm. Code 720.110, that are further defined as follows:
 - i) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or
 - ii) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale;
 - C) Hazardous waste incinerators subject to regulation pursuant to Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725 ~~and~~ ~~or~~ applicable CAA MACT standards.
 - D) Gas turbines used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.
 - 3) ~~Blending to meet the viscosity specification. A hazardous waste blended to meet the viscosity specification must fulfill the following requirements:~~
 - A) ~~As generated and prior to any blending, manipulation, or processing, the waste must meet the constituent and heating value specifications of subsections (a)(1)(A) and (a)(2) of this Section;~~
 - B) ~~The waste must be blended at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and~~
 - C) ~~The waste must not violate the dilution prohibition of subsection (e)(6) of this Section.~~

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- 4) ~~Treatment to meet the comparable fuel exclusion specifications.~~
 - A) ~~A hazardous waste may be treated to meet the exclusion specifications of subsections (a)(1) and (a)(2) of this Section provided the treatment fulfills the following requirements:~~
 - i) ~~The treatment destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying hazardous constituents or materials;~~
 - ii) ~~The treatment is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and~~
 - iii) ~~The treatment does not violate the dilution prohibition of subsection (c)(6) of this Section.~~
 - B) ~~Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a comparable fuel remain a hazardous waste.~~
- 5) ~~Generation of a syngas fuel.~~
 - A) ~~A syngas fuel can be generated from the processing of hazardous wastes to meet the exclusion specifications of subsection (b) of this Section provided the processing fulfills the following requirements:~~
 - i) ~~The processing destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying constituents or materials;~~
 - ii) ~~The processing is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134 or is an exempt recycling unit pursuant to Section 721.106(e); and~~
 - iii) ~~The processing does not violate the dilution prohibition of subsection (c)(6) of this Section.~~
 - B) ~~Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a syngas fuel remain a~~

3437 ~~hazardous waste.~~

3438
3439 6) ~~Dilution prohibition for comparable and syngas fuels. No generator,~~
3440 ~~transporter, handler, or owner or operator of a treatment, storage, or~~
3441 ~~disposal facility must in any way dilute a hazardous waste to meet the~~
3442 ~~exclusion specifications of subsection (a)(1)(A), (a)(2), or (b) of this~~
3443 ~~Section.~~

3444
3445 47) Fuel ~~Waste analysis plan for generators~~ plans. The generator of an
3446 ~~excluded a comparable or syngas~~ fuel must develop and follow a written
3447 ~~fuel~~ waste analysis plan that describes the procedures for sampling and
3448 analysis of the material ~~hazardous waste~~ to be excluded. The plan must be
3449 followed and retained at the site of the generator claiming the
3450 exclusion ~~facility excluding the waste.~~

3451
3452 A) At a minimum, the plan must specify the following:

- 3453
3454 i) The parameters for which each excluded fuel ~~hazardous~~
3455 ~~waste~~ will be analyzed and the rationale for the selection of
3456 those parameters;
3457
3458 ii) The test methods that will be used to test for these
3459 parameters;
3460
3461 iii) The sampling method that will be used to obtain a
3462 representative sample of the excluded fuel ~~waste~~ to be
3463 analyzed;
3464
3465 iv) The frequency with which the initial analysis of the
3466 excluded fuel ~~waste~~ will be reviewed or repeated to ensure
3467 that the analysis is accurate and up to date; and
3468
3469 v) If process knowledge is used in the ~~waste~~-determination,
3470 any information prepared by the generator in making such
3471 determination.

3472
3473 B) For each ~~The waste analysis, the generator~~ must also document
3474 ~~contain records of plan~~ the following:

- 3475
3476 i) The dates and times that waste samples were obtained, and
3477 the dates the samples were analyzed;
3478
3479 ii) The names and qualifications of the persons who obtained

- 3480 the samples;
- 3481
- 3482 iii) A description of the temporal and spatial locations of the
- 3483 samples;
- 3484
- 3485 iv) The name and address of the laboratory facility at which
- 3486 analyses of the samples were performed;
- 3487
- 3488 v) A description of the analytical methods used, including any
- 3489 clean-up and sample preparation methods;
- 3490
- 3491 vi) All quantitation limits achieved and all other quality control
- 3492 results for the analysis (including method blanks, duplicate
- 3493 analyses, matrix spikes, etc.), laboratory quality assurance
- 3494 data, and description of any deviations from analytical
- 3495 methods written in the plan or from any other activity
- 3496 written in the plan that occurred;
- 3497
- 3498 vii) All laboratory results demonstrating whether~~that~~ the
- 3499 exclusion specifications have been met ~~for the waste~~; and
- 3500
- 3501 viii) All laboratory documentation that supports the analytical
- 3502 results, unless a contract between the claimant and the
- 3503 laboratory provides for the documentation to be maintained
- 3504 by the laboratory for the period specified in subsection
- 3505 ~~(b)(9)(e)(11)~~ of this Section and also provides for the
- 3506 availability of the documentation to the claimant upon
- 3507 request.
- 3508

3509 C) ~~A syngas fuel generator~~Syngas fuel generators must submit for
 3510 approval, prior to performing sampling, analysis, or any
 3511 management of ~~a syngas fuel as an excluded syngas fuel waste~~, a
 3512 fuel waste analysis plan containing the elements of subsection
 3513 ~~(b)(4)(A)(e)(7)(A)~~ of this Section to the Agency. The approval of
 3514 a fuel waste analysis plan must be stated in writing and
 3515 received by the facility prior to sampling and analysis to
 3516 demonstrate the exclusion of a syngas. The approval of the fuel
 3517 waste analysis plan may contain such provisions and conditions as
 3518 the regulatory authority deems appropriate.

3519

3520 58) Excluded~~Comparable~~ fuel sampling and analysis.

3521

3522 A) General. For each waste for which an exclusion is claimed under

3523 the specifications provided by subsection (a)(1) or (a)(2) of this
 3524 Section, the generator of the ~~hazardous-waste~~ must test for all the
 3525 constituents ~~in~~ Appendix H of this Part, except for those
 3526 constituents that the generator determines, based on testing or
 3527 knowledge, should not be present in the ~~fuel~~waste. The generator
 3528 is required to document the basis of each determination that a
 3529 constituent with an applicable specification should not be present.
 3530 The generator may not determine that any of the following
 3531 categories of constituents with a specification in the table in
 3532 Appendix Y to this Part should not be present:

- 3534 i) A constituent that triggered the toxicity characteristic for
 3535 the ~~waste-constituents~~ that were the basis ~~for~~of the listing of
 3536 the secondary material as a hazardous waste-stream, or
 3537 constituents for which there is a treatment standard for the
 3538 waste code in 35 Ill. Adm. Code 728.140;
- 3539 ii) A constituent detected in previous analysis of the waste;
- 3540 iii) Constituents introduced into the process that generates the
 3541 waste; or
- 3542 iv) Constituents that are byproducts or side reactions to the
 3543 process that generates the waste.

3544 B) Use of process knowledge. For each waste for which the
 3545 comparable fuel or syngas exclusion is claimed where the
 3546 generator of the ~~excludedeomparable or syngas~~ fuel is not the
 3547 original generator of the hazardous waste, the generator of the
 3548 comparable or syngas fuel may not use process knowledge
 3549 pursuant to subsection ~~(b)(5)(A)(e)(8)(A)~~ of this Section and must
 3550 test to determine that all of the constituent specifications of
 3551 subsections (a)(1) and (a)(2) and (b) of this Section, as applicable,
 3552 have been met.

3553 C) The ~~excludedeomparable or syngas~~ fuel generator may use any
 3554 reliable analytical method to demonstrate that no constituent of
 3555 concern is present at concentrations above the specification levels.
 3556 It is the responsibility of the generator to ensure that the sampling
 3557 and analysis are unbiased, precise, and representative of the
 3558 excluded fuelwaste. For the fuelwaste to be eligible for exclusion,
 3559 a generator must demonstrate the following:

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- i) That the 95% upper confidence limit of the mean concentration for each constituent of concern is not present in the waste above the specification level at the 95 percent upper confidence limit around the mean; and
 - ii) That the ~~analyses~~ analysis could have detected the presence of the constituent at or below the specification level ~~at the 95 percent upper confidence limit around the mean~~.
- D) Nothing in this subsection ~~(b)(5)(e)(8)~~ preempts, overrides, or otherwise negates the provision in 35 Ill. Adm. Code 722.111 that requires any person that generates a solid waste to determine if that waste is a hazardous waste.
- E) In an enforcement action, the burden of proof to establish conformance with the exclusion specification must be on the generator claiming the exclusion.
- F) The generator must conduct sampling and analysis in accordance with the fuel its waste analysis plan developed pursuant to subsection (b)(4)(e)(7) of this Section.
- G) Viscosity condition for comparable fuel.
- i) ~~G) Excluded Syngas fuel and comparable fuel that has not been blended in order to meet the kinematic viscosity specifications~~ specifications must be analyzed as generated.
 - ii) ~~H) If hazardous waste a comparable fuel is blended in order to meet the kinematic viscosity specification for comparable fuels~~ specifications, the generator must analyze the hazardous waste as generated to ensure that it meets the constituent and heating value specifications of subsection (a)(1) of this Section, and after blending, analyze the fuel again to ensure that the blended fuel meets all comparable fuel specifications. undertake the following actions:
- BOARD NOTE: The Board found it necessary to combine the text of 40 CFR 261.38(b)(5)(vii)(B)(1) and (b)(5)(vii)(B)(2) together with the text of 40 CFR 261.38(b)(5)(vii)(B) to comport with the maximum indent level allowed by Illinois Administrative Code codification requirements.

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- i) ~~Analyze the fuel as generated to ensure that it meets the constituent and heating value specifications; and~~
- ii) ~~After blending, analyze the fuel again to ensure that the blended fuel continues to meet all comparable or syngas fuel specifications.~~

HI) ~~Excluded comparable or syngas fuel must be retested, at a minimum, annually and must be retested after a process change that could change itsthe chemical or physical properties in a manner that may affect conformance with the specificationsof the waste.~~

BOARD NOTE: Any claim pursuant to this Section must be valid and accurate for all hazardous constituents; a determination not to test for a hazardous constituent will not shield a generator from liability should that constituent later be found in the waste above the exclusion specifications.

6) ~~This subsection (b)(6) corresponds with 40 CFR 261.38(b)(6), which USEPA has marked "reserved." This statement maintains structural parity with the corresponding federal regulations.~~

79) ~~Speculative accumulation. Any persons handling a comparable or syngas Excluded fuel must not be accumulated speculatively, as such is defined in 35 Ill. Adm. Code 721.101(c)(8)are subject to the speculative accumulation test pursuant to Section 721.102(e)(4).~~

840) ~~Operating recordRecords. The generator must maintain an operating record on site containing records of the following information on site:~~

- A) All information required to be submitted to the implementing authority as part of the notification of the claim:
 - i) ~~The owner or operator name, address, and RCRA facility USEPA identification number of the person claiming the exclusion;~~
 - ii) ~~For each excluded fuel, theThe applicable USEPA hazardous waste codes that would be applicable if the material were discardedfor each hazardous waste excluded as a fuel; and~~

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- iii) The certification signed by the person claiming the exclusion or his authorized representative;
 - B) A brief description of the process that generated the excluded fuel. If the comparable fuel generator is not the generator of the original hazardous waste, provide a brief description of the and process that generated the hazardous waste excluded fuel, if not the same;
 - C) ~~The An estimate of the average and maximum~~ monthly and annual quantities of each fuel waste claimed to be excluded;
 - D) Documentation for any claim that a constituent is not present in the excluded fuel hazardous waste, as required pursuant to subsection (b)(5)(A)(e)(8)(A) of this Section;
 - E) The results of all analyses and all detection limits achieved, as required pursuant to subsection (b)(4)(e)(8) of this Section;
 - F) If the comparable fuel excluded waste was generated through treatment or blending, documentation of compliance with the applicable provisions of subsections (a)(3) and (a)(4), as required pursuant to subsection (e)(3) or (e)(4) of this Section;
 - G) If the excluded fuel waste is to be shipped off-site, a certification from the burner, as required pursuant to subsection (b)(10)(e)(12) of this Section;
 - H) ~~The fuel A waste~~ analysis plan and documentation the results of all the sampling and analysis results as required by subsection (b)(4) of this Section; and that include the following:
 - i) ~~The dates and times waste samples were obtained, and the dates the samples were analyzed;~~
 - ii) ~~The names and qualifications of the persons that obtained the samples;~~
 - iii) ~~A description of the temporal and spatial locations of the samples;~~
 - iv) ~~The name and address of the laboratory facility at which analyses of the samples were performed;~~

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- v) ~~A description of the analytical methods used, including any clean-up and sample preparation methods;~~
 - vi) ~~All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.), laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan that occurred;~~
 - vii) ~~All laboratory analytical results demonstrating that the exclusion specifications have been met for the waste; and~~
 - viii) ~~All laboratory documentation that supports the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in subsection (e)(11) of this Section and also provides for the availability of the documentation to the claimant upon request; and~~
- I) ~~If the generator ships excludedeomparable or syngas fuel off-site for burning, the generator must retain for each shipment the following information on-site:~~
- i) ~~The name and address of the facility receiving the excludedeomparable or syngas fuel for burning;~~
 - ii) ~~The quantity of excludedeomparable or syngas fuel shipped and delivered;~~
 - iii) ~~The date of shipment or delivery;~~
 - iv) ~~A cross-reference to the record of excludedeomparable or syngas fuel analysis or other information used to make the determination that the excludedeomparable or syngas fuel meets the specifications, as required pursuant to subsection (b)(4)(e)(8) of this Section; and~~
 - v) ~~A one-time certification by the burner, as required pursuant to subsection (b)(10)(e)(12) of this Section.~~
- 944) ~~Records retention. Records must be maintained for a the period of three years. A generator must maintain a current waste analysis plan during that~~

- 3738 ~~three-year period.~~
- 3739
- 3740 1012) Burner certification to the generator. Prior to submitting a notification to
- 3741 the Agency, a ~~comparable or syngas fuel~~ generator of excluded fuel that
- 3742 intends to ship ~~the excluded~~ its fuel off-site for burning must obtain a one-
- 3743 time written, signed statement from the burner that includes the following:
- 3744
- 3745 A) A certification that the ~~excluded comparable or syngas~~ fuel will
- 3746 only be burned in an industrial furnace, ~~industrial or~~ boiler, utility
- 3747 boiler, or hazardous waste incinerator, as required pursuant to
- 3748 subsection ~~(b)(3)(e)(2)~~ of this Section;
- 3749
- 3750 B) Identification of the name and address of the ~~facility~~ units that will
- 3751 burn the ~~excluded comparable or syngas~~ fuel; and
- 3752
- 3753 C) A certification that the state in which the burner is located is
- 3754 authorized to exclude wastes as ~~excluded comparable or syngas~~ fuel
- 3755 under the provisions of 40 CFR 261.38.
- 3756
- 3757 1113) Ineligible waste codes. Wastes that are listed as hazardous waste because
- 3758 of the presence of dioxins or furans, as set out in Appendix G of this Part,
- 3759 are not eligible for ~~these exclusion~~ this exclusion, and any fuel produced
- 3760 from or otherwise containing these wastes remains a hazardous waste
- 3761 subject to the full RCRA hazardous waste management requirements.
- 3762
- 3763 12) Regulatory status of boiler residues. Burning excluded fuel that was
- 3764 otherwise a hazardous waste listed under Sections 721.131 through
- 3765 721.133 of this Part does not subject boiler residues, including bottom ash
- 3766 and emission control residues, to regulation as derived from hazardous
- 3767 wastes.
- 3768
- 3769 13) Residues in containers and tank systems upon cessation of operations.
- 3770
- 3771 A) Liquid and accumulated solid residues that remain in a container or
- 3772 tank system for more than 90 days after the container or tank
- 3773 system ceases to be operated for storage or transport of excluded
- 3774 fuel product are subject to regulation under 35 Ill. Adm. Code 702,
- 3775 703, 722 through 725, 727, and 728.
- 3776
- 3777 B) Liquid and accumulated solid residues that are removed from a
- 3778 container or tank system after the container or tank system ceases
- 3779 to be operated for storage or transport of excluded fuel product are
- 3780 solid wastes subject to regulation as hazardous waste if the waste

3781 exhibits a characteristic of hazardous waste under Sections
3782 721.121 through 721.124 or if the fuel were otherwise a hazardous
3783 waste listed under Sections 721.131 through 721.133 when the
3784 exclusion was claimed.

3785
3786 C) Liquid and accumulated solid residues that are removed from a
3787 container or tank system and do not meet the specifications for
3788 exclusion under subsection (a)(1) or (a)(2) of this Section are solid
3789 wastes subject to regulation as hazardous waste if either of the
3790 following conditions exist with regard to the residues:

3791
3792 i) The waste exhibits a characteristic of hazardous waste
3793 under Sections 721.121 through 721.124; or

3794
3795 ii) The fuel was otherwise a hazardous waste listed under
3796 Sections 721.131 through 721.133. The hazardous waste
3797 code for the listed waste applies to these liquid and
3798 accumulated solid residues.

3799
3800 14) Waiver of RCRA closure requirements. Interim status and permitted
3801 storage and combustion units, and generator storage units exempt from the
3802 permit requirements under 35 Ill. Adm. Code 722.134, are not subject to
3803 the closure requirements of 35 Ill. Adm. Code 724, 725, or 727, provided
3804 that the storage and combustion unit has been used to manage only
3805 hazardous waste that is subsequently excluded under the conditions of this
3806 Section, and that afterward will be used only to manage fuel excluded
3807 under this Section.

3808
3809 15) Spills and leaks.

3810
3811 A) Excluded fuel that is spilled or leaked and that therefore no longer
3812 meets the conditions of the exclusion is discarded and must be
3813 managed as a hazardous waste if it exhibits a characteristic of
3814 hazardous waste under Sections 721.121 through 721.124 or if the
3815 fuel were otherwise a hazardous waste listed in Sections 721.131
3816 through 721.133.

3817
3818 B) For excluded fuel that would have otherwise been a hazardous
3819 waste listed in Sections 721.131 through 721.133 and that is spilled
3820 or leaked, the USEPA hazardous waste code for the listed waste
3821 applies to the spilled or leaked material.
3822

3823 16) In corresponding 40 CFR 261.38(b)(16), USEPA included the following
3824 disclaimer, which the Board quotes in full: "Nothing in this section
3825 preempts, overrides, or otherwise negates the provisions in CERCLA
3826 Section 103, which establish reporting obligations for releases of
3827 hazardous substances, or the Department of Transportation requirements
3828 for hazardous materials in 49 CFR parts 171 through 180."
3829

3830 c) Failure to comply with the conditions of the exclusion. An excluded fuel loses its
3831 exclusion if any person managing the fuel fails to comply with the conditions of
3832 the exclusion under this Section, and the material must be managed as a
3833 hazardous waste from the point of generation. In such situations, USEPA, the
3834 Agency, or any person may take enforcement action pursuant to Section 31 of the
3835 Act [415 ILCS 5/31].
3836

3837 BOARD NOTE: Corresponding 40 CFR 261.38(c) provides that USEPA or an
3838 authorized state may take enforcement action pursuant to section 3008(a) of
3839 RCRA (42 USC 6927(a)). In Illinois, Section 31(a) and (d) of the Act [415 ILCS
3840 5/31(a) and (d)] provide that the Agency or any person may pursue an
3841 enforcement action for violation of the Act or Board regulations.
3842

3843 d) Appendix Y of this Part sets forth the table of detection and detection limit values
3844 for comparable fuel specification.
3845

3846 (Source: Amended at 34 Ill. Reg. _____, effective _____)
3847

3848 SUBPART H: FINANCIAL REQUIREMENTS FOR MANAGEMENT
3849 OF EXCLUDED HAZARDOUS SECONDARY MATERIALS
3850

3851 Section 721.240 Applicability
3852

3853 a) The requirements of this Subpart H apply to owners or operators of reclamation
3854 and intermediate facilities managing hazardous secondary materials excluded
3855 under Section 721.104(a)(24), except as provided otherwise in this Section.
3856

3857 b) States and the federal government are exempt from the financial assurance
3858 requirements of this Subpart H.
3859

3860 (Source: Added at 34 Ill. Reg. _____, effective _____)
3861

3862 Section 721.241 Definitions of Terms as Used in This Subpart
3863

3864 The terms defined in 35 Ill. Adm. Code 725.241(d), (f), (g), and (h) have the same meaning in
3865 this Subpart H as they do in 35 Ill. Adm. Code 725.241.

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(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 721.242 Cost Estimate

- a) The owner or operator of a reclamation or intermediate facility must have a detailed written estimate, in current dollars, of the cost of disposing of any hazardous secondary material as listed or characteristic hazardous waste, and the potential cost of closing the facility as a treatment, storage, and disposal facility.
 - 1) The estimate must equal the cost of conducting the activities described in this subsection (a) at the point when the extent and manner of the facility's operation would make these activities the most expensive.
 - 2) The cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct these activities. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of "parent corporation" in 35 Ill. Adm. Code 725.241(d).) The owner or operator may use costs for on-site disposal in accordance with applicable requirements if the owner or operator can demonstrate that on-site disposal capacity will exist at all times over the life of the facility.
 - 3) The cost estimate may not incorporate any salvage value that may be realized with the sale of hazardous secondary materials, hazardous waste, non-hazardous wastes (if permitted by the Agency pursuant to 35 Ill. Adm. Code 725.213(d)), facility structures or equipment, land, or other assets associated with the facility.
 - 4) The owner or operator may not incorporate a zero cost for hazardous secondary materials, hazardous waste, non-hazardous wastes (if permitted by the Agency pursuant to 35 Ill. Adm. Code 725.213(d)) that might have economic value.
- b) During the active life of the facility, the owner or operator must adjust the written cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with the requirements of Section 721.243. An owner or operator that uses the financial test or corporate guarantee must update its cost estimate for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the Agency and USEPA pursuant to Section 721.243(e)(3). The adjustment may be made by recalculating the cost estimate in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product (Deflator) published by the U.S. Department of Commerce, as specified

3909 in subsections (b)(1) and (2) of this Section. The inflation factor is the result of
3910 dividing the latest published annual Deflator by the Deflator for the previous year.

3911
3912 1) The first adjustment is made by multiplying the cost estimate by the
3913 inflation factor. The result is the adjusted cost estimate.

3914
3915 2) Subsequent adjustments are made by multiplying the latest adjusted cost
3916 estimate by the latest inflation factor.

3917
3918 BOARD NOTE: The table of Deflators is available as Table 1.1.9. in the
3919 National Income and Product Account Tables, published by U.S. Department of
3920 Commerce, Bureau of Economic Analysis, National Economic Accounts,
3921 available on-line at the following web address:
3922 [www.bea.gov/national/nipaweb/TableView.asp?SelectedTable=13&FirstYear=20](http://www.bea.gov/national/nipaweb/TableView.asp?SelectedTable=13&FirstYear=2002&LastYear=2004&Freq=Qtr)
3923 [02&LastYear=2004&Freq=Qtr.](http://www.bea.gov/national/nipaweb/TableView.asp?SelectedTable=13&FirstYear=2002&LastYear=2004&Freq=Qtr)

3924
3925 c) During the active life of the facility, the owner or operator must revise the cost
3926 estimate no later than 30 days after a change in a facility's operating plan or
3927 design that would increase the costs of conducting the activities described in
3928 subsection (a) of this Section or no later than 60 days after an unexpected event
3929 that increases the cost of conducting the activities described in subsection (a) of
3930 this Section. The revised cost estimate must be adjusted for inflation, as specified
3931 in subsection (b) of this Section.

3932
3933 d) The owner or operator must keep the following documents at the facility during
3934 the operating life of the facility: The latest cost estimate prepared in accordance
3935 with subsections (a) and (c) of this Section and, when this estimate has been
3936 adjusted in accordance with subsection (b) of this Section, the latest adjusted cost
3937 estimate.

3938
3939 (Source: Added at 34 Ill. Reg. _____, effective _____)

3940
3941 **Section 721.243 Financial Assurance Condition**

3942
3943 As required by Section 721.104(a)(24)(F)(vi), an owner or operator of a reclamation facility or
3944 an intermediate facility must have financial assurance as a condition of the exclusion. The owner
3945 or operator must choose from among the options specified in subsections (a) through (e) of this
3946 Section.

3947
3948 a) Trust fund.

3949
3950 1) An owner or operator may satisfy the requirements of this Section by
3951 establishing a trust fund that conforms to the requirements of this

- 3952 subsection (a) and submitting an originally signed duplicate of the trust
3953 agreement to the Agency. The trustee must be an entity that has the
3954 authority to act as a trustee and whose trust operations are regulated and
3955 examined by a federal or state agency.
3956
3957 2) The wording of the trust agreement must be identical to the wording
3958 specified by the Agency pursuant to Section 721.251, and the trust
3959 agreement must be accompanied by a formal certification of
3960 acknowledgment as specified by the Agency pursuant to Section 721.251.
3961 Schedule A of the trust agreement must be updated within 60 days after
3962 any change in the amount of the current cost estimate covered by the
3963 agreement.
3964
3965 3) The trust fund must be funded for the full amount of the current cost
3966 estimate before it may be relied upon to satisfy the requirements of this
3967 Section.
3968
3969 4) Whenever the current cost estimate changes, the owner or operator must
3970 compare the new cost estimate with the trustee's most recent annual
3971 valuation of the trust fund. Within 60 days after the change in the cost
3972 estimate, if the value of the fund is less than the amount of the new cost
3973 estimate, the owner or operator must either deposit an amount into the
3974 fund so that its value after this deposit at least equals the amount of the
3975 current cost estimate, or the owner or operator must obtain other financial
3976 assurance that satisfies the requirements of this Section to cover the
3977 difference.
3978
3979 5) If the value of the trust fund is greater than the total amount of the current
3980 cost estimate, the owner or operator may submit a written request to the
3981 Agency for release of the amount in excess of the current cost estimate.
3982
3983 6) If an owner or operator substitutes other financial assurance that satisfies
3984 the requirements of this Section for all or part of the trust fund, it may
3985 submit a written request to the Agency for release of the amount in excess
3986 of the current cost estimate covered by the trust fund.
3987
3988 7) Within 60 days after receiving a request from the owner or operator for a
3989 release of funds, as specified in subsection (a)(5) or (a)(6) of this Section,
3990 the Agency must instruct the trustee to release to the owner or operator
3991 such funds as the Agency specifies in writing. If the owner or operator
3992 begins final closure pursuant to Subpart G of 35 Ill. Adm. Code 724 or
3993 725, it may request reimbursements for partial or final closure
3994 expenditures by submitting itemized bills to the Agency. The owner or

3995 operator may request reimbursements for partial closure only if sufficient
3996 funds are remaining in the trust fund to cover the maximum costs of
3997 closing the facility over its remaining operating life. No later than 60 days
3998 after receiving bills for partial or final closure activities, if the Agency
3999 determines that the partial or final closure expenditures are in accordance
4000 with the approved closure plan, or otherwise justified, the Agency must
4001 instruct the trustee to make reimbursements in those amounts as the
4002 Agency specifies in writing. If the Agency has reason to believe that the
4003 maximum cost of closure over the remaining life of the facility will be
4004 significantly greater than the value of the trust fund, the Agency may
4005 withhold reimbursements of such amounts as the Agency deems prudent
4006 until the Agency determines, in accordance with 35 Ill. Adm. Code
4007 725.243(i), that the owner or operator is no longer required to maintain
4008 financial assurance for final closure of the facility. If the Agency does not
4009 instruct the trustee to make such reimbursements, the Agency must
4010 provide to the owner or operator a detailed written statement of reasons.
4011

4012 8) The Agency must agree to termination of the trust fund when either of the
4013 following has occurred:

4014
4015 A) The Agency determines that the owner or operator has substituted
4016 alternative financial assurance that satisfies the requirements of
4017 this Section; or

4018
4019 B) The Agency releases the owner or operator from the requirements
4020 of this Section in accordance with subsection (i) of this Section.
4021

4022 b) Surety bond guaranteeing payment into a trust fund.
4023

4024 1) An owner or operator may satisfy the requirements of this Section by
4025 obtaining a surety bond that conforms to the requirements of this
4026 subsection (b) and submitting the bond to the Agency. The surety
4027 company issuing the bond must, at a minimum, be among those listed as
4028 acceptable sureties on federal bonds in Circular 570 of the U.S.
4029 Department of the Treasury.
4030

4031 BOARD NOTE: The U.S. Department of the Treasury updates Circular
4032 570, "Companies Holding Certificates of Authority as Acceptable Sureties
4033 on Federal Bonds and as Acceptable Reinsuring Companies," on an annual
4034 basis pursuant to 31 CFR 223.16. Circular 570 is available on the Internet
4035 from the following website: <http://www.fms.treas.gov/c570/>.
4036

- 4037 2) The wording of the surety bond must be identical to the wording specified
4038 by the Agency pursuant to Section 721.251.
4039
- 4040 3) The owner or operator who uses a surety bond to satisfy the requirements
4041 of this Section must also establish a standby trust fund. Under the terms
4042 of the bond, all payments made thereunder will be deposited by the surety
4043 directly into the standby trust fund in accordance with instructions from
4044 the Agency. This standby trust fund must meet the requirements specified
4045 in subsection (a) of this Section, except that the following also apply:
4046
- 4047 A) The owner or operator must submit an originally signed duplicate
4048 of the trust agreement to the Agency with the surety bond; and
4049
- 4050 B) Until the standby trust fund is funded pursuant to the requirements
4051 of this Section, the following are not required:
4052
- 4053 i) Payments into the trust fund, as specified in subsection (a)
4054 of this Section;
4055
- 4056 ii) Updating of Schedule A of the trust agreement to show
4057 current cost estimates;
4058
- 4059 iii) Annual valuations, as required by the trust agreement; and
4060
- 4061 iv) Notices of nonpayment, as required by the trust agreement.
4062
- 4063 4) The bond must guarantee that the owner or operator will undertake one of
4064 the following actions:
4065
- 4066 A) That the owner or operator will fund the standby trust fund in an
4067 amount equal to the penal sum of the bond before loss of the
4068 exclusion pursuant to Section 721.104(a)(24);
4069
- 4070 B) That the owner or operator will fund the standby trust fund in an
4071 amount equal to the penal sum within 15 days after an
4072 administrative order to begin closure issued by the Agency
4073 becomes final, or within 15 days after an order to begin closure is
4074 issued by the Board or a court of competent jurisdiction; or
4075
- 4076 C) Within 90 days after receipt by both the owner or operator and the
4077 Agency of a notice of cancellation of the bond from the surety, that
4078 the owner or operator will provide alternate financial assurance

that satisfies the requirements of this Section and obtain the Agency's written approval of the assurance provided.

- 5) Under the terms of the bond, the surety must become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.
- 6) The penal sum of the bond must be in an amount at least equal to the current cost estimate, except as provided in subsection (f) of this Section.
- 7) Whenever the current cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance that satisfies the requirements of this Section to cover the increase. Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate, following written approval by the Agency.
- 8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
- 9) The owner or operator may cancel the bond if the Agency has given prior written consent based on receipt of evidence of alternate financial assurance that satisfies the requirements of this Section.

c) Letter of credit.

- 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this subsection (c) and submitting the letter to the Agency. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.
- 2) The wording of the letter of credit must be identical to the wording specified by the Agency pursuant to Section 721.251.
- 3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section must also establish a standby trust fund.

4122 Under the terms of the letter of credit, all amounts paid pursuant to a draft
4123 by the Agency will be deposited by the issuing institution directly into the
4124 standby trust fund in accordance with instructions from the Agency. This
4125 standby trust fund must meet the requirements of the trust fund specified
4126 in subsection (a) of this Section, except that the following also apply:

- 4127
- 4128 A) The owner or operator must submit an originally signed duplicate
- 4129 of the trust agreement to the Agency with the letter of credit; and
- 4130
- 4131 B) Unless the standby trust fund is funded pursuant to the
- 4132 requirements of this Section, the following are not required:
- 4133
- 4134 i) Payments into the trust fund, as specified in subsection (a)
- 4135 of this Section;
- 4136
- 4137 ii) Updating of Schedule A of the trust agreement to show
- 4138 current cost estimates;
- 4139
- 4140 iii) Annual valuations, as required by the trust agreement; and
- 4141
- 4142 iv) Notices of nonpayment, as required by the trust agreement.
- 4143

4144 4) The letter of credit must be accompanied by a letter from the owner or
4145 operator that refers to the letter of credit by number, issuing institution,
4146 and date, and that provides the following information: The USEPA
4147 identification number (if any issued), name and address of the facility, and
4148 the amount of funds assured for the facility by the letter of credit.

4150 5) The letter of credit must be irrevocable, and the letter must be issued for a
4151 period of at least one year. The letter of credit must provide that the
4152 expiration date will be automatically extended for a period of at least one
4153 year unless, at least 120 days before the current expiration date, the issuing
4154 institution notifies both the owner or operator and the Agency by certified
4155 mail of a decision not to extend the expiration date. Under the terms of
4156 the letter of credit, the 120 days will begin on the date when both the
4157 owner or operator and the Agency have received the notice, as evidenced
4158 by the return receipts.

4160 6) The letter of credit must be issued in an amount at least equal to the
4161 current cost estimate, except as provided in subsection (f) of this Section.

4163 7) Whenever the current cost estimate increases to an amount greater than the
4164 amount of the credit, within 60 days after the increase, the owner or

4165 operator must either cause the amount of the credit to be increased, so that
 4166 it at least equals the current cost estimate, and submit evidence of such
 4167 increase to the Agency, or it must obtain other financial assurance that
 4168 satisfies the requirements of this Section to cover the increase. Whenever
 4169 the current cost estimate decreases, the amount of the credit may be
 4170 reduced to the amount of the current cost estimate following written
 4171 approval by the Agency.

4172
 4173 8) Following a determination by the Agency that the hazardous secondary
 4174 materials do not meet the conditions of the exclusion set forth in Section
 4175 721.104(a)(24), the Agency may draw on the letter of credit.

4176
 4177 9) If the owner or operator does not establish alternative financial assurance
 4178 that satisfies the requirements of this Section and obtain written approval
 4179 of such alternate assurance from the Agency within 90 days after receipt
 4180 by both the owner or operator and the Agency of a notice from the issuing
 4181 institution that it has decided not to extend the letter of credit beyond the
 4182 current expiration date, the Agency may draw on the letter of credit. The
 4183 Agency may delay the drawing if the issuing institution grants an
 4184 extension of the term of the credit. During the last 30 days of any such
 4185 extension, the Agency may draw on the letter of credit if the owner or
 4186 operator has failed to provide alternative financial assurance that satisfies
 4187 the requirements of this Section and to obtain written approval of such
 4188 assurance from the Agency.

4189
 4190 10) The Agency must return the letter of credit to the issuing institution for
 4191 termination when either of the following occurs:

4192
 4193 A) The owner or operator substitutes alternative financial assurance
 4194 that satisfies the requirements of this Section; or

4195
 4196 B) The Agency releases the owner or operator from the requirements
 4197 of this Section in accordance with subsection (i) of this Section.

4198
 4199 d) Insurance.

4200
 4201 1) An owner or operator may satisfy the requirements of this Section by
 4202 obtaining insurance that conforms to the requirements of this subsection
 4203 (d) and submitting a certificate of such insurance to the Agency. At a
 4204 minimum, the insurer must be licensed to transact the business of
 4205 insurance or be eligible to provide insurance as an excess or surplus lines
 4206 insurer, in one or more states.
 4207

- 4208 2) The wording of the certificate of insurance must be identical to the
4209 wording specified by the Agency pursuant to Section 721.251.
- 4210
- 4211 3) The insurance policy must be issued for a face amount at least equal to the
4212 current cost estimate, except as provided in subsection (f) of this Section.
4213 The term "face amount" means the total amount the insurer is obligated to
4214 pay under the policy. Actual payments by the insurer will not change the
4215 face amount, although the insurer's future liability will be lowered by the
4216 amount of the payments.
- 4217
- 4218 4) The insurance policy must guarantee that funds will be available whenever
4219 needed to pay the cost of removal of all hazardous secondary materials
4220 from the unit, to pay the cost of decontamination of the unit, and to pay
4221 the costs of the performance of activities required under Subpart G of 35
4222 Ill. Adm. Code 724 or 725, as applicable, for the facilities covered by the
4223 policy. The policy must also guarantee that once funds are needed, the
4224 insurer will be responsible for paying out funds, up to an amount equal to
4225 the face amount of the policy, upon the direction of the Agency, to such
4226 party or parties as the Agency specifies.
- 4227
- 4228 5) After beginning partial or final closure pursuant to 35 Ill. Adm. Code 724
4229 or 725, as applicable, an owner or operator or any other authorized person
4230 may request reimbursements for closure expenditures by submitting
4231 itemized bills to the Agency. The owner or operator may request
4232 reimbursements only if the remaining value of the policy is sufficient to
4233 cover the maximum costs of closing the facility over its remaining
4234 operating life. If the Agency determines that the expenditures are in
4235 accordance with the approved plan or are otherwise justified, the Agency
4236 must, within 60 days after receiving bills for closure activities, instruct the
4237 insurer in writing to make reimbursements in such amounts as the Agency
4238 specifies . If the Agency has reason to believe that the maximum cost
4239 over the remaining life of the facility will be significantly greater than the
4240 face amount of the policy, the Agency may withhold reimbursement of
4241 such amounts as the Agency deems prudent until the Agency determines,
4242 in accordance with subsection (h) of this Section, that the owner or
4243 operator is no longer required to maintain financial assurance for the
4244 particular facility. If the Agency does not instruct the insurer to make
4245 such reimbursements, the Agency must provide to the owner or operator a
4246 detailed written statement of reasons.

4247

4248 BOARD NOTE: The owner or operator may appeal any Agency
4249 determination made pursuant to this subsection (d)(5), as provided by
4250 Section 40 of the Act [415 ILCS 5/40].

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- 6) The owner or operator must maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator, as specified in subsection (d)(10) of this Section. Failure to pay the premium, without substitution of alternate financial assurance as specified in this Section, will constitute a significant violation of these regulations warranting such remedies as are deemed necessary pursuant to Sections 31, 39, and 40 of the Act [415 ILCS 5/31, 39, and 40]. Such a violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination, or failure to renew the policy due to nonpayment of the premium, rather than upon the date of policy expiration.

 - 7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditioned on consent of the insurer, so long as the policy provides that the insurer may not unreasonably refuse such consent.

 - 8) The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy, except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If the owner or operator fails to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination, or failure to renew may not occur, however, during the 120 days that begin on the date that both the Agency and the owner or operator have received the notice, as evidenced by the return receipts. Cancellation, termination, or failure to renew the policy may not occur, and the policy will remain in full force and effect, in the event that on or before the expiration date, one of the following events occurs:
 - A) The Agency deems the facility abandoned;

 - B) Conditional exclusion or interim status is lost, terminated, or revoked;

 - C) Closure is ordered by the Board or a court of competent jurisdiction;

 - D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 of the U.S. Code (Bankruptcy); or

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E) The premium due has been paid.

9) Whenever the owner or operator learns that the current cost estimate has increased to an amount greater than the face amount of the policy, the owner or operator must, within 60 days after learning of the increase, either cause the face amount to be increased to an amount at least equal to the current cost estimate and submit evidence of such increase to the Agency, or the owner or operator must obtain other financial assurance that satisfies the requirements of this Section to cover the increase. Whenever the current cost estimate decreases, the face amount may be reduced to the amount of the current cost estimate after the owner or operator has obtained the written approval of the Agency.

10) The Agency must give written consent that allows the owner or operator to terminate the insurance policy when either of the following events occurs:

A) The Agency has determined that the owner or operator has substituted alternative financial assurance that satisfies the requirements of this Section; or

B) The Agency has released the owner or operator from the requirements of this Section pursuant to subsection (i) of this Section.

e) Financial test and corporate guarantee.

1) An owner or operator may satisfy the requirements of this Section by demonstrating that the owner or operator passes one of the financial tests specified in this subsection (e). To pass a financial test, the owner or operator must meet the criteria of either subsection (e)(1)(A) or (e)(1)(B) of this Section:

A) Test 1. The owner or operator must have each of the following:

i) Two of the following three ratios: A ratio of total liabilities to net worth less than 2:0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0:1; and a ratio of current assets to current liabilities greater than 1:5;

- 4335 ii) Net working capital and tangible net worth each at least six
- 4336 times the sum of the current cost estimates and the current
- 4337 plugging and abandonment cost estimates;
- 4338
- 4339 iii) Tangible net worth of at least \$10 million; and
- 4340
- 4341 iv) Assets located in the United States amounting to at least 90
- 4342 percent of total assets or at least six times the sum of the
- 4343 current cost estimates and the current plugging and
- 4344 abandonment cost estimates.
- 4345

4346 B) Test 2. The owner or operator must have each of the following:

- 4347
- 4348 i) A current rating for its most recent bond issuance of AAA,
- 4349 AA, A, or BBB, as issued by Standard and Poor's, or Aaa,
- 4350 Aa, A, or Baa, as issued by Moody's;
- 4351
- 4352 ii) Tangible net worth at least six times the sum of the current
- 4353 cost estimates and the current plugging and abandonment
- 4354 cost estimates;
- 4355
- 4356 iii) Tangible net worth of at least \$10 million; and
- 4357
- 4358 iv) Assets located in the United States amounting to either at
- 4359 least 90 percent of total assets or at least six times the sum
- 4360 of the current cost estimates and the current plugging and
- 4361 abandonment cost estimates.
- 4362

4363 2) Definitions.

4364

4365 "Current cost estimates", as used in subsection (e)(1) of this Section, refers

4366 to the following four cost estimates required in the standard letter from the

4367 owner's or operator's chief financial officer:

4368

4369 The cost estimate for each facility for which the owner or operator

4370 has demonstrated financial assurance through the financial test

4371 specified in subsections (e)(1) through (e)(9) of this Section;

4372

4373 The cost estimate for each facility for which the owner or operator

4374 has demonstrated financial assurance through the corporate

4375 guarantee specified in subsection (e)(10) of this Section;

4376

4377 For facilities in a state outside of Illinois, the cost estimate for each
4378 facility for which the owner or operator has demonstrated financial
4379 assurance through the financial test specified in Subpart H of 40
4380 CFR 261 or through a financial test deemed by USEPA as
4381 equivalent to that set forth in Subpart H of 40 CFR 261; and

4382
4383 The cost estimate for each facility for which the owner or operator
4384 has not demonstrated financial assurance to the Agency, USEPA,
4385 or a sister state in which the facility is located by any mechanism
4386 that satisfies the requirements of the applicable of this Subpart H,
4387 Subpart H of 40 CFR 261, or regulations deemed by USEPA as
4388 equivalent to Subpart H of 40 CFR 261.

4389
4390 "Current plugging and abandonment cost estimates", as used in subsection
4391 (e)(1) of this Section, refers to the following four cost estimates required
4392 in the standard form of a letter from the owner's or operator's chief
4393 financial officer (see 35 Ill. Adm. Code 704.240):

4394
4395 The cost estimate for each facility for which the owner or operator
4396 has demonstrated financial assurance through the financial test
4397 specified in 35 Ill. Adm. Code 704.219(a) through (i);

4398
4399 The cost estimate for each facility for which the owner or operator
4400 has demonstrated financial assurance through the financial test
4401 specified in 35 Ill. Adm. Code 704.219(j);

4402
4403 For facilities in a state outside of Illinois, the cost estimate for each
4404 facility for which the owner or operator has demonstrated financial
4405 assurance through the financial test specified in Subpart F of 40
4406 CFR 144 or through a financial test deemed by USEPA as
4407 equivalent to that set forth in Subpart F of 40 CFR 144; and

4408
4409 The cost estimate for each facility for which the owner or operator
4410 has not demonstrated financial assurance to the Agency, USEPA,
4411 or a sister state in which the facility is located by any mechanism
4412 that satisfies the requirements of the applicable of Subpart G of 35
4413 Ill. Adm. Code 704, Subpart F of 40 CFR 144, or regulations
4414 deemed by USEPA as equivalent to Subpart F of 40 CFR 144.

4415
4416 BOARD NOTE: Corresponding 40 CFR 261.143(e)(2) defines "current
4417 cost estimate" as "the cost estimates required to be shown in paragraphs 1-
4418 4 of the letter from the owner's or operator's chief financial officer
4419 (Section 261.151(e))" and "current plugging and abandonment cost

- 4420 estimates" as "the cost estimates required to be shown in paragraphs 1-4 of
 4421 the letter from the owner's or operator's chief financial officer (Section
 4422 144.70(f) of this chapter)." The Board has substituted the descriptions of
 4423 these estimates, using those set forth by USEPA in 40 CFR 261.151(e) and
 4424 144.70(f), as appropriate. Since the letter of the chief financial officer
 4425 must include the cost estimates for any facilities that the owner or operator
 4426 manages outside of Illinois, the Board has referred to the corresponding
 4427 regulations of those sister states as "regulations deemed by USEPA as
 4428 equivalent to Subpart F of 40 CFR 144 and Subpart H of 40 CFR 261".
 4429
- 4430 3) To demonstrate that it meets the financial test set forth in subsection (e)(1)
 4431 of this Section, the owner or operator must submit the following items to
 4432 the Agency:
 4433
- 4434 A) A letter signed by the owner's or operator's chief financial officer
 4435 and worded as specified by the Agency pursuant to Section
 4436 721.251 that is derived from the independently audited, year-end
 4437 financial statements for the latest fiscal year, with the amounts of
 4438 the pertinent environmental liabilities included in such financial
 4439 statements;
 4440
- 4441 B) A copy of an independent certified public accountant's report on
 4442 examination of the owner's or operator's financial statements for
 4443 the latest completed fiscal year; and
 4444
- 4445 C) If the chief financial officer's letter prepared pursuant to subsection
 4446 (e)(3)(A) of this Section includes financial data showing that the
 4447 owner or operator satisfies the test set forth in subsection (e)(1)(A)
 4448 of this Section (Test 1), and either the data in the chief financial
 4449 officer's letter are different from the data in the audited financial
 4450 statements required by subsection (e)(3)(B) of this Section, or the
 4451 data are different from any other audited financial statement or
 4452 data filed with the federal Securities and Exchange Commission,
 4453 then the owner or operator must submit a special report from its
 4454 independent certified public accountant. The special report must
 4455 be based on an agreed-upon procedures engagement, in accordance
 4456 with professional auditing standards. The report must describe the
 4457 procedures used to compare the data in the chief financial officer's
 4458 letter (prepared pursuant to subsection (e)(3)(A) of this Section),
 4459 the findings of the comparison, and the reasons for any differences.
 4460
- 4461 4) This subsection (e)(3)(4) corresponds with 40 CFR 261.143(e)(3)(iv), a
 4462 provision relating to extension of the deadline for filing the financial

- 4463 documents required by 40 CFR 261.143(e)(3) until as late as 90 days after
 4464 the effective date of the federal rule. Thus, the latest date for filing the
 4465 documents was March 29, 2009, which is now past. See 40 CFR
 4466 261.143(e)(3) and 73 Fed. Reg. 64668 (Oct. 30, 2008). This statement
 4467 maintains structural consistency with the corresponding federal provision.
 4468
- 4469 5) After the initial submission of items specified in subsection (e)(3) of this
 4470 Section, the owner or operator must send updated information to the
 4471 Agency within 90 days after the close of each succeeding fiscal year. This
 4472 information must consist of all three items specified in subsection (e)(3) of
 4473 this Section.
 4474
- 4475 6) If the owner or operator no longer fulfills the requirements of subsection
 4476 (e)(1) of this Section, it must send notice to the Agency of intent to
 4477 establish alternative financial assurance that satisfies the requirements of
 4478 this Section. The owner or operator must send the notice by certified mail
 4479 within 90 days after the end of the fiscal year for which the year-end
 4480 financial data show that the owner or operator no longer meets the
 4481 requirements. The owner or operator must provide the alternative
 4482 financial assurance within 120 days after the end of such fiscal year.
 4483
- 4484 7) The Agency may, based on a reasonable belief that the owner or operator
 4485 may no longer meet the requirements of subsection (e)(1) of this Section,
 4486 require reports of financial condition at any time from the owner or
 4487 operator in addition to those specified in subsection (e)(3) of this Section.
 4488 If the Agency finds, on the basis of such reports or other information, that
 4489 the owner or operator no longer meets the requirements of subsection
 4490 (e)(1) of this Section, the owner or operator must provide alternative
 4491 financial assurance that satisfies the requirements of this Section within 30
 4492 days after notification of such a finding.
 4493
- 4494 8) The Agency must disallow use of the financial tests set forth in this
 4495 subsection (e) on the basis of qualifications in the opinion expressed by
 4496 the independent certified public accountant in the accountant's report on
 4497 examination of the owner's or operator's financial statements (see
 4498 subsection (e)(3)(B) of this Section) when the Agency determines that
 4499 those qualifications significantly, adversely affect the owner's or operator's
 4500 ability to provide its own financial assurance by this mechanism. An
 4501 adverse opinion or a disclaimer of opinion will be cause for disallowance.
 4502 The Agency must evaluate all other kinds of qualifications on an
 4503 individual basis. The owner or operator must provide alternative financial
 4504 assurance that satisfies the requirements of this Section within 30 days

- 4505 after a notification of Agency disallowance pursuant to this subsection
 4506 (e)(8).
 4507
 4508 9) The owner or operator is no longer required to submit the items specified
 4509 in subsection (e)(3) of this Section when either of the following events
 4510 occur:
 4511
 4512 A) An owner or operator has substituted alternative financial
 4513 assurance that satisfies the requirements of this Section; or
 4514
 4515 B) The Agency releases the owner or operator from the requirements
 4516 of this Section pursuant to subsection (i) of this Section.
 4517
 4518 10) Corporate guarantee for financial responsibility. An owner or operator
 4519 may comply with the requirements of this Section by obtaining a written
 4520 corporate guarantee. The guarantor must be the direct or higher-tier parent
 4521 corporation of the owner or operator, a sister firm whose parent
 4522 corporation is also the parent corporation of the owner or operator, or a
 4523 firm with a "substantial business relationship" with the owner or operator,
 4524 as that term is defined in subsection (g)(1)(B) of this Section. The
 4525 guarantor must meet the requirements applicable to an owner or operator
 4526 as set forth in subsections (e)(1) through (e)(8) of this Section, and it must
 4527 comply with the terms of the guarantee. The wording of the guarantee
 4528 must be identical to the wording specified by the Agency pursuant to
 4529 Section 721.251. A certified copy of the guarantee must accompany the
 4530 items sent to the Agency that are required by subsection (e)(3) of this
 4531 Section. One of these items must be the letter from the guarantor's chief
 4532 financial officer. If the guarantor's parent corporation is also the parent
 4533 corporation of the owner or operator, the letter must describe the value
 4534 received in consideration of the guarantee. If the guarantor is a firm with
 4535 a "substantial business relationship" with the owner or operator, this letter
 4536 must describe this "substantial business relationship" and the value
 4537 received in consideration of the guarantee. The terms of the guarantee
 4538 must provide as follows:
 4539
 4540 A) Following a determination by the Agency that the hazardous
 4541 secondary materials at the owner or operator's facility covered by
 4542 this guarantee do not meet the conditions of the exclusion under
 4543 Section 721.104(a)(24), the guarantor must dispose of any
 4544 hazardous secondary material as hazardous waste and close the
 4545 facility in accordance with the applicable closure requirements set
 4546 forth in 35 Ill. Adm. Code 724 or 725, or the guarantor must
 4547 establish a trust fund in the name of the owner or operator and in

4548 the amount of the current cost estimate that satisfies the
4549 requirements of subsection (a) of this Section.

4550 B) The corporate guarantee must remain in force unless the guarantor
4551 has sent notice of cancellation by certified mail to the owner or
4552 operator and to the Agency. Cancellation may not occur, however,
4553 during the 120 days beginning on the date on which both the owner
4554 or operator and the Agency have received the notice of
4555 cancellation, as evidenced by the return receipts.

4556 C) If the owner or operator fails to provide alternative financial
4557 assurance that satisfies the requirements of this Section and obtain
4558 the written approval of such alternate assurance from the Agency
4559 within 90 days after the date on which both the owner or operator
4560 and the Agency have received the notice of cancellation of the
4561 corporate guarantee from the guarantor, the guarantor must provide
4562 such alternative financial assurance in the name of the owner or
4563 operator.

4564 BOARD NOTE: Corresponding 40 CFR 261.143(e)(10) refers to 40 CFR
4565 264.141(h) and 265.141(h) for definition of "substantial business
4566 relationship." The Board did not previously include the federal definition
4567 in the Illinois rules at corresponding 35 Ill. Adm. Code 724.241(h) and
4568 725.241(h). Thus, the Board has added the definition at subsection
4569 (g)(1)(B) of this Section.

4570 f) Use of multiple financial mechanisms. An owner or operator may satisfy the
4571 requirements of this Section by establishing more than one financial mechanism
4572 per facility. The mechanisms that an owner or operator may use for this purpose
4573 are limited to a trust fund that satisfies the requirements of subsection (a) of this
4574 Section, a surety bond that satisfies the requirements of subsection (b) of this
4575 Section, a letter of credit that satisfies the requirements of subsection (c) of this
4576 Section, and insurance that satisfies the requirements of subsection (d) of this
4577 Section. The mechanisms must individually satisfy the indicated requirements of
4578 this Section, except that it is the combination of all mechanisms used by the
4579 owner or operator, rather than any individual mechanism, that must provide
4580 financial assurance for an aggregated amount at least equal to the current cost
4581 estimate. If an owner or operator uses a trust fund in combination with a surety
4582 bond or a letter of credit, the owner or operator may use the trust fund as the
4583 standby trust fund for the other mechanisms. The owner or operator may
4584 establish a single standby trust fund for two or more mechanisms. The Agency
4585 may use any or all of the mechanisms to provide care for the facility.
4586
4587
4588
4589
4590

- 4591 g) Use of a single financial mechanism for multiple facilities. An owner or operator
 4592 may use a single financial assurance mechanism that satisfies the requirements of
 4593 this Section to fulfill the requirements of this Section for more than one facility.
 4594 Evidence of financial assurance submitted to the Agency must include a list
 4595 showing, for each facility, the USEPA identification number (if any), name,
 4596 address, and the amount of funds assured by the mechanism. If the facilities
 4597 covered by the mechanism are in more than one Region, USEPA requires the
 4598 owner of operator to submit and maintain identical evidence of financial
 4599 assurance with each USEPA Region in which a covered facility is located. The
 4600 amount of funds available through the mechanism must be no less than the sum of
 4601 funds that would be available if a separate mechanism had been established and
 4602 maintained for each facility. In directing funds available through a mechanism
 4603 for any of the facilities covered by that mechanism, the Agency may direct only
 4604 that amount of funds designated for that facility, unless the owner or operator
 4605 agrees to the use of additional funds available under the mechanism.
 4606
 4607 h) Removal and decontamination plan for release from financial assurance
 4608 obligations.
 4609
 4610 1) An owner or operator of a reclamation facility or an intermediate facility
 4611 that wishes to be released from its financial assurance obligations under
 4612 Section 721.104(a)(24)(F)(vi) must submit a plan for removing all
 4613 hazardous secondary material residues from the facility. The owner or
 4614 operator must submit the plan to the Agency at least 180 days prior to the
 4615 date on which the owner or operator expects to cease to operate under the
 4616 exclusion.
 4617
 4618 2) The plan must, at a minimum, include the following information:
 4619
 4620 A) For each hazardous secondary materials storage unit subject to
 4621 financial assurance requirements pursuant to Section
 4622 721.104(a)(24)(F)(vi), the plan must include a description of how
 4623 all excluded hazardous secondary materials will be recycled or sent
 4624 for recycling, and how all residues, contaminated containment
 4625 systems (liners, etc.), contaminated soils, subsoils, structures, and
 4626 equipment will be removed or decontaminated as necessary to
 4627 protect human health and the environment;
 4628
 4629 B) The plan must include a detailed description of the steps necessary
 4630 to remove or decontaminate all hazardous secondary material
 4631 residues and contaminated containment system components,
 4632 equipment, structures, and soils, including, but not limited to,
 4633 procedures for cleaning equipment and removing contaminated

4634 soils, methods for sampling and testing surrounding soils, and
4635 criteria for determining the extent of decontamination necessary to
4636 protect human health and the environment;

4637
4638 C) The plan must include a detailed description of any other activities
4639 necessary to protect human health and the environment during this
4640 timeframe, including, but not limited to, leachate collection, run-on
4641 and run-off control, etc.; and

4642
4643 D) The plan must include a schedule for conducting the activities
4644 described, which, at a minimum, includes the total time required to
4645 remove all excluded hazardous secondary materials for recycling
4646 and to decontaminate all units subject to financial assurance
4647 pursuant to Section 721.104(a)(24)(F)(vi) and the time required for
4648 intervening activities that will allow tracking of the progress of
4649 decontamination.

4650
4651 3) The Agency must provide the owner or operator and the public, through a
4652 newspaper notice, the opportunity to submit written comments on and
4653 request modifications to the plan. The Agency must accept any comments
4654 or requests to modify the plan that it receives no later than 30 days after
4655 the date of publication of the notice. The Agency must also, in response to
4656 a request or in its discretion, hold a public hearing whenever it determines
4657 that such a hearing might clarify one or more issues concerning the plan.
4658 The Agency must give public notice of the hearing at least 30 days before
4659 it occurs. (Public notice of the hearing may be given at the same time as
4660 notice of the opportunity for the public to submit written comments, and
4661 the Agency may combine the two notices.) The Agency must approve,
4662 modify, or disapprove the plan within 90 days after its receipt. If the
4663 Agency does not approve the plan, the Agency must provide the owner or
4664 operator with a detailed written statement of reasons for its refusal, and the
4665 owner or operator must modify the plan or submit a new plan for approval
4666 within 30 days after the owner or operator receives such a written
4667 statement from the Agency. The Agency must approve or modify this
4668 owner- or operator-modified plan in writing within 60 days. If the Agency
4669 modifies the owner- or operator-modified plan, this modified plan
4670 becomes the approved plan. The Agency must assure that the approved
4671 plan is consistent with this subsection (h). A copy of the modified plan
4672 with a detailed statement of reasons for the modifications must be mailed
4673 to the owner or operator.

4674
4675 4) Within 60 days after completion of the activities described for each
4676 hazardous secondary materials management unit, the owner or operator

4677 must submit to the Agency, by registered mail, a certification that all
4678 hazardous secondary materials have been removed from the unit and that
4679 the unit has been decontaminated in accordance with the specifications in
4680 the approved plan. The certification must be signed by the owner or
4681 operator and by a qualified Professional Engineer. Upon request, the
4682 owner or operator must furnish the Agency with documentation that
4683 supports the Professional Engineer's certification, until the Agency
4684 releases the owner or operator from the financial assurance requirements
4685 of Section 721.104(a)(24)(F)(vi).
4686

4687 i) Release of the owner or operator from the requirements of this Section. Within
4688 60 days after receiving certifications from the owner or operator and a qualified
4689 Professional Engineer that all hazardous secondary materials have been removed
4690 from the facility or from a unit at the facility and the facility or unit has been
4691 decontaminated in accordance with the approved plan in compliance with the
4692 requirements of subsection (h) of this Section, the Agency must determine
4693 whether or not the owner or operator has accomplished the objectives of removing
4694 all hazardous secondary materials from the facility or from a unit at the facility
4695 and decontaminating the facility in accordance with the approved plan. If the
4696 Agency determines that the owner or operator has accomplished both objectives,
4697 the Agency must notify the owner or operator in writing, within the 60 days, that
4698 the owner and operator are no longer required pursuant to Section
4699 721.104(a)(24)(F)(vi) to maintain financial assurance for that facility or unit at the
4700 facility. If the Agency determines that the owner or operator has not
4701 accomplished both objectives, it must provide the owner or operator with a
4702 detailed written statement of the basis for its determination.
4703

4704 (Source: Added at 34 Ill. Reg. _____, effective _____)
4705

4706 **Section 721.247 Liability Requirements**
4707

4708 a) Coverage for sudden accidental occurrences. The owner or operator of one or
4709 more hazardous secondary material reclamation facilities or intermediate facilities
4710 that are subject to financial assurance requirements pursuant to Section
4711 721.104(a)(24)(F)(vi) must demonstrate financial responsibility for bodily injury
4712 and property damage to third parties caused by sudden accidental occurrences
4713 arising from operations of its facilities. The owner or operator must maintain
4714 liability coverage in force for sudden accidental occurrences in the amount of at
4715 least \$1 million per occurrence with an annual aggregate of at least \$2 million,
4716 exclusive of legal defense costs. This liability coverage may be demonstrated as
4717 specified in any of subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), or (a)(6) of this
4718 Section.
4719

- 4720 1) An owner or operator may demonstrate the required liability coverage by
 4721 having liability insurance that satisfies the requirements of this subsection
 4722 (a)(1).
- 4723
- 4724 A) Each insurance policy must be amended by attachment of the
 4725 Hazardous Secondary Material Facility Liability Endorsement, or
 4726 evidenced by a Certificate of Liability Insurance. The wording of
 4727 the Hazardous Secondary Material Facility Liability Endorsement
 4728 must be identical to the wording specified by the Agency pursuant
 4729 to Section 721.251. The wording of the Certificate of Liability
 4730 Insurance must be identical to the wording specified by the Agency
 4731 pursuant to Section 721.251. The owner or operator must submit a
 4732 signed duplicate original of the Hazardous Secondary Material
 4733 Facility Liability Endorsement or the Certificate of Liability
 4734 Insurance to the Agency. If requested by the Agency, the owner or
 4735 operator must provide a signed duplicate original of the insurance
 4736 policy.
- 4737
- 4738 B) At a minimum, each insurance policy must be issued by an insurer
 4739 that is licensed to transact the business of insurance, or is eligible
 4740 to provide insurance as an excess or surplus lines insurer, in one or
 4741 more states.
- 4742
- 4743 2) An owner or operator may satisfy the requirements of this Section by
 4744 passing a financial test or using the guarantee for liability coverage that
 4745 satisfies the requirements of subsections (f) and (g) of this Section.
- 4746
- 4747 3) An owner or operator may satisfy the requirements of this Section by
 4748 obtaining a letter of credit for liability coverage that satisfies the
 4749 requirements of subsection (h) of this Section.
- 4750
- 4751 4) An owner or operator may satisfy the requirements of this Section by
 4752 obtaining a surety bond for liability coverage that satisfies the
 4753 requirements of subsection (i) of this Section.
- 4754
- 4755 5) An owner or operator may satisfy the requirements of this Section by
 4756 obtaining a trust fund for liability coverage that satisfies the requirements
 4757 of subsection (j) of this Section.
- 4758
- 4759 6) An owner or operator may demonstrate the required liability coverage
 4760 through the use of a combination of insurance (subsection (a)(1) of this
 4761 Section), financial test (subsection (f) of this Section), guarantee
 4762 (subsection (g) of this Section), letter of credit (subsection (h) of this

4763 Section), surety bond (subsection (i) of this Section), and trust fund
4764 (subsection (j) of this Section), except that the owner or operator may not
4765 combine a financial test covering part of the liability coverage requirement
4766 with a guarantee in which the financial statement of the owner or operator
4767 is consolidated with the financial statement of the guarantor. The amounts
4768 of coverage demonstrated by the combination must total at least the
4769 minimum amounts required for the facility by this Section. If the owner or
4770 operator demonstrates the required coverage through the use of a
4771 combination of financial assurances pursuant to this subsection (a)(6), the
4772 owner or operator must specify at least one such assurance as "primary"
4773 coverage and all other assurance as "excess" coverage.
4774

4775 7) An owner or operator must notify the Agency in writing within 30 days
4776 whenever any of the following events has occurred:
4777

4778 A) A claim has resulted in a reduction in the amount of financial
4779 assurance for liability coverage provided by a financial instrument
4780 authorized by any of subsections (a)(1) through (a)(6) of this
4781 Section;
4782

4783 B) A Certification of Valid Claim for bodily injury or property
4784 damages caused by a sudden or non-sudden accidental occurrence
4785 arising from the operation of a hazardous secondary material
4786 reclamation facility or intermediate facility is entered between the
4787 owner or operator and a third-party claimant for liability coverage
4788 established pursuant to any of subsections (a)(1) through (a)(6) of
4789 this Section; or
4790

4791 C) A final court order that establishes a judgment for bodily injury or
4792 property damage caused by a sudden or non-sudden accidental
4793 occurrence that arose from the operation of a hazardous secondary
4794 material reclamation facility or intermediate facility is issued
4795 against the owner or operator or an instrument that is providing
4796 financial assurance for liability coverage pursuant to any of
4797 subsections (a)(1) through (a)(6) of this Section.
4798

4799 BOARD NOTE: Corresponding 40 CFR 261.147(a) recites that it applies to "a
4800 hazardous secondary material reclamation facility or intermediate facility with
4801 land-based units...or a group of such facilities." The Board has rendered this
4802 provision in the singular, intending that it include several facilities as a group
4803 when necessary. The Board does not intend to limit the applicability of this
4804 provision to multiple facilities. Note that the Agency can require compliance with
4805 this provision by a facility to which it would not otherwise apply pursuant to

4806 subsection (d)(2) of this Section, subject to the owner's or operator's right to
 4807 appeal an Agency determination to the Board.

4808
 4809 b) Coverage for non-sudden accidental occurrences. An owner or operator of a
 4810 hazardous secondary material reclamation facility or intermediate facility with
 4811 land-based units, as defined in Section 720.110, that is used to manage hazardous
 4812 secondary materials excluded pursuant to Section 721.104(a)(24) must
 4813 demonstrate financial responsibility for bodily injury and property damage to
 4814 third parties caused by non-sudden accidental occurrences that arise from
 4815 operations of the facility or group of facilities. The owner or operator must
 4816 maintain liability coverage for non-sudden accidental occurrences in the amount
 4817 of at least \$3 million per occurrence with an annual aggregate of at least \$6
 4818 million, exclusive of legal defense costs. An owner or operator that must satisfy
 4819 the requirements of this Section may combine the required per occurrence
 4820 coverage levels for sudden and non-sudden accidental occurrences into a single
 4821 per-occurrence level, and the owner or operator may combine the required annual
 4822 aggregate coverage levels for sudden and non-sudden accidental occurrences into
 4823 a single annual aggregate level. An owner or operator that combines coverage
 4824 levels for sudden and non-sudden accidental occurrences must maintain liability
 4825 coverage in the amount of at least \$4 million per occurrence and \$8 million
 4826 annual aggregate. The owner or operator may establish this liability coverage as
 4827 demonstrated by any of the means set forth in subsections (b)(1) through (b)(6) of
 4828 this Section:

4829
 4830 1) An owner or operator may demonstrate the required liability coverage by
 4831 having liability insurance that satisfies the requirements of this subsection
 4832 (b)(1).

4833
 4834 A) Each insurance policy must be amended by attachment of the
 4835 Hazardous Secondary Material Facility Liability Endorsement or
 4836 evidenced by a Certificate of Liability Insurance. The wording of
 4837 the Hazardous Secondary Material Facility Liability Endorsement
 4838 must be identical to the wording specified by the Agency pursuant
 4839 to Section 721.251. The wording of the Certificate of Liability
 4840 Insurance must be identical to the wording specified by the Agency
 4841 pursuant to Section 721.251. The owner or operator must submit a
 4842 signed duplicate original of the Hazardous Secondary Material
 4843 Facility Liability Endorsement or the Certificate of Liability
 4844 Insurance to the Agency. If requested by the Agency, the owner or
 4845 operator must provide a signed duplicate original of the insurance
 4846 policy.

4847

- 4848 B) At a minimum, each insurance policy must be issued by an insurer
4849 that is licensed to transact the business of insurance, or is eligible
4850 to provide insurance as an excess or surplus lines insurer in one or
4851 more states.
- 4852
- 4853 2) An owner or operator may satisfy the requirements of this Section by
4854 passing a financial test or by using the guarantee for liability coverage that
4855 satisfies the requirements of subsections (f) and (g) of this Section.
- 4856
- 4857 3) An owner or operator may satisfy the requirements of this Section by
4858 obtaining a letter of credit for liability coverage that satisfies the
4859 requirements of subsection (h) of this Section.
- 4860
- 4861 4) An owner or operator may satisfy the requirements of this Section by
4862 obtaining a surety bond for liability coverage that satisfies the
4863 requirements of subsection (i) of this Section.
- 4864
- 4865 5) An owner or operator may satisfy the requirements of this Section by
4866 obtaining a trust fund for liability coverage that satisfies the requirements
4867 of subsection (j) of this Section.
- 4868
- 4869 6) An owner or operator may demonstrate the required liability coverage
4870 through the use of a combination of insurance (subsection (b)(1) of this
4871 Section), financial test (subsection (f) of this Section), guarantee
4872 (subsection (g) of this Section), letter of credit (subsection (h) of this
4873 Section), surety bond (subsection (i) of this Section), or trust fund
4874 (subsection (j) of this Section), except that the owner or operator may not
4875 combine a financial test covering part of the liability coverage requirement
4876 with a guarantee in which the financial statement of the owner or operator
4877 is consolidated with the financial statement of the guarantor. The amounts
4878 of coverage demonstrated by the combination must total at least the
4879 minimum amounts required for the facility by this Section. If the owner or
4880 operator demonstrates the required coverage through the use of a
4881 combination of financial assurances pursuant to this subsection (b)(6), the
4882 owner or operator must specify at least one such assurance as "primary"
4883 coverage and all other assurance as "excess" coverage.
- 4884
- 4885 7) An owner or operator must notify the Agency in writing within 30 days
4886 whenever any of the following events has occurred:
- 4887
- 4888 A) A claim has resulted in a reduction in the amount of financial
4889 assurance for liability coverage provided by a financial instrument

4890 authorized by any of subsections (b)(1) through (b)(6) of this
4891 Section;

4892
4893 B) A Certification of Valid Claim for bodily injury or property
4894 damages caused by a sudden or non-sudden accidental occurrence
4895 arising from the operation of a hazardous secondary material
4896 treatment or storage facility is entered between the owner or
4897 operator and a third-party claimant for liability coverage
4898 established pursuant to any of subsections (b)(1) through (b)(6) of
4899 this Section; or

4900
4901 C) A final court order that establishes a judgment for bodily injury or
4902 property damage caused by a sudden or non-sudden accidental
4903 occurrence that arose from the operation of a hazardous secondary
4904 material treatment and/or storage facility is issued against the
4905 owner or operator or an instrument that is providing financial
4906 assurance for liability coverage pursuant to any of subsections
4907 (b)(1) through (b)(6) of this Section.
4908

4909 BOARD NOTE: Corresponding 40 CFR 261.147(b) recites that it applies to "a
4910 hazardous secondary material reclamation facility or intermediate facility with
4911 land-based units...or a group of such facilities." The Board has rendered this
4912 provision in the singular, intending that it include several facilities as a group
4913 when necessary. The Board does not intend to limit the applicability of this
4914 provision to multiple facilities. Note that the Agency can require compliance with
4915 this provision by a facility to which it would not otherwise apply pursuant to
4916 subsection (d)(2) of this Section, subject to the owner's or operator's right to
4917 appeal an Agency determination to the Board.

4918
4919 c) Petition for adjusted standard. If an owner or operator can demonstrate that the
4920 level of financial responsibility required by subsection (a) or (b) of this Section is
4921 not consistent with the degree and duration of risk associated with treatment or
4922 storage at a facility, the owner or operator may petition the Board for an adjusted
4923 standard pursuant to Section 28.1 of the Act [415 ILCS 5/28.1]. The petition for
4924 an adjusted standard must be filed with the Board and submitted in writing to the
4925 Agency, as required by 35 Ill. Adm. Code 101 and Subpart D of 35 Ill. Adm.
4926 Code 104. If granted, the adjusted standard will take the form of an adjusted level
4927 of required liability coverage, such level to be based on the Board's assessment of
4928 the degree and duration of risk associated with the ownership or operation of the
4929 facility or group of facilities. The owner or operator that requests an adjusted
4930 standard must provide such technical and engineering information as is necessary
4931 for the Board to determine that an alternative level of financial responsibility to
4932 that required by subsection (a) or (b) of this Section should apply.

4933
 4934 BOARD NOTE: Corresponding 40 CFR 261.147(c) allows application for a
 4935 "variance" for "the levels of financial responsibility" required for "the facility or
 4936 group of facilities." The Board has rendered this provision in the singular,
 4937 intending that it include a single petition pertaining to several facilities as a group.
 4938 The Board does not intend to limit the applicability of this provision to multiple
 4939 facilities in a single petition. The Board has chosen the adjusted standard
 4940 procedure for variance from the level of financial responsibility required by
 4941 subsection (a) or (b) of this Section.

4942
 4943 d) Adjustments by the Agency.
 4944

- 4945 1) If the Agency determines that the level of financial responsibility required
 4946 by subsection (a) or (b) of this Section is not consistent with the degree
 4947 and duration of risk associated with treatment or storage of hazardous
 4948 secondary material at a facility, the Agency may adjust the level of
 4949 financial responsibility required to satisfy the requirements of subsection
 4950 (a) or (b) of this Section to the level that the Agency deems necessary to
 4951 protect human health and the environment. The Agency must base this
 4952 adjusted level on an assessment of the degree and duration of risk
 4953 associated with the ownership or operation of the facility.
 4954
 4955 2) In addition, if the Agency determines that there is a significant risk to
 4956 human health and the environment from non-sudden accidental
 4957 occurrences resulting from the operations of a facility that is not a surface
 4958 impoundment, pile, or land treatment facility, the Agency may require the
 4959 owner or operator of the facility to comply with subsection (b) of this
 4960 Section.
 4961
 4962 3) An owner or operator must furnish to the Agency, within a reasonable
 4963 time, any information that the Agency requests to aid its determination
 4964 whether cause exists for such adjustments of level or type of coverage.
 4965

4966 BOARD NOTE: The owner or operator may appeal any Agency determination
 4967 made pursuant to this subsection (d) pursuant to Section 40 of the Act [415 ILCS
 4968 5/40].
 4969

4970 e) Release from the financial assurance obligation for a facility or a unit at a facility.
 4971

- 4972 1) After an owner or operator has removed all hazardous secondary material
 4973 from a facility or a unit at a facility and decontaminated the facility or unit
 4974 at the facility, the owner or operator may submit a written request that the
 4975 Agency release it from the obligation of subsection (a) and (b) of this

4976 Section as they apply to the facility or to the unit. The owner or operator
4977 and a qualified Professional Engineer must submit with the request
4978 certifications stating that all hazardous secondary materials have been
4979 removed from the facility or from a unit at the facility, and that the facility
4980 or a unit has been decontaminated in accordance with the owner's or
4981 operator's Agency-approved Section 721.243(h) plan.

4982
4983 2) Within 60 days after receiving the complete request and certifications
4984 described in subsection (e)(1) of this Section, the Agency must notify the
4985 owner or operator in writing of its determination on the request. The
4986 Agency must grant the request only if it determines that the owner or
4987 operator has removed all hazardous secondary materials from the facility
4988 or from the unit at the facility and that the owner or operator has
4989 decontaminated the facility or unit in accordance with its Agency-
4990 approved Section 721.243(h) plan.

4991
4992 3) After an affirmative finding by the Agency pursuant to subsection (e)(2)
4993 of this Section, the owner or operator is no longer required to maintain
4994 liability coverage pursuant to Section 721.104(a)(24)(F)(vi) for that
4995 facility or unit at the facility that is indicated in the written notice issued
4996 by the Agency.

4997
4998 BOARD NOTE: The Board has broken the single sentence of corresponding 40
4999 CFR 261.147(e) into five sentences in three subsections in this subsection (e) for
5000 enhanced clarity. The owner or operator may appeal any Agency determination
5001 made pursuant to this subsection (e) pursuant to Section 40 of the Act [415 ILCS
5002 5/40].

5003
5004 f) Financial test for liability coverage.

5005
5006 1) An owner or operator may satisfy the requirements of this Section by
5007 demonstrating that it passes one of the financial tests specified in this
5008 subsection (f)(1). To pass a financial test, the owner or operator must
5009 meet the criteria of either subsection (f)(1)(A) or (f)(1)(B) of this Section:

5010
5011 A) Test 1. The owner or operator must have each of the following:

5012
5013 i) Net working capital and tangible net worth each at least six
5014 times the amount of liability coverage that the owner or
5015 operator needs to demonstrate by this test;

5016
5017 ii) Tangible net worth of at least \$10 million; and
5018

- 5062 B) A copy of an independent certified public accountant's report on
5063 examination of the owner's or operator's financial statements for
5064 the latest completed fiscal year; and
5065
- 5066 C) If the chief financial officer's letter prepared pursuant to subsection
5067 (f)(3)(A) of this Section includes financial data showing that the
5068 owner or operator satisfies the test set forth in subsection (f)(1)(A)
5069 of this Section (Test 1), and either the data in the chief financial
5070 officer's letter are different from the data in the audited financial
5071 statements required by subsection (f)(3)(B) of this Section, or the
5072 data are different from any other audited financial statement or
5073 data filed with the federal Securities and Exchange Commission,
5074 then the owner or operator must submit a special report from its
5075 independent certified public accountant. The special report must
5076 be based on an agreed-upon procedures engagement, in accordance
5077 with professional auditing standards. The report must describe the
5078 procedures used to compare the data in the chief financial officer's
5079 letter (prepared pursuant to subsection (f)(3)(A) of this Section),
5080 the findings of the comparison, and the reasons for any difference.
5081
- 5082 4) This subsection (f)(4) corresponds with 40 CFR 261.147(f)(3)(iv), a
5083 provision relating to extension of the deadline for filing the financial
5084 documents required by 40 CFR 261.147(f)(3) until as late as 90 days after
5085 the effective date of the federal rule. Thus, the latest date for filing the
5086 documents was March 29, 2009, which is now past. See 40 CFR
5087 261.147(f)(3) and 73 Fed. Reg. 64668 (Oct. 30, 2008). This statement
5088 maintains structural consistency with the corresponding federal provision.
5089
- 5090 5) After the initial submission of items specified in subsection (f)(3) of this
5091 Section, the owner or operator must send updated information to the
5092 Agency within 90 days after the close of each succeeding fiscal year. This
5093 information must consist of all three items specified in subsection (f)(3) of
5094 this Section.
5095
- 5096 6) If the owner or operator no longer fulfills the requirements of subsection
5097 (f)(1) of this Section, it must obtain insurance (subsection (a)(1) of this
5098 Section), a letter of credit (subsection (h) of this Section), a surety bond
5099 (subsection (i) of this Section), a trust fund (subsection (j) of this Section),
5100 or a guarantee (subsection (g) of this Section) for the entire amount of
5101 required liability coverage required by this Section. Evidence of liability
5102 coverage must be submitted to the Agency within 90 days after the end of
5103 the fiscal year for which the year-end financial data show that the owner
5104 or operator no longer meets the test requirements.

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- 7) The Agency must disallow use of the financial tests set forth in this subsection (f) on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B) of this Section) when the Agency determines that those qualifications significantly, adversely affect the owner's or operator's ability to provide its own financial assurance by this mechanism. An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency must evaluate all other kinds of qualifications on an individual basis. The owner or operator must provide evidence of insurance for the entire amount of required liability coverage that satisfies the requirements of this Section within 30 days after a notification of Agency disallowance pursuant to this subsection (f)(7).

 - g) Corporate guarantee for liability coverage.
 - 1) Subject to the limitations of subsection (g)(2) of this Section, an owner or operator may meet the requirements of this Section by obtaining a written guarantee ("guarantee"). The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a sister firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator, as that term is defined in subsection (g)(1)(B) of this Section. The guarantor must meet the requirements applicable to an owner or operator as set forth in subsections (f)(1) through (f)(6) of this Section. The wording of the guarantee must be identical to the wording specified by the Agency pursuant to Section 721.251. A certified copy of the guarantee must accompany the items sent to the Agency that are required by subsection (f)(3) of this Section. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee.
 - A) The guarantor must pay full satisfaction, up to the limits of coverage, whenever either of the following events has occurred with regard to liability for bodily injury or property damage to third parties caused by sudden or non-sudden accidental occurrences (or both) that arose from the operation of facilities covered by the corporate guarantee:

- i) The owner or operator has failed to satisfy a judgment based on a determination of liability; or
- ii) The owner or operator has failed to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage.

B) "Substantial business relationship" means the extent of a business relationship necessary under applicable state law to make a guarantee contract issued incident to that relationship valid and enforceable. A "substantial business relationship" must arise from a pattern of recent or ongoing business transactions, in addition to the guarantee itself, such that the Agency can reasonably determine that a substantial business relationship currently exists between the guarantor and the owner or operator that is adequate consideration to support the obligation of the guarantee relating to any liability towards a third-party. "Applicable state law," as used in this subsection (g)(1)(B), means the laws of the State of Illinois and those of a sister state or foreign jurisdiction that are referred to in the applicable of subsection (g)(2)(A) or (g)(2)(B) of this Section.

BOARD NOTE: Any determination by the Agency pursuant to this subsection (g)(1)(B) is subject to Section 40 of the Act [415 ILCS 5/40]. This subsection (g)(1)(B) is derived from 40 CFR 264.141(h) and 265.141(h) (2009). Corresponding 40 CFR 261.147(g)(1) does not include a definition of "substantial business relationship." Rather, the USEPA standard form for a corporate guarantee at 40 CFR 261.151(g)(1) refers to the definition for this term codified at 40 CFR 264.141(h) and 265.141(h). These provisions correspond with 35 Ill. Adm. Code 724.241(h) and 725.241(h), respectively. Since the Board did not previously include the federal definition in the Illinois rules, the Board has added it here. The Board modified the language of the federal provisions for enhanced clarity.

2) Limitations on guarantee and documentation required.

A) When both the guarantor and the owner or operator are incorporated in the United States, a guarantee may be used to satisfy the requirements of this Section only if the Attorneys General or Insurance Commissioners of each of the following states have submitted a written statement to the Agency that a

5191 guarantee executed as described in this Section is a legally valid
5192 and enforceable obligation in that state:

5193
5194 i) The state in which the guarantor is incorporated (if other
5195 than the State of Illinois); and

5196
5197 ii) The State of Illinois (the state in which the facility covered
5198 by the guarantee is located).

5199
5200 B) When either the guarantor or the owner or operator is incorporated
5201 outside the United States, a guarantee may be used to satisfy the
5202 requirements of this Section only if both of the following have
5203 occurred:

5204
5205 i) The non-U.S. corporation has identified a registered agent
5206 for service of process in the State of Illinois (the state in
5207 which the facility covered by the guarantee is located) and
5208 in the state in which it has its principal place of business (if
5209 other than the State of Illinois); and

5210
5211 ii) The Attorney General or Insurance Commissioner of the
5212 State of Illinois (the state in which a facility covered by the
5213 guarantee is located) and the state in which the guarantor
5214 corporation has its principal place of business (if other than
5215 the State of Illinois) has submitted a written statement to
5216 the Agency that a guarantee executed as described in this
5217 Section is a legally valid and enforceable obligation in that
5218 state.

5219
5220 C) The facility owner or operator and the guarantor must provide the
5221 Agency with all documents that are necessary and adequate to
5222 support an Agency determination that the required substantial
5223 business relationship exists adequate to support the guarantee.

5224
5225 BOARD NOTE: The Board added documentation to this
5226 subsection (g)(2)(C) to ensure that the owner and operator ensures
5227 all information necessary for an Agency determination is submitted
5228 to the Agency. The information required would include copies of
5229 any contracts and other documents that establish the nature, extent,
5230 and duration of the business relationship; any statements of
5231 competent legal opinion, signed by an attorney duly licensed to
5232 practice law in each of the jurisdictions referred to in the
5233 applicable of subsection (g)(2)(A) or (g)(2)(B) of this Section, that

would support a conclusion that the business relationship is adequate consideration to support the guarantee in the pertinent jurisdiction; a copy of the documents required by subsection (g)(2)(A)(ii) or (g)(2)(B)(ii) of this Section; documents that identify the registered agent, as required by subsection (g)(2)(B)(i) of this Section; and any other documents requested by the Agency that are reasonably necessary to make a determination that a substantial business relationship exists, as such is defined in subsection (g)(1)(A) of this Section.

h) Letter of credit for liability coverage.

- 1) An owner or operator may fulfill the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this subsection (h) and submitting a copy of the letter of credit to the Agency.
- 2) The financial institution issuing the letter of credit must be an entity that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.
- 3) The wording of the letter of credit must be identical to the wording specified by the Agency pursuant to Section 721.251.
- 4) An owner or operator that uses a letter of credit to fulfill the requirements of this Section may also establish a standby trust fund. Under the terms of such a letter of credit, all amounts paid pursuant to a draft by the trustee of the standby trust fund must be deposited by the issuing institution into the standby trust fund in accordance with instructions from the trustee. The trustee of the standby trust fund must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.
- 5) The wording of the standby trust fund must be identical to the wording specified by the Agency pursuant to Section 721.251.

i) Surety bond for liability coverage.

- 1) An owner or operator may fulfill the requirements of this Section by obtaining a surety bond that conforms to the requirements of this subsection (i) and submitting a copy of the bond to the Agency.

5276 2) The surety company issuing the bond must be among those listed as
5277 acceptable sureties on federal bonds in the most recent Circular 570 of the
5278 U.S. Department of the Treasury.

5279
5280 BOARD NOTE: The U.S. Department of the Treasury updates Circular
5281 570, "Companies Holding Certificates of Authority as Acceptable Sureties
5282 on Federal Bonds and as Acceptable Reinsuring Companies," on an annual
5283 basis pursuant to 31 CFR 223.16. Circular 570 is available on the Internet
5284 at the following website: <http://www.fms.treas.gov/c570/>.

5285
5286 3) The wording of the surety bond must be identical to the wording specified
5287 by the Agency pursuant to Section 721.251.

5288
5289 4) A surety bond may be used to fulfill the requirements of this Section only
5290 if the Attorneys General or Insurance Commissioners of the following
5291 states have submitted a written statement to the Agency that a surety bond
5292 executed as described in this Section is a legally valid and enforceable
5293 obligation in that state:

5294
5295 A) The state in which the surety is incorporated; and

5296
5297 B) The State of Illinois (the state in which the facility covered by the
5298 surety bond is located).

5299
5300 j) Trust fund for liability coverage.

5301
5302 1) An owner or operator may fulfill the requirements of this Section by
5303 establishing a trust fund that conforms to the requirements of this
5304 subsection (j) and submitting an originally signed duplicate of the trust
5305 agreement to the Agency.

5306
5307 2) The trustee must be an entity that has the authority to act as a trustee and
5308 whose trust operations are regulated and examined by a federal or state
5309 agency.

5310
5311 3) The trust fund for liability coverage must be funded for the full amount of
5312 the liability coverage to be provided by the trust fund before it may be
5313 relied upon to fulfill the requirements of this Section. If at any time after
5314 the trust fund is created the amount of funds in the trust fund is reduced
5315 below the full amount of the liability coverage that the owner or operator
5316 must provide, the owner or operator must either add sufficient funds to the
5317 trust fund to cause its value to equal the full amount of liability coverage
5318 to be provided, or the owner or operator must obtain other financial

5319 assurance that satisfies the requirements of this Section to cover the
5320 difference. When the owner or operator must either add sufficient funds
5321 or obtain other financial assurance, it must do so before the anniversary
5322 date of the establishment of the trust fund. For purposes of this
5323 subsection, "the full amount of the liability coverage to be provided"
5324 means the amount of coverage for sudden or non-sudden occurrences that
5325 the owner or operator is required to provide pursuant to this Section, less
5326 the amount of financial assurance for liability coverage that the owner or
5327 operator has provided by other financial assurance mechanisms to
5328 demonstrate financial assurance.

- 5329
5330 4) The wording of the trust fund must be identical to the wording specified
5331 by the Agency pursuant to Section 721.251.

5332
5333 (Source: Added at 34 Ill. Reg. _____, effective _____)
5334

5335 **Section 721.248 Incapacity of Owners or Operators, Guarantors, or Financial Institutions**
5336

- 5337 a) An owner or operator must notify the Agency by certified mail of the
5338 commencement of a voluntary or involuntary proceeding pursuant to Title 11 of
5339 the United States Code (Bankruptcy) that names the owner or operator as debtor,
5340 within 10 days after commencement of the proceeding. A guarantor of a
5341 corporate guarantee undertaken to satisfy the requirements of Section 721.243(e)
5342 must make such a notification if it is named as debtor, as required under the terms
5343 of the corporate guarantee.
5344
5345 b) An owner or operator that satisfies the requirements of Section 721.243 or
5346 721.247 by obtaining a trust fund, surety bond, letter of credit, or insurance policy
5347 will be deemed to be without the required financial assurance or liability coverage
5348 in the event of bankruptcy of the trustee or issuing institution, or in the event of a
5349 suspension or revocation of the authority of the trustee institution to act as trustee
5350 or of the institution issuing the surety bond, letter of credit, or insurance policy to
5351 issue such instruments. The owner or operator must establish other financial
5352 assurance or liability coverage within 60 days after such an event.

5353
5354 (Source: Added at 34 Ill. Reg. _____, effective _____)
5355

5356 **Section 721.249 Use of State-Required Mechanisms**
5357

5358 This Section corresponds with 40 CFR 261.149, which pertains to USEPA approval of state-
5359 endorsed instruments for providing financial assurance. The Board directs attention to that
5360 federal provision without duplicating its requirements here, since it is important to regulated
5361 entities in Illinois, although it does not impose requirements necessary as a matter of State law.

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(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 721.250 State Assumption of Responsibility

This Section corresponds with 40 CFR 261.150, which pertains to USEPA approval of state financial assurance requirements and the assumption of responsibility by a state. The Board directs attention to that federal provision without duplicating its requirements here, since it is important to regulated entities in Illinois, although it does not impose requirements necessary as a matter of State law.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 721.251 Wording of the Instruments

The Agency must promulgate standardized forms for financial assurance instruments based on 40 CFR 261.151 (Wording of the Instruments), incorporated by reference in 35 Ill. Adm. Code 720.111(b), with such changes in wording as are necessary under Illinois law. Any owner or operator required to establish financial assurance under this Subpart H must do so only upon the standardized forms for financial assurance instruments promulgated by the Agency. The Agency must reject any financial assurance instrument that does not comport with the Agency-promulgated standardized forms.

(Source: Added at 34 Ill. Reg. _____, effective _____)

5386 **Section 721.APPENDIX Y Table to Section 721.138: Maximum Contaminant**
 5387 **Concentration and Minimum Detection Limit Values for Comparable Fuel Specification**
 5388

5389 The following table lists the maximum concentration limit and minimum analytical detection
 5390 limit required for each contaminant for which USEPA has established a comparable fuel
 5391 specification. This table supports the requirements of the excluded fuels rule of Section 721.138.
 5392

Chemical name	CAS No	Composite value (mg/kg)	Heating value (BTU/lb)	Concentration limit (mg/kg at 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
Total Nitrogen as N	NA	9,000	18,400	4,900	
Total Halogens as Cl	NA	1,000	18,400	540	
Total Organic Halogens as Cl	NA	-	-	(Note 1)	
Polychlorinated biphenyls, total (Aroclors/Aroclors, total)	1336-36-3	ND	-	ND	1.4
Cyanide, total	57-12-5	ND	-	ND	1.0

5393 Metals:

Antimony, total	7440-36-0	ND	-	12	
Arsenic, total	7440-38-2	ND	-	0.23	
Barium, total	7440-39-3	ND	-	23	
Beryllium, total	7440-41-7	ND	-	1.2	
Cadmium, total	7440-43-9	-	ND	1.2	1.2
Chromium, total	7440-47-3	ND	-	2.3	
Cobalt	7440-48-4	ND	-	4.6	
Lead, total	7439-92-1	57	18,100	31	
Manganese	7439-96-5	ND	-	1.2	
Mercury, total	7439-97-6	ND	-	0.25	
Nickel, total	7440-02-0	106	18,400	58	
Selenium, total	7782-49-2	ND	-	0.23	
Silver, total	7440-22-4	ND	-	2.3	
Thallium, total	7440-28-0	ND	-	23	

5394 Hydrocarbons:

Benzo(a)anthracene	56-55-3	ND	-	2,400	
Benzene	71-43-2	8,000	19,600	4,100	

Benzo(b)fluoranthene	205-99-2	ND	=	2,400	
Benzo(k)fluoranthene	207-08-9	ND	=	2,4002	
Benzo(a)pyrene	50-32-8	ND	=	2,400	
Chrysene	218-01-9	ND	=	2,400	
<u>Dibenz(a,h)anthracene</u> Dibenzo(a,h)anthracene	53-70-3	ND	=	2,400	
7,12-Dimethylbenz(a)-anthracene	57-97-6	ND	=	2,400	
Fluoranthene	206-44-0	ND	=	2,400	
Indeno(1,2,3-cd)pyrene	193-39-5	ND	=	2,400	
3-Methylcholanthrene	56-49-5	ND	=	2,400	
Naphthalene	91-20-3	6,200	19,400	3,200	
Toluene	108-88-3	69,000	19,400	36,000	

5395

Oxygenates:

Acetophenone	98-86-2	ND	=	2,400	
Acrolein	107-02-8	ND	=	39	
Allyl alcohol	107-18-6	ND	=	30	
Bis(2-ethylhexyl)-phthalate __ (Di-2-ethylhexyl phthalate)	117-81-7	ND	=	2,400	
Butyl benzyl phthalate	85-68-7	ND	=	2,400	
o-Cresol □ (2-Methyl phenol)	95-48-7	ND	=	2,4002	
m-Cresol (3-Methyl phenol) (3-Methyl phenol)	108-39-4	ND	=	2,400	
p-Cresol __ (4-Methyl phenol)	106-44-5	ND	=	2,400	
Di-n-butyl phthalate	84-74-2	ND	=	2,400	
Diethyl phthalate	84-66-2	ND	=	2,400	
2,4-Dimethylphenol	105-67-9	ND	=	2,400	
Dimethyl phthalate	131-11-3	ND	=	2,400	
Di-n-octyl phthalate	117-84-0	ND	=	2,400	
Endothall	145-73-3	ND	=	100	
Ethyl methacrylate	97-63-2	ND	=	39	
2-Ethoxyethanol __ (Ethylene glycol monoethyl ether)	110-80-5	ND	=	100	
Isobutyl alcohol	78-83-1	ND	=	39	

Isosafrole	120-58-1	ND	-	2,400	
Methyl ethyl ketone (2-Butanone)	78-93-3	ND	-	39	
Methyl methacrylate	80-62-6	ND	-	39	
1,4-Naphthoquinone	130-15-4	ND	-	2,400	
Phenol	108-95-2	ND	-	2,400	
Propargyl alcohol (2-Propyn-1-ol)	107-19-7	ND	-	3030	
Safrole	94-59-7	ND	-	2,400	

5396 Sulfonated Organics:

Carbon disulfide	75-15-0	ND	-	ND	39
Disulfoton	298-04-4	ND	-	ND	2,400
Ethyl methanesulfonate	62-50-0	ND	-	ND	2,400
Methyl methanesulfonate	66-27-3	ND	-	ND	2,400
Phorate	298-02-2	ND	-	ND	2,400
1,3-Propane sultone	1120-71-4	ND	-	ND	100
Tetraethyldithiopyro- phosphate (Sulfotepp)	3689-24-5	ND	-	ND	2,400
Thiophenol (Benzenethiol)	108-98-5	ND	-	ND	30
O,O,O-Triethyl phosphorothioate	126-68-1	ND	-	ND	2,400

5397 Nitrogenated Organics:

Acetonitrile (Methyl cyanide)	75-05-8	ND	-	ND	39
2-Acetylaminofluorene (2- AAF)	53-96-3	ND	-	ND	2,400
Acrylonitrile	107-13-1	ND	-	ND	39
4-Aminobiphenyl	92-67-1	ND	-	ND	2,400
4-Aminopyridine	504-24-5	ND	-	ND	100
Aniline	62-53-3	ND	-	ND	2,400
Benzidine	92-87-5	ND	-	ND	2,400
Dibenz(a,j)acridine	224-42-0	ND	-	ND	2,400
O,O-Diethyl O-pyrazinyl phosphorothioate (Thionazin)	297-97-2	ND	-	ND	2,400
Dimethoate	60-51-5	ND	-	ND	2,400
p-(Dimethylamino)azo- benzene (4-Dimethyl- aminoazobenzene)	60-11-7	ND	-	ND	2,400

3,3'-Dimethylbenzidine	119-93-7	ND	-	ND	2,400
<u>αα</u> <u>a,a</u> -Dimethyl-phenethylamine	122-09-8	ND	-	ND	2,400
3,3'-Dimethoxybenzidine	119-90-4	ND	-	ND	100
1,3-Dinitrobenzene __ (m-Dinitrobenzene)	99-65-0	ND	-	ND	2,400
4,6-Dinitro-o-cresol	534-52-1	ND	-	ND	2,400
2,4-Dinitrophenol	51-28-5	ND	-	ND	2,400
2,4-Dinitrotoluene	121-14-2	ND	-	ND	2,400
2,6-Dinitrotoluene	606-20-2	ND	-	ND	2,400
Dinoseb __(2-sec-Butyl-4,6-dinitrophenol)	88-85-7	ND	-	ND	2,400
Diphenylamine	122-39-4	ND	-	ND	2,400
Ethyl carbamate __(Urethane)	51-79-6	ND	-	ND	100
Ethylenethiourea __ (2-Imidazolidinethione)	96-45-7	ND	-	ND	110
Famphur	52-85-7	ND	-	ND	2,400
Methacrylonitrile	126-98-7	ND	-	ND	39
Methapyrilene	91-80-5	ND	-	ND	2,400
Methomyl	16752-77-5	ND	-	ND	57
2-Methylactonitrile __(Acetone cyanohydrin)	75-86-5	ND	-	ND	100
Methyl parathion	298-00-0	ND	-	ND	2,400
MNNG __ (N-Metyl-N-nitroso-N'-nitro-guanidine)	70-25-7	ND	-	ND	110
1-Naphthylamine, __ (α-Naphthylamine)	134-32-7	ND	-	ND	2,400
2-Naphthylamine, __ (β-Naphthylamine)	91-59-8	ND	-	ND	2,400
Nicotine	54-11-5	ND	-	ND	100
4-Nitroaniline, __ (p-Nitroaniline)	100-01-6	ND	-	ND	2,400
Nitrobenzene	98-95-3	ND	-	ND	2,400
p-Nitrophenol, (p-Nitrophenol) __ 4-Nitrophenol	100-02-7	ND	-	ND	2,400
5-Nitro-o-toluidine	99-55-8	ND	-	ND	2,400

N-Nitrosodi-n-butylamine	924-16-3	ND	-	ND	2,400
N-Nitrosodiethylamine	55-18-5	ND	-	ND	2,400
N-Nitrosodiphenylamine, __(Diphenylnitrosamine)	86-30-6	ND	-	ND	2,400
N-Nitroso-N-methyl- ethylamine	10595-95-6	ND	-	ND	2,400
N-Nitrosomorpholine	59-89-2	ND	-	ND	2,400
N-Nitrosopiperidine	100-75-4	ND	-	ND	2,400
N-Nitrosopyrrolidine	930-55-2	ND	-	ND	2,400
2-Nitropropane	79-46-9	ND	-	ND	30
Parathion	56-38-2	ND	-	ND	2,400
Phenacetin	62-44-2	ND	-	ND	2,400
1,4-Phenylene diamine; __(p-Phenylenediamine)	106-50-3	ND	-	ND	2,400
N-Phenylthiourea	103-85-5	ND	-	ND	57
2-Picoline __(<u>alpha</u> - Picoline)	109-06-8	ND	-	ND	2,400
Propythioracil __ (6- Propyl-2-thiouracil)	51-52-5	ND	-	ND	100
Pyridine	110-86-1	ND	-	ND	2,400
Strychnine	57-24-9	ND	-	ND	100
Thioacetamide	62-55-5	ND	-	ND	57
Thiofanox	39196-18-4	ND	-	ND	100
Thiourea	62-56-6	ND	-	ND	57
Toluene-2,4-diamine __(2,4-Diaminotoluene)	95-80-7	ND	-	ND	57
Toluene-2,6-diamine __(2,6-Diaminotoluene)	823-40-5	ND	-	ND	57
o-Toluidine	95-53-4	ND	-	ND	2,400
p-Toluidine	106-49-0	ND	-	ND	100
1,3,5-Trinitrobenzene, __(sym-Trinitrobenzene)	99-35-4	ND	-	ND	2,400

5398 Halogenated Organics:

Allyl chloride	107-5-1	ND	-	ND	39
Aramite	140-57-8	ND	-	ND	2,400
Benzal chloride __(Dichloromethyl benzene)	98-87-3	ND	-	ND	100
Benzyl chloride	100-44-77	ND	-	ND	100
bis(2-Chloroethyl)ether	111-44-4	ND	-	ND	2,400

Bis(2-chloroethyl)ether (Dichloroethyl ether)					
Bromoform (Tribromomethane)	75-25-2	ND	-	ND	39
Bromomethane (Methyl bromide)	74-83-9	ND	-	ND	39
4-Bromophenyl phenyl ether (p- Bromodiphenyl ether)	101-55-3	ND	-	ND	2,400
Carbon tetrachloride	56-23-5	ND	-	ND	39
Chlordane	57-74-9	ND	-	ND	14
p-Chloroaniline	106-47-8	ND	-	ND	2,400
Chlorobenzene	108-90-7	ND	-	ND	39
Chlorobenzilate	510-15-6	ND	-	ND	2,400
p-Chloro-m-cresol	59-50-7	ND	-	ND	2,400
2-Chloroethyl vinyl ether	110-75-8	ND	-	ND	39
Chloroform	67-66-3	ND	-	ND	39
Chloromethane (Methyl chloride)	74-87-3	ND	-	ND	39
2-Chloronaphthalene (β-Chlorophthalene)	91-58-7	ND	-	ND	2,400
2-Chlorophenol (o-Chlorophenol)	95-57-8	ND	-	ND	2,400
Chloroprene (2-Chloro-1,3- butadiene)	1126-99-8	ND	-	ND	39
2,4-D [2,4-Dichloro- phenoxyacetic acid	94-75-7	ND	-	ND	7.0
Diallate	2303-16-4	ND	-	ND	2,400
1,2-Dibromo-3-chloro- propane	96-12-8	ND	-	ND	39
1,2-Dichlorobenzene (o-Dichlorobenzene)	95-50-1	ND	-	ND	2,400
1,3-Dichlorobenzene (m-Dichlorobenzene)	541-73-1	ND	-	ND	2,400
1,4-Dichlorobenzene (p-Dichlorobenzene)	106-46-7	ND	-	ND	2,400
3,3'-Dichlorobenzidine	91-94-1	ND	-	ND	2,400
Dichlorodifluoromethane (CFC-12)	75-71-8	ND	-	ND	39
1,2-Dichloroethane	107-06-2	ND	-	ND	39

___(Ethylene dichloride)					
1,1-Dichloroethylene ___(Vinylidene chloride)	75-35-4	ND	=	ND	39
Dichloromethoxy ethane ___(bis(2-Chloroethoxy)methane) (Bis(2-chloroethoxy) methane)	111-91-1	ND	=	ND	2,400
2,4-Dichlorophenol	120-83-2	ND	=	ND	2,400
2,6-Dichlorophenol	87-65-0	ND	=	ND	2,400
1,2-Dichloropropane ___(Propylene dichloride)	78-87-5	ND	=	ND	39
cis-1,3-Dichloropropylene	10061-01-5	ND	=	ND	39
trans-1,3-Dichloropropylene	10061-02-6	ND	=	ND	39
1,3-Dichloro-2-propanol	96-23-1	ND	=	ND	30
Endosulfan I	959-98-8	ND	=	ND	1.4
Endosulfan II	33213-65-9	ND	=	ND	1.4
Endrin	72-20-8	ND	=	ND	1.4
Endrin aldehyde	7421-93-4	ND	=	ND	1.4
Endrin Ketone	53494-70-5	ND	=	ND	1.4
Epichlorohydrin (1- ___Chloro-2,3-epoxy propane)	106-89-8	ND	=	ND	30
Ethylidene dichloride ___(1,1-Dichloroethane)	75-34-3	ND	=	ND	39
2-Fluoroacetamide	640-19-7	ND	=	ND	100
Heptachlor	76-44-8	ND	=	ND	1.4
Heptachlor epoxide	1024-57-3	ND	=	ND	2.8
Hexachlorobenzene	118-74-1	ND	=	ND	2,400
Hexachloro-1,3-butadiene ___(Hexachlorobutadiene)	87-68-3	ND	=	ND	2,400
Hexachlorocyclo- pentadiene	77-47-4	ND	=	ND	2,400
Hexachloroethane	67-72-1	ND	=	ND	2,400
Hexachlorophene	70-30-4	ND	=	ND	59,000
Hexachloropropene ___(Hexachloropropylene)	1888-71-7	ND	=	ND	2,400
Isodrin	465-73-6	ND	=	ND	2,400
Kepone ___(Chlordecone)	143-50-0	ND	=	ND	4,700

Lindane <u>(γ-Hexachlorocyclohexane)</u> (<u>gamma-Hexachlorocyclohexane</u>) <u>(γ -BHC)</u>	58-89-9	ND	-	ND	1.4
Methylene chloride (Dichloromethane)	75-09-2	ND	-	ND	39
4,4'-methylene-bis(2-chloroaniline)	101-14-4	ND	-	ND	100
Methyl iodide (Iodomethane)	74-88-4	ND	-	ND	39
Pentachlorobenzene	608-93-5	ND	-	ND	2,400
Pentachloroethane	76-01-7	ND	-	ND	39
Pentachloronitrobenzene (PCNB) (Quintobenzene) (Quintozene)	82-68-8	ND	-	ND	2,400
Pentachlorophenol	87-86-5	ND	-	ND	2,400
Pronamide	23950-58-5	ND	-	ND	2,400
Silvex (2,4,5-Trichlorophenoxypropionic acid)	93-72-1	ND	-	ND	7.0
2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD)	1746-01-6	ND	-	ND	30
1,2,4,5-Tetrachlorobenzene	95-94-3	ND	-	ND	2,400
1,1,2,2-Tetrachloroethane	79-34-5	ND	-	ND	39
Tetrachloroethylene (Perchloroethylene)	127-18-4	ND	-	ND	39
2,3,4,6-Tetrachlorophenol	58-90-2	ND	-	ND	2,400
1,2,4-Trichlorobenzene	120-82-1	ND	-	ND	2,400
1,1,1-Trichloroethane (Methyl chloroform)	71-55-6	ND	-	ND	39
1,1,2-Trichloroethane (Vinyl trichloride)	79-00-5	ND	-	ND	39
Trichloroethylene	79-01-6	ND	-	ND	39
Trichlorofluoromethane (Trichloromonofluoromethane)	75-69-4	ND	-	ND	39
2,4,5-Trichlorophenol	95-95-4	ND	-	ND	2,400

2,4,6-Trichlorophenol	88-06-2	ND	-	ND	2,400
1,2,3-Trichloropropane	96-18-4	ND	-	ND	39
Vinyl Chloride	75-01-4	ND	-	ND	39

5399

5400 Notes to Table:

5401

5402 "NA" means not applicable.

5403

5404 "ND" means nondetect.

5405

5406 Note 1 (to Total Organic Halogens as Cl): 25 (mg/kg at 10,000 Btu/lb) as organic halogen or as
 5407 the individual halogenated organics listed in the table at the levels indicated.

5408

5409 (Source: Amended at 34 Ill. Reg. _____, effective _____)

5410 **Section 721.APPENDIX Z Table to Section 721.102: Recycled Materials That Are Solid**
 5411 **Waste**

5412
 5413 The following table lists the instances when a recycled secondary material is solid waste, based
 5414 on the type of secondary material and the mode of material management during recycling. This
 5415 table supports the requirements of the recycling provision of the definition of solid waste rule, at
 5416 Section 721.102(c).

5417
 5418

	Table			
	1	2	3	4
			Reclamation (except as provided in <u>Section</u> <u>721.102(a)(2)(B)</u> <u>or Section</u> <u>721.104(a)(17)</u> <u>for mineral</u> <u>processing</u> <u>secondary</u> <u>materials,</u> <u>(a)(23), (a)(24),</u> <u>or (a)(25))</u>	Speculative accumulation
Applicable Subsection of Section 721.102:	(c)(1)	(c)(2)	(c)(3)	(c)(4)
Spent materials	Yes	Yes	Yes	Yes
Sludges (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
Sludges exhibiting a characteristic of hazardous waste	Yes	Yes	<u>No</u>	Yes
By-products (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes

By-products exhibiting a characteristic of hazardous waste	Yes	Yes	<u>No</u>	Yes
Commercial chemical products listed in Section 721.133	Yes	Yes	<u>No</u>	-
Scrap metal other than excluded scrap metal (see Section 721.101(c)(9))	Yes	Yes	Yes	Yes

- 5420
- 5421 Yes – Defined as a solid waste
- 5422 No – Not defined as a solid waste
- 5423
- 5424 BOARD NOTE: Derived from Table 1 to 40 CFR 261.2 (2002). The terms "spent materials,"
- 5425 "sludges," "by-products," "scrap metal," and "processed scrap metal" are defined in Section
- 5426 721.101.
- 5427
- 5428 (Source: Amended at 34 Ill. Reg. _____, effective _____)