

ILLINOIS POLLUTION CONTROL BOARD

October 7, 2010

IN THE MATTER OF:)	
RCRA SUBTITLE C UPDATE, USEPA)	R09-16
AMENDMENTS (July 1, 2008 through)	(Identical-in-Substance
December 31, 2008 and June 15, 2010))	Rulemaking - Land)
)	
RCRA SUBTITLE C UPDATE, USEPA)	R10-4
REGULATIONS (January 1, 2009 through)	(Identical-in-Substance Rulemaking -
June 30, 2009))	Land)
)	(Consolidated)

Adopted Rule. Final Order.

ORDER OF THE BOARD (by G.T. Girard):

SUMMARY OF TODAY'S ACTION

This consolidated identical-in-substance rulemaking updates the Illinois hazardous waste regulations to incorporate revisions to the federal regulations. The United States Environmental Protection Agency (USEPA) adopted the federal hazardous waste amendments that prompted this action during the time periods of July 1, 2008 through December 31, 2008 and January 1, 2009 through June 30, 2009. This proceeding adopts amendments to 35 Ill. Adm. Code 703, 720, 721, 722, 724, and 725. This proceeding also makes a series of substantive and non-substantive corrections and stylistic revisions to segments of the text that are not otherwise affected by the covered federal amendments.

This order and the supporting opinion adopt identical-in-substance amendments in the hazardous waste program area. Sections 7.2 and 22.4(a) of the Act (415 ILCS 5/7.2 and 22.4(a) (2008)) require the Board to adopt regulations that are "identical in substance" to hazardous waste regulations adopted by the USEPA. These USEPA rules implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2006)). The federal RCRA Subtitle C hazardous waste management (HWM) regulations are found at 40 C.F.R. 260 through 268, 270 through 273, and 279.

Section 22.4(a) also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40 (2008)) do not apply to the Board's adoption of identical-in-substance regulations.

This order is supported by an opinion that the Board also adopts today. The Board will cause the filing of the adopted amendments with the Office of the Secretary of State to be published in the *Illinois Register* after holding the docket open for 30 days to receive any comments on the adopted rules by USEPA. The Board presently intends to complete all work on these amendments and file them on or before November 15, 2010.

The Board directs the Clerk to cause the filing of the following adopted amendments with the Office of the Secretary of State for their publication in the *Illinois Register*:

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

PART 703
RCRA PERMIT PROGRAM

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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 R82-19 at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9381, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9765, effective June 20, 2000; amended in R01-21/R01-23 at 25 Ill. Reg. 9313, effective

July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6539, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3496, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12683, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5966, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2845, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 487, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11672, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. _____, effective _____.

Section 703. ~~Appendix~~ APPENDIX A Classification of Permit Modifications

Class Modifications

A. General Permit Provisions

- | | | |
|----|----|---|
| 1 | 1. | Administrative and informational changes. |
| 1 | 2. | Correction of typographical errors. |
| 1 | 3. | Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls). |
| | 4. | Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee: |
| 1 | a. | To provide for more frequent monitoring, reporting, or maintenance. |
| 2 | b. | Other changes. |
| | 5. | Schedule of compliance: |
| 1* | a. | Changes in interim compliance dates, with prior approval of the Agency. |
| 3 | b. | Extension of final compliance date. |
| 1* | 6. | Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency. |
| 1* | 7. | Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed. |

- 1* 8. Changes to remove permit conditions that are no longer applicable (i.e., because the standards upon which they are based are no longer applicable to the facility).
- 1* 9. Changes to remove permit conditions applicable to a unit excluded pursuant to the provisions of 35 Ill. Adm. Code 721.104.
- 1* 10. Changes in the expiration date of a permit issued to a facility at which all units are excluded pursuant to the provisions of 35 Ill. Adm. Code 721.104.

B. General Facility Standards

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

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

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

7. CQA plan:

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

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

C. Groundwater Protection

1. Changes to wells:

- 2 a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted groundwater monitoring system.
- 1 b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well.

- 1* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.
- 1* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.
- 2 4. Changes in point of compliance.
- 5. Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs (Alternate Concentration Limits)):
 - 3 a. As specified in the groundwater protection standard.
 - 2 b. As specified in the detection monitoring program.
- 2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(h), unless otherwise specified in this Appendix.
- 7. Compliance monitoring program:
 - 3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(g)(4) and 724.199.
 - 2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(j), unless otherwise specified in this Appendix.
- 8. Corrective action program:
 - 3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.
 - 2 b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.

D. Closure

- 1. Changes to the closure plan:

- 1* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
- 1* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.
- 1* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
- 1* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.
- 2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
- 2 f. Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).
- 3 2. Creation of a new landfill unit as part of closure.
- 3 3. Addition of the following new units to be used temporarily for closure activities:
 - 3 a. Surface impoundments.
 - 3 b. Incinerators.
 - 3 c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).
 - 2 d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c).
 - 2 e. Tanks or containers (other than specified in paragraph D(3)(f) below).
 - 1* f. Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the Agency.

2 g. Staging piles.

E. Post-Closure

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

F. Containers

1. Modification or addition of container units:
 - 3 a. Resulting in greater than 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
 - 2 b. Resulting in up to 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
 - 1 c. Modification or addition of container units or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
2. Modification of container units without an increased capacity or alteration of the system:
 - 2 a. Modification of a container unit without increasing the capacity of the unit.

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

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

- 3 a. That require additional or different management practices from those authorized in the permit.

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

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

- 4. Storage or treatment of different wastes in containers:

- 2* a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

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

G. Tanks

- 1. Modification of a tank unit, secondary containment system, or treatment process that increases tank capacity, adds a new tank, or alters treatment, specified as follows:

- 3 a. Modification or addition of tank units resulting in greater than 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d), and G(1)(e).

- 2 b. Modification or addition of tank units resulting in up to 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).

- 2 c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.
- 1* d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.
- 1* e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
- 2 2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.
- 1 3. Replacement of a tank with a tank that meets the same design standards and has a capacity within ± 10 percent of the replaced tank provided:
 - a. The capacity difference is no more than 1500 gallons (5680 ℓ),
 - b. The facility's permitted tank capacity is not increased, and
 - c. The replacement tank meets the same conditions in the permit.
- 2 4. Modification of a tank management practice.
- 2 5. Management of different wastes in tanks:
 - 3 a. That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).

- 2 b. That do not require additional or different management practices or tank design, different fire protection specification, or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).

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

- 1* c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

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

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

H. Surface Impoundments

- 3 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.
- 3 2. Replacement of a surface impoundment unit.
- 2 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system.
- 2 4. Modification of a surface impoundment management practice.
- 5. Treatment, storage, or disposal of different wastes in surface impoundments:

- 3 a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
- 2 b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

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

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2) (Procedures for Case-by-Case Extensions to an Effective Date), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

1* 6. Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323, and 724.326(d).

7. Changes in response action plan:

- 3 a. Increase in action leakage rate.
- 3 b. Change in a specific response reducing its frequency or effectiveness.
- 2 c. Other changes.

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

I. Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).

1. Modification or addition of waste pile units:

- 3 a. Resulting in greater than 25 percent increase in the facility's waste pile storage or treatment capacity.
- 2 b. Resulting in up to 25 percent increase in the facility's waste pile storage or treatment capacity.

2 2. Modification of waste pile unit without increasing the capacity of the unit.

1 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.

2 4. Modification of a waste pile management practice.

5. Storage or treatment of different wastes in waste piles:

3 a. That require additional or different management practices or different design of the unit.

2 b. That do not require additional or different management practices or different design of the unit.

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

2 6. Conversion of an enclosed waste pile to a containment building unit.

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

J. Landfills and Unenclosed Waste Piles

3 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.

- 3 2. Replacement of a landfill.
- 3 3. Addition or modification of a liner, leachate collection system, leachate detection system, runoff control, or final cover system.
- 2 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, runoff control, or final cover system.
- 2 5. Modification of a landfill management practice.
- 6. Landfill different wastes:
 - 3 a. That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.
 - 2 b. That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.

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

 - 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
 - 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2) (Procedures for Case-by-Case Extensions to an Effective Date), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
- 1* 7. Modification of unconstructed units to comply with 35 Ill. Adm. Code 724.351(c), 724.352, 724.353, 724.354(c), 724.401(c), 724.402, 724.403(c), and 724.404.

8. Changes in response action plan:

- 3 a. Increase in action leakage rate.
- 3 b. Change in a specific response reducing its frequency or effectiveness.
- 2 c. Other changes.

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

K. Land Treatment

- 3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.
- 2 2. Modification of runoff control system.
- 3 3. Modify runoff control system.
- 2 4. Other modification of land treatment unit component specifications or standards required in permit.
- 5 5. Management of different wastes in land treatment units:
 - 3 a. That require a change in permit operating conditions or unit design specifications.
 - 2 b. That do not require a change in permit operating conditions or unit design specifications.

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

- 6 6. Modification of a land treatment unit management practice to:
 - 3 a. Increase rate or change method of waste application.
 - 1 b. Decrease rate of waste application.

- 2 7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.
- 3 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.
- 3 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).
- 3 10. Changes in the unsaturated zone monitoring system that result in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.
- 2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.
- 2 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.
- 2 13. Changes in sampling, analysis, or statistical procedure.
- 2 14. Changes in land treatment demonstration program prior to or during the demonstration.
- 1* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.
- 1* 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.

3 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.

2 18. Changes in vegetative cover requirements for closure.

L. Incinerators, Boilers and Industrial Furnaces

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

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

3 3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units; by adding a primary or secondary combustion unit; by substantially changing the design of any component used to remove HCl/Cl₂, metals, or particulate from the combustion gases; or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

2 4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.

5. Operating requirements:

- 3 a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control system, or operating parameters for the air pollution control system. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 3 b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.
- 2 c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.

6. Burning different wastes:

- 3 a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency must require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
- 2 b. If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.

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

7. Shakedown and trial burn:

- 2 a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.
- 1* b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.
- 1* c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.
- 1* d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.
- 1 8. Substitution of an alternative type of non-hazardous waste fuel that is not specified in the permit.
- 1* 9. Technology changes needed to meet standards under federal subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), provided the procedures of Section 703.280(j) are followed.
- 1* 10. Changes to RCRA Permit provisions needed to support transition to federal subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), provided the procedures of Section 703.280(k) are followed.

M. Containment Buildings

- 1. Modification or addition of containment building units:
 - 3 a. Resulting in greater than 25 percent increase in the facility's containment building storage or treatment capacity.
 - 2 b. Resulting in up to 25 percent increase in the facility's containment building storage or treatment capacity.

- 2 2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.
- 3. Replacement of a containment building with a containment building that meets the same design standards provided:
 - 1 a. The unit capacity is not increased.
 - 1 b. The replacement containment building meets the same conditions in the permit.
- 2 4. Modification of a containment building management practice.
- 5. Storage or treatment of different wastes in containment buildings:
 - 3 a. That require additional or different management practices.
 - 2 b. That do not require additional or different management practices.

N. Corrective Action

- 3 1. Approval of a corrective action management unit pursuant to 35 Ill. Adm. Code 724.652.
- 2 2. Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.
- 2 3. Approval of a staging pile or staging pile operating term extension pursuant to 35 Ill. Adm. Code 724.654.

O. Burden Reduction

- 1. Approval of reduced inspection frequency for a Performance Track member facility for one of the following:
 - 1* a. A tank system pursuant to 35 Ill. Adm. Code 724.295.
 - 1* b. A container pursuant to 35 Ill. Adm. Code 724.274.
 - 1* c. A containment building pursuant to 35 Ill. Adm. Code 724.1101(c)(4).

- 1* d. An area subject to spills pursuant to 35 Ill. Adm. Code 724.115(b)(4).

- 1 2. Development of one contingency plan based on Integrated Contingency Plan Guidance pursuant to 35 Ill. Adm. Code 724.152(b).

- 1 3. A change to recordkeeping and reporting requirements pursuant to any of the following: 35 Ill. Adm. Code 724.156(i), 724.443(a)(2), 724.961(b)(1) and (d), 724.962(a)(2), 724.296(f), 724.200(g), or 724.213(e)(5).

- 1 4. A change to inspection frequency for a tank system pursuant to 35 Ill. Adm. Code 724.295(b).

- 1 5. A change to a detection and compliance monitoring program pursuant to 35 Ill. Adm. Code 724.198(d), (g)(2), (g)(3), or 724.199(f) or (g).

Note: * indicates modifications requiring prior Agency approval.

BOARD NOTE: Derived from appendix I to 40 CFR 270.42-(2007) (2009).

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

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

PART 720
 HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

- Section
- 720.101 Purpose, Scope, and Applicability
- 720.102 Availability of Information; Confidentiality of Information
- 720.103 Use of Number and Gender
- 720.104 Electronic Reporting

SUBPART B: DEFINITIONS AND REFERENCES

- Section
- 720.110 Definitions
- 720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section	
720.120	Rulemaking
720.121	Alternative Equivalent Testing Methods
720.122	Waste Delisting
720.123	Petitions for Regulation as Universal Waste
720.130	Procedures for Solid Waste Determinations <u>and Non-Waste Determinations</u>
720.131	Solid Waste Determinations
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720.133	Procedures for Determinations
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720.140	Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis
720.141	Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities
720.142	<u>Notification Requirement for Hazardous Secondary Materials</u>
720.143	<u>Legitimate Recycling of Hazardous Secondary Materials</u>

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

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1,

1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.110 Definitions

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

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

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

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

“Administrator” means the Administrator of the United States Environmental Protection Agency or the Administrator’s designee.

“Agency” means the Illinois Environmental Protection Agency.

“Ancillary equipment” means any device, including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to storage or

treatment tanks, between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

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

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

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

“Board” means the Illinois Pollution Control Board.

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

Boiler physical characteristics.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“CRT collector” means a person who receives used, intact CRTs for recycling, repair, resale, or donation.

“CRT glass manufacturer” means an operation or part of an operation that uses a furnace to manufacture CRT glass.

“CRT processing” means conducting all of the following activities:

Receiving broken or intact CRTs;

Intentionally breaking intact CRTs or further breaking or separating broken CRTs; and

Sorting or otherwise managing glass removed from CRT monitors.

“Designated facility” means either of the following entities:

A hazardous waste treatment, storage, or disposal facility that has been designated on the manifest by the generator, pursuant to 35 Ill. Adm. Code 722.120, of which any of the following is true:

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

The facility has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270 (2005);

The facility has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271 (2005); or

The facility is regulated pursuant to 35 Ill. Adm. Code 721.106(c)(2) or Subpart F of 35 Ill. Adm. Code 266; or

A generator site designated by the hazardous waste generator on the manifest to receive back its own waste as a return shipment from a designated hazardous waste treatment, storage, or disposal facility that has rejected the waste in accordance with 35 Ill. Adm. Code 724.172(f) or 725.172(f).

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

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

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

“Dioxins and furans” or “D/F” means tetra-, penta-, hexa-, hepta-, and octa-chlorinated dibenzo dioxins and furans.

“Director” means the Director of the Illinois Environmental Protection Agency.

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

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

“Disposal facility” means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain

after closure. The term disposal facility does not include a corrective action management unit (CAMU) into which remediation wastes are placed.

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

“Elementary neutralization unit” means a device of which the following is true:

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

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

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

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

“EPA region” or “USEPA region” means the states and territories found in any one of the following ten regions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Facility” means the following:

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

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

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

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

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

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

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

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

“Free liquids” means liquids that readily separate from the solid portion of a waste under ambient temperature and pressure.

“Gasification” means, for the purpose of complying with 35 Ill. Adm. Code 721.104(a)(12)(A), a process conducted in an enclosed device or system that is designed and operated to process petroleum feedstock, including oil-bearing hazardous secondary materials, through a series of highly controlled steps utilizing thermal decomposition, limited oxidation, and gas cleaning to yield a synthesis gas composed primarily of hydrogen and carbon monoxide gas.

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

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

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

“Hazardous secondary material generated and reclaimed under the control of the generator” means one of the following materials:

A material that is both generated and reclaimed at the generating facility (for purposes of this definition, generating facility means all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator);

A material that is generated and reclaimed at different facilities, if both of the following conditions are fulfilled:

Either the reclaiming facility is controlled by the generator, or both the generating facility and the reclaiming facility are controlled by the same person, as “person” is defined in this Section; and

The generator provides either of the following certifications:

“On behalf of [insert generator facility name], I certify that this facility will send the indicated hazardous secondary material to [insert reclaimer facility name], which is controlled by [insert generator facility name] and that [insert the name of either facility] has acknowledged full responsibility for the safe management of the hazardous secondary material.”

or

“On behalf of [insert generator facility name] I certify that this facility will send the indicated hazardous secondary material to [insert reclaimer facility name], that both facilities are under common control, and that [insert name of either facility] has acknowledged full responsibility for the safe management of the hazardous secondary material.”

For purposes of this definition, “control” means the power to direct the policies of the facility, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate facilities on behalf of a different person, as “person” is defined in this Section, shall not be deemed to “control” such facilities; or

A material that is generated pursuant to a written contract between a tolling contractor and a toll manufacturer and which is reclaimed by the tolling contractor, if the tolling contractor certifies the following:

“On behalf of [insert tolling contractor name], I certify that [insert tolling contractor name], has a written contract with [insert toll manufacturer name] to manufacture [insert name of product or intermediate] which is made from specified unused materials, and that [insert tolling contractor name] will reclaim the hazardous secondary materials generated during this manufacture. On behalf of [insert tolling contractor name], I also certify that [insert tolling contractor name] retains ownership of, and responsibility for, the hazardous secondary materials that are generated during the course of the manufacture, including any releases of hazardous secondary materials that occur during the manufacturing process.”

For purposes of this definition, “tolling contractor” means a person who arranges for the production of a product or intermediate made from specified unused materials through a written contract with a toll manufacturer. “Toll manufacturer” means a person who produces a product or intermediate made from specified unused materials pursuant to a written contract with a tolling contractor.

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

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

“Hazardous waste constituent” means a constituent that caused the hazardous waste to be listed in Subpart D of 35 Ill. Adm. Code 721, or a constituent listed in 35 Ill. Adm. Code 721.124.

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

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

“Incinerator” means any enclosed device of which the following is true:

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

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

The facility is not listed as an industrial furnace; or

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

“Incompatible waste” means a hazardous waste that is unsuitable for the following:

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

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

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

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

Cement kilns;

Lime kilns;

Aggregate kilns;

Phosphate kilns;

Coke ovens;

Blast furnaces;

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

Titanium dioxide chloride process oxidation reactors;

Methane reforming furnaces;

Pulping liquor recovery furnaces;

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

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

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

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

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

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

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

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

Other relevant factors.

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

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

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

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

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

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

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

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

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

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

“Land-based unit” means an area where hazardous secondary materials are placed in or on the land before recycling. This definition does not include land-based production units.

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

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

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

“LDS” means leak detection system.

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

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

“Leak-detection system” means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of

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

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

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

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

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

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

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

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

“Movement” means hazardous waste that is transported to a facility in an individual vehicle.

“NAICS Code” means the code number assigned a facility using the “North American Industry Classification System,” incorporated by reference in Section 720.111.

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

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

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

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

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

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

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

Control of emission of the gaseous combustion products.

(See also “incineration” and “thermal treatment.”)

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

“Owner” means the person that owns a facility or part of a facility.

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

“Performance Track member facility” means a facility that has been accepted by USEPA for membership in the National Environmental Performance Track Program (Program) and which is still a member of that Program. The National Environmental Performance Track Program is a voluntary, facility-based, program for top environmental performers. A program member must demonstrate a good record of compliance and past success in achieving environmental goals, and it must commit to future specific quantified environmental goals, environmental management systems, local community outreach, and annual reporting of measurable results.

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

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

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

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

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

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

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

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

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

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

“Point source” means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other

floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

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

“Qualified groundwater scientist” means a scientist or engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certifications, or completion of accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and contaminant rate and transport. BOARD NOTE: State registration includes, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to 225 ILCS 325 and 68 Ill. Adm. Code 1380. Professional certification includes, but is not limited to, certification under the certified groundwater professional program of the National Ground Water Association.

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

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

“Regional Administrator” means the Regional Administrator for the USEPA region in which the facility is located or the Regional Administrator’s designee.

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

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

“Replacement unit” means a landfill, surface impoundment, or waste pile unit from which all or substantially all of the waste is removed, and which is subsequently reused to treat, store, or dispose of hazardous waste. Replacement unit does not

include a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with a closure or corrective action plan approved by USEPA or the Agency.

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

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

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

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

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

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

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

“Small quantity generator” means a generator that generates less than 1,000 kg of hazardous waste in a calendar month.

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

“Sorbent” means a material that is used to soak up free liquids by either adsorption or absorption, or both. “Sorb” means to either adsorb or absorb, or both.

“Staging pile” means an accumulation of solid, non-flowing “remediation waste” (as defined in this Section) that is not a containment building and that is used only

during remedial operations for temporary storage at a facility. Staging piles must be designated by the Agency according to 35 Ill. Adm. Code 724.654.

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

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

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

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

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

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

“TEQ” means toxicity equivalence, the international method of relating the toxicity of various dioxin and furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.

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

“Thermostat” means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules

that have been removed from such a temperature control device in compliance with 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

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

“Transfer facility” means any ~~transportation-related~~ transportation-related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous waste or hazardous secondary materials are held during the normal course of transportation.

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

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

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

“Treatability study” means the following:

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

Whether the waste is amenable to the treatment process;

What pretreatment (if any) is required;

The optimal process conditions needed to achieve the desired treatment;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Universal waste handler” means either of the following:

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

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

“Universal waste handler” does not mean either of the following:

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

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

“Universal waste transporter” means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

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

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

“USDOT” or “Department of Transportation” means the United States Department of Transportation.

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

“USEPA” or “EPA” means the United States Environmental Protection Agency.

“USPS” means the United States Postal Service.

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

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

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

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

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

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

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

“Well injection” (See “underground injection.”)

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

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

Section 720.111 References

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

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

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

“Accreditation Council for Graduate Medical Education: Glossary of Terms,” March 19, 2009, referenced in 35 Ill. Adm. Code 722.300.

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

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

ACI 318-83: “Building Code Requirements for Reinforced Concrete,” adopted November 1983, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

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

See ASME/ANSI B31.3 and B31.4 and supplements below in this subsection (a) under ASME.

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

“Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems,” API Recommended Practice 1632, Second Edition, December 1987, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

“Evaporative Loss from External Floating-Roof Tanks,” API publication 2517, Third Edition, February 1989, USEPA-approved for 35 Ill. Adm. Code 725.984.

“Guide for Inspection of Refinery Equipment,” Chapter XIII, “Atmospheric and Low Pressure Storage Tanks,” 4th Edition, 1981, reaffirmed December 1987, referenced in 35 Ill. Adm. Code 724.291, 724.293, 725.291, and 725.292.

“Installation of Underground Petroleum Storage Systems,” API Recommended Practice 1615, Fourth Edition, November 1987, referenced in 35 Ill. Adm. Code 724.292.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

“Chemical Plant and Petroleum Refinery Piping,” ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.

“Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols,” ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585:

ASTM C 94-90, “Standard Specification for Ready-Mixed Concrete,” approved March 30, 1990, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

ASTM D 88-87, “Standard Test Method for Saybolt Viscosity,” approved April 24, 1981, reapproved January 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D 93-85, “Standard Test Methods for Flash Point by Pensky-Martens Closed Tester,” approved October 25, 1985, USEPA-approved for 35 Ill. Adm. Code 721.121.

ASTM D 140-70, “Standard Practice for Sampling Bituminous Materials,” approved 1970, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 346-75, “Standard Practice for Collection and Preparation of Coke Samples for Laboratory Analysis,” approved 1975, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 420-69, “Guide to Site Characterization for Engineering, Design, and Construction Purposes,” approved 1969, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1452-65, “Standard Practice for Soil Investigation and Sampling by Auger Borings,” approved 1965, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1946-90, "Standard Practice for Analysis of Reformed Gas by Gas Chromatography," approved March 30, 1990, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2161-87, "Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity," March 27, 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D 2234-76, "Standard Practice for Collection of a Gross Sample of Coal," approved 1976, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 2267-88, "Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography," approved November 17, 1988, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM D 2382-88, "Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method)," approved October 31, 1988, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2879-92, "Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope," approved 1992, USEPA-approved for 35 Ill. Adm. Code 725.984, referenced in 35 Ill. Adm. Code 724.963 and 725.963.

ASTM D 3828-87, "Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," approved December 14, 1988, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM E 168-88, "Standard Practices for General Techniques of Infrared Quantitative Analysis," approved May 27, 1988, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM E 169-87, "Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis," approved February 1, 1987, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM E 260-85, "Standard Practice for Packed Column Gas Chromatography," approved June 28, 1985, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM G 21-70 (1984a), "Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi," referenced in 35 Ill. Adm. Code 724.414 and 725.414.

ASTM G 22-76 (1984b), "Standard Practice for Determining Resistance of Plastics to Bacteria," referenced in 35 Ill. Adm. Code 724.414 and 725.414.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-512-1800:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, referenced in 35 Ill. Adm. Code 702.110 and Section 720.110.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (November 1994), IIA (August, 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1). See below in this subsection (a) under NTIS.

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," NACE Recommended Practice RP0285-85, approved March 1985, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

NFPA. Available from the National Fire Protection Association, 1 Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code," NFPA 30, issued July 18, 2003, as supplemented by TIA 03-1, issued July 15, 2004, and corrected by Errata 30-03-01, issued August 13, 2004,

USEPA-approved for 35 Ill. Adm. Code 724.298, 725.298, and 727.290, referenced in 35 Ill. Adm. Code 725.301 and 726.211.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-6000 or 800-553-6847 (Internet address: www.ntis.gov):

“APTI Course 415: Control of Gaseous Emissions,” December 1981, USEPA publication number EPA-450/2-81-005, NTIS document number PB80-208895, USEPA-approved for 35 Ill. Adm. Code 703.210, 703.211, 703.352, 724.935, and 725.935. BOARD NOTE: “APTI” denotes USEPA’s “Air Pollution Training Institute” (Internet address: www.epa.gov/air/oaqps/eog/).

“Generic Quality Assurance Project Plan for Land Disposal Restrictions Program,” USEPA publication number EPA-530/SW-87-011, March 15, 1987, NTIS document number PB88-170766, referenced in 35 Ill. Adm. Code 728.106.

“Method 1664, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry,” USEPA publication number EPA-821/R-98-002, NTIS document number PB99-121949, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721. BOARD NOTE: ~~EPA-821/R-98-002 is also~~ Also available on the Internet for free download as a PDF document from the USEPA website at: www.epa.gov/waterscience/methods/16640514.pdf.

“Methods for Chemical Analysis of Water and Wastes,” Third Edition, March 1983, USEPA document number EPA-600/4-79-020, NTIS document number PB84-128677, referenced in 35 Ill. Adm. Code 725.192. BOARD NOTE: ~~EPA-600/4-79-020 is also~~ Also available on the Internet as a viewable/printable HTML document from the USEPA website at: www.epa.gov/clariton/clhtml/pubtitleORD.html as document 600479002.

“North American Industry Classification System,” July 2007, U.S. Department of Commerce, Bureau of the Census, document number PB2007-100002 (hardcover printed volume) or PB2007-

500023, referenced in Section 720.110 (definition of “NAICS Code”) for the purposes of Section 720.142.

BOARD NOTE: Also available on the Internet from the Bureau of Census: www.census.gov/naics/2007/naicod07.htm.

“Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities,” August 1977, EPA-530/SW-611, NTIS document number PB84-174820, referenced in 35 Ill. Adm. Code 725.192.

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

BOARD NOTE: ~~EPA-454/R-92-019 is also~~ Also available on the Internet for free download as a WordPerfect document from the USEPA website at the following Internet address: www.epa.gov/scram001/guidance/guide/scrng.wpd.

“Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” USEPA publication number EPA-530/SW-846 (Third Edition, November 1986; Revision 6, January 2005), as amended by Updates I (July 1992), II (November 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1), generally referenced in Appendices A and I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 726.200, 726.206, 726.212, and 728.106 (in addition to the references cited below for specific methods):

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

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

Method 0020 (November 1986) (Source Assessment Sampling System), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0023A (December 1996) (Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.204.

Method 0030 (November 1986) (Volatile Organic Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0031 (December 1996) (Sampling Method for Volatile Organic Compounds (SMVOC)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0040 (December 1996) (Sampling of Principal Organic Hazardous Constituents from Combustion Sources Using Tedlar® Bags), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0050 (December 1996) (Isokinetic HCl/Cl₂ Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0051 (December 1996) (Midget Impinger HCl/Cl₂ Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0060 (December 1996) (Determination of Metals in Stack Emissions), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.206.

Method 0061 (December 1996) (Determination of Hexavalent Chromium Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, 35 Ill. Adm. Code 726.206, and Appendix I to 35 Ill. Adm. Code 726.

Method 1010A (November 2004) (Test Methods for Flash Point by Pensky-Martens Closed Cup Tester), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1020B (November 2004) (Standard Test Methods for Flash Point by Setaflash (Small Scale) Closed-cup Apparatus), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1110A (November 2004) (Corrosivity Toward Steel), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 1310B (November 2004) (Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and referenced in Appendix I to 35 Ill. Adm. Code 728.

Method 1311 (November 1992) (Toxicity Characteristic Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721; for 35 Ill. Adm. Code 721.124, 728.107, and 728.140; and for Table T to 35 Ill. Adm. Code 728.

Method 1312 (November 1994) (Synthetic Precipitation Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1320 (November 1986) (Multiple Extraction Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1330A (November 1992) (Extraction Procedure for Oily Wastes), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9010C (November 2004) (Total and Amenable Cyanide: Distillation), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728.

Method 9012B (November 2004) (Total and Amenable Cyanide (Automated Colorimetric, with Off-Line Distillation)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728.

Method 9040C (November 2004) (pH Electrometric Measurement), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 9045D (November 2004) (Soil and Waste pH), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9060A (November 2004) (Total Organic Carbon), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 724.934, 724.963, 725.934, and 725.963.

Method 9070A (November 2004) (n-Hexane Extractable Material (HEM) for Aqueous Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9071B (April 1998) (n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9095B (November 2004) (Paint Filter Liquids Test), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 724.290, 724.414, 725.290, 725.414, 725.981, 727.290, and 728.132.

BOARD NOTE: ~~EPA-530/SW-846~~ is also available on the Internet for free download in segments in PDF format from the USEPA website at: www.epa.gov/SW-846.

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

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

OECD “Amber Tier,” Section IV of the annex to the OECD Council Decision C(92)39/Final (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (revised May 1993), referenced in 35 Ill. Adm. Code 722.181.

Annex to OECD Council Decision C(88)90/Final, as amended by C(94)152/Final (revised July 1994), referenced in 35 Ill. Adm. Code 722.187.

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

OECD “Green Tier,” Section III of the annex to the OECD Council Decision C(92)39/Final (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (revised May 1993), referenced in 35 Ill. Adm. Code 722.181.

OECD Guideline for Testing of Chemicals, “Ready Biodegradability,” Method 301B (July 17, 1992), “CO₂ Evolution (Modified Sturm Test),” referenced in 35 Ill. Adm. Code 724.414.

OECD “Red List of Wastes,” Appendix 5 to the OECD Council Decision C(92)39/Final (March 30, 1992, revised May 1993), USEPA-approved for 35 Ill. Adm. Code 722.189, referenced in 35 Ill. Adm. Code 722.181.

OECD “Red Tier,” Section V of the annex to the OECD Council Decision C(92)39/Final (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (revised May 1993), referenced in 35 Ill. Adm. Code 722.181.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988), amended by C(94)152/Final (July 28, 1994),

“Decision of the Council on Transfrontier Movements of Hazardous Wastes,” referenced in 35 Ill. Adm. Code 722.181 and 722.187.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

“Standard for Dual Wall Underground Steel Storage Tanks” (1986), referenced in 35 Ill. Adm. Code 724.293.

USDOD. Available from the United States Department of Defense:

“DOD Ammunition and Explosives Safety Standards” (DOD 6055.09-STD), as in effect on February 29, 2008, referenced in 35 Ill. Adm. Code 726.305.

“The Motor Vehicle Inspection Report” (DD Form 626), as in effect in March 2007, referenced in 35 Ill. Adm. Code 726.303.

“Requisition Tracking Form” (DD Form 1348), as in effect in July 1991, referenced in 35 Ill. Adm. Code 726.303.

“The Signature and Tally Record” (DD Form 1907), as in effect in November 2006, referenced in 35 Ill. Adm. Code 726.303.

“Dangerous Goods Shipping Paper/Declaration and Emergency Response Information for Hazardous Materials Transported by Government Vehicles” (DD Form 836), as in effect in December 2007, referenced in 35 Ill. Adm. Code 726.303.

BOARD NOTE: DOD 6055.09-STD is available on-line for download in pdf format from <http://www.ddebs.pentagon.mil>. DD Form 1348, DD Form 1907, DD Form 836, and DOD 6055.09-STD are available on-line for download in pdf format from <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>.

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

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

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

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

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

BOARD NOTE: ~~EPA-454/R-92-019 is also~~ Also available for purchase from NTIS (see above) and on the Internet for free download as a WordPerfect document from the USEPA website at following Internet address:

www.epa.gov/scram001/guidance/guide/scrng.wpd.

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

“EPA RCRA Delisting Program—Guidance Manual for the Petitioner,” March 23, 2000, referenced in Section 720.122.

USGSA. Available from the United States Government Services Administration:

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

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

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

10 CFR 20.2006 ~~(2008)-(2010)~~ (Transfer for Disposal and Manifests), referenced in 35 Ill. Adm. Code 702.110, 726.425, and 726.450.

Table II, column 2 in Appendix B to 10 CFR 20 ~~(2008)-(2010)~~ (Water Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110, 730.103, and 730.151.

Appendix G to 10 CFR 20 (~~2008~~), as amended at ~~73 Fed. Reg. 30456 (May 28, 2008)~~ (2010) (Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests), referenced in 35 Ill. Adm. Code 726.440.

10 CFR 71 (~~2008~~), as amended at ~~73 Fed. Reg. 30456 (May 28, 2008)~~ (2010) (Packaging and Transportation of Radioactive Material), referenced generally in 35 Ill. Adm. Code 726.430.

10 CFR 71.5 (~~2008~~)-(2010) (Transportation of Licensed Material), referenced in 35 Ill. Adm. Code 726.425.

33 CFR 153.203 (~~2008~~)-(2009) (Procedure for the Notice of Discharge), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

40 CFR 3.2 (~~2007~~)-(2009) (How Does This Part Provide for Electronic Reporting?), referenced in Section 720.104.

40 CFR 3.3 (~~2007~~)-(2009) (What Definitions Are Applicable to This Part?), referenced in Section 720.104.

40 CFR 3.10 (~~2007~~)-(2009) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 720.104.

40 CFR 3.2000 (~~2007~~)-(2009) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 720.104.

40 CFR 51.100(ii) (~~2007~~)-(2009) (Definitions), referenced in 35 Ill. Adm. Code 726.200.

Appendix W to 40 CFR 51 (~~2007~~)-(2009) (Guideline on Air Quality Models), referenced in 35 Ill. Adm. Code 726.204.

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

Appendix B to 40 CFR 52.741 (~~2007~~)-(2009) (VOM Measurement Techniques for Capture Efficiency), referenced in 35 Ill. Adm. Code 703.213, 703.352, 724.982, 724.984, 724.986, 724.989, 725.983, 725.985, 725.987, and 725.990.

40 CFR 60-(2007) (2009), as amended at 72 Fed. Reg. 51365 (September 7, 2007), 72 Fed. Reg. 51494 (September 7, 2007), 72 Fed. Reg. 55278 (September 28, 2007), 72 Fed. Reg. 59190 (October 19, 2007), 72 Fed. Reg. 62414 (November 5, 2007), 72 Fed. Reg. 64860 (November 16, 2007), 73 Fed. Reg. 3568 (January 18, 2008), 73 Fed. Reg. 18162 (April 3, 2008), 73 Fed. Reg. 24870 (May 6, 2008), 73 Fed. Reg. 29691 (May 22, 2008), 73 Fed. Reg. 30308 (May 27, 2008), 73 Fed. Reg. 31368 (June 2, 2008), 73 Fed. Reg. 31372 (June 2, 2008), and 73 Fed. Reg. 35838 (June 24, 2008), 74 Fed. Reg. 51368 (October 6, 2009), 74 Fed. Reg. 51950 (October 8, 2009), 74 Fed. Reg. 55142 (October 27, 2009), and 74 Fed. Reg. 66921 (December 17, 2009) (Standards of Performance for New Stationary Sources), referenced generally in 35 Ill. Adm. Code 724.964, 724.980, 725.964, and 725.980.

Subpart VV of 40 CFR 60-(2007, as amended at 72 Fed. Reg. 64860 (November 16, 2007)) (2009) (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry), referenced in 35 Ill. Adm. Code 724.989 and 725.990.

Appendix A to 40 CFR 60-(2007), as amended at 72 Fed. Reg. 51365 (September 7, 2007), 72 Fed. Reg. 51494 (September 7, 2007), 72 Fed. Reg. 55278 (September 28, 2007), 73 Fed. Reg. 29691 (May 22, 2008) (2009) (Test Methods), referenced generally in 35 Ill. Adm. Code 726.205 (in addition to the references cited below for specific methods):

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

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

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

Method 2B (Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators), referenced in 35 Ill. Adm. Code 726.205.

Method 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), referenced in 35 Ill. Adm. Code 724.933, 725.933, and 726.205.

Method 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts), referenced in 35 Ill. Adm. Code 724.933, 725.933, and 726.205.

Method 2E (Determination of Landfill Gas Production Flow Rate), referenced in 35 Ill. Adm. Code 726.205.

Method 2F (Determination of Stack Gas Velocity and Volumetric Flow Rate with Three-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

Method 2G (Determination of Stack Gas Velocity and Volumetric Flow Rate with Two-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

Method 2H (Determination of Stack Gas Velocity Taking into Account Velocity Decay Near the Stack Wall), referenced in 35 Ill. Adm. Code 726.205.

Method 3 (Gas Analysis for the Determination of Dry Molecular Weight), referenced in 35 Ill. Adm. Code 724.443 and 726.205.

Method 3A (Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure)), referenced in 35 Ill. Adm. Code 726.205.

Method 3B (Gas Analysis for the Determination of Emission Rate Correction Factor or Excess Air), referenced in 35 Ill. Adm. Code 726.205.

Method 3C (Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 4 (Determination of Moisture Content in Stack Gases), referenced in 35 Ill. Adm. Code 726.205.

Method 5 (Determination of Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5A (Determination of Particulate Matter Emissions from the Asphalt Processing and Asphalt Roofing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5B (Determination of Nonsulfuric Acid Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5D (Determination of Particulate Matter Emissions from Positive Pressure Fabric Filters), referenced in 35 Ill. Adm. Code 726.205.

Method 5E (Determination of Particulate Matter Emissions from the Wool Fiberglass Insulation Manufacturing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5F (Determination of Nonsulfate Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5G (Determination of Particulate Matter Emissions from Wood Heaters (Dilution Tunnel Sampling Location)), referenced in 35 Ill. Adm. Code 726.205.

Method 5H (Determination of Particulate Emissions from Wood Heaters from a Stack Location), referenced in 35 Ill. Adm. Code 726.205.

Method 5I (Determination of Low Level Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography), referenced in 35 Ill. Adm. Code 724.933, 724.934, 725.933, and 725.934.

Method 21 (Determination of Volatile Organic Compound Leaks), referenced in 35 Ill. Adm. Code 703.213, 724.934, 724.935, 724.963, 725.934, 725.935, 725.963, and 725.984.

Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares), referenced in

35 Ill. Adm. Code 724.933, 724.1101, 725.933, 725.1101, and 727.900.

Method 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer), referenced in 35 Ill. Adm. Code 724.934 and 725.985.

Method 25D (Determination of the Volatile Organic Concentration of Waste Samples), referenced in 35 Ill. Adm. Code 724.982, 725.983, and 725.984.

Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples), referenced in 35 Ill. Adm. Code 725.984.

Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test), referenced in 35 Ill. Adm. Code 724.987 and 725.987.

40 CFR 61 ~~(2007)~~ (2009), as amended at ~~73 Fed. Reg. 18162 (April 3, 2008)~~ and ~~73 Fed. Reg. 24870 (May 6, 2008)~~ 74 Fed. Reg. 55142 (October 27, 2009) and 74 Fed. Reg. 66921 (December 17, 2009) (National Emission Standards for Hazardous Air Pollutants), referenced generally in 35 Ill. Adm. Code 725.933, 725.964, and 725.980.

Subpart V of 40 CFR 61 ~~(2007)~~ (2009) (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm. Code 724.989 and 725.990.

Subpart FF of 40 CFR 61 ~~(2007)~~ (2009) (National Emission Standard for Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and 725.983.

40 CFR 63 ~~(2007)~~ (2009), as amended in ~~72 Fed. Reg. 36363 (July 3, 2007)~~, ~~72 Fed. Reg. 38864 (July 16, 2007)~~, ~~72 Fed. Reg. 61060 (October 29, 2007)~~, ~~72 Fed. Reg. 73180 (December 26, 2007)~~, ~~72 Fed. Reg. 73611 (December 28, 2007)~~, ~~72 Fed. Reg. 74088 (December 28, 2007)~~, ~~73 Fed. Reg. 226 (January 2, 2008)~~, ~~73 Fed. Reg. 1738 (January 9, 2008)~~, ~~73 Fed. Reg. 1916 (January 10, 2008)~~, ~~73 Fed. Reg. 3568 (January 18, 2008)~~, ~~73 Fed. Reg. 7210 (February 7, 2008)~~, ~~73 Fed. Reg. 12276 (March 7, 2008)~~, ~~73 Fed. Reg. 17252 (April 1, 2008)~~, ~~73 Fed. Reg. 18169 (April 3, 2008)~~, ~~73 Fed. Reg. 18970 (April 8, 2008)~~, ~~73 Fed. Reg. 21825 (April 23, 2008)~~, and ~~73 Fed. Reg. 24870 (May 6, 2008)~~ at 74 Fed. Reg. 46493 (September

10, 2009), 74 Fed. Reg. 55670 (October 28, 2009), 74 Fed. Reg. 56008 (October 29, 2009), 74 Fed. Reg. 63236 (December 2, 2009), 74 Fed. Reg. 63504 (December 3, 2009), 74 Fed. Reg. 63613 (December 4, 2009), 74 Fed. Reg. 69194 (December 30, 2009), 75 Fed. Reg. 522 (January 5, 2010), 75 Fed. Reg. 9468 (March 3, 2010), 75 Fed. Reg. 10184 (March 5, 2010), and 75 Fed. Reg. 12988 (March 18, 2010) (National Emission Standards for Hazardous Air Pollutants for Source Categories), referenced generally in 35 Ill. Adm. Code 725.933, 725.964, and 725.980.

Subpart RR of 40 CFR 63 ~~(2007)~~(2009) (National Emission Standards for Individual Drain Systems), referenced in 35 Ill. Adm. Code 724.982, 724.984, 724.985, 725.983, 725.985, and 725.986.

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

Subpart EEE of 40 CFR 63 ~~(2007)~~, as amended at ~~73 Fed. Reg. 18970 (April 8, 2008)~~ (2009) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (includes 40 CFR 63.1206 (When and How Must You Comply with the Standards and Operating Requirements?), 63.1215 (What are the Health-Based Compliance Alternatives for Total Chlorine?), 63.1216 (What are the Standards for Solid-Fuel Boilers that Burn Hazardous Waste?), 63.1217 (What are the Standards for Liquid-Fuel Boilers that Burn Hazardous Waste?), 63.1218 (What are the Standards for Hydrochloric Acid Production Furnaces that Burn Hazardous Waste?), 63.1219 (What are the Replacement Standards for Hazardous Waste Incinerators?), 63.1220 (What are the Replacement Standards for Hazardous Waste-Burning Cement Kilns?), and 63.1221 (What are the Replacement Standards for Hazardous Waste-Burning Lightweight Aggregate Kilns?)), referenced in Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 703.155, 703.205, 703.208, 703.221, 703.232, 703.320, 703.280, 724.440, 724.701, 724.950, 725.440, and 726.200.

Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 ~~(2007)~~(2009) (Test Methods), referenced in 35 Ill. Adm. Code 725.984.

Appendix C to 40 CFR 63 ~~(2007)~~(2009) (Determination of the Fraction Biodegraded (Fbio) in a Biological Treatment Unit), referenced in 35 Ill. Adm. Code 725.984.

Appendix D to 40 CFR 63 ~~(2007)~~(2009) (Test Methods), referenced in 35 Ill. Adm. Code 725.984.

40 CFR 136.3 (Identification of Test Procedures)~~(2007)~~ (2009), referenced in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.

40 CFR 144.70 ~~(2007)~~(2009) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 704.240.

40 CFR 232.2 ~~(2007)~~(2009) (Definitions), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 257 ~~(2007)~~(2009) (Criteria for Classification of Solid Waste Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 258 ~~(2007)~~(2009) (Criteria for Municipal Solid Waste Landfills), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 260.21 ~~(2007)~~(2009) (Alternative Equivalent Testing Methods), referenced in Section 720.121.

Appendix I to 40 CFR 260 ~~(2007)~~(2009), as amended at 75 Fed. Reg. 12989 (March 18, 2010) (Overview of Subtitle C Regulations), referenced in Appendix A to 35 Ill. Adm. Code 720.

40 CFR 261.151 (2009) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 721.251.

Appendix III to 40 CFR 261 ~~(2007)~~(2009) (Chemical Analysis Test Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.

40 CFR 262.53~~(2007)~~ (2009) (Notification of Intent to Export), referenced in 35 Ill. Adm. Code 722.153.

40 CFR 262.54 ~~(2007)~~(2009) (Special Manifest Requirements), referenced in 35 Ill. Adm. Code 722.154.

40 CFR 262.55 ~~(2007)~~(2009), as amended at 75 Fed. Reg. 1236 (January 8, 2010) (Exception Reports), referenced in 35 Ill. Adm. Code 722.155.

40 CFR 262.56 ~~(2007)~~(2009), as amended at 75 Fed. Reg. 12989 (March 18, 2010) (Annual Reports), referenced in 35 Ill. Adm. Code 722.156.

40 CFR 262.57 ~~(2007)~~(2009) (Recordkeeping), referenced in 35 Ill. Adm. Code 722.157.

Appendix to 40 CFR 262 ~~(2007)~~(2009) (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), referenced in Appendix A to 35 Ill. Adm. Code 722 and 35 Ill. Adm. Code 724.986 and 725.987.

40 CFR 264.151 ~~(2007)~~(2009) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 724.251 and 727.240.

Appendix I to 40 CFR 264 ~~(2007)~~(2009) (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 724.

Appendix IV to 40 CFR 264 ~~(2007)~~(2009) (Cochran's Approximation to the Behrens-Fisher Students' T-Test), referenced in Appendix D to 35 Ill. Adm. Code 724.

Appendix V to 40 CFR 264 ~~(2007)~~(2009) (Examples of Potentially Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724 and 35 Ill. Adm. Code 727.270.

Appendix VI to 40 CFR 264 ~~(2007)~~(2009) (Political Jurisdictions in Which Compliance with § 264.18(a) Must Be Demonstrated), referenced in 35 Ill. Adm. Code 703.306 and 724.118.

Appendix I to 40 CFR 265 ~~(2007)~~(2009) (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 725.

Appendix III to 40 CFR 265 ~~(2007)~~(2009) (EPA Interim Primary Drinking Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.

Appendix IV to 40 CFR 265 ~~(2007)~~(2009) (Tests for Significance), referenced in Appendix D to 35 Ill. Adm. Code 725.

Appendix V to 40 CFR 265 ~~(2007)~~(2009) (Examples of Potentially Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm. Code 725.

Appendix IX to 40 CFR 266 ~~(2007)~~(2009) (Methods Manual for Compliance with the BIF Regulations), referenced generally in Appendix I to 35 Ill. Adm. Code 726.

Section 4.0 (Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners), referenced in 35 Ill. Adm. Code 726.200 and 726.204.

Section 5.0 (Hazardous Waste Combustion Air Quality Screening Procedure), referenced in 35 Ill. Adm. Code 726.204.

Section 7.0 (Statistical Methodology for Bevill Residue Determinations), referenced in 35 Ill. Adm. Code 726.212.

BOARD NOTE: Also available from NTIS (see above for contact information) as “Methods Manual for Compliance with BIF Regulations: Burning Hazardous Waste in Boilers and Industrial Furnaces,” December 1990, USEPA publication number EPA-530/SW-91-010, NTIS document number PB91-120006.

40 CFR 267.151 (2009) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 727.240.

40 CFR 270.5 ~~(2007)~~(2009) (Noncompliance and Program Reporting by the Director), referenced in 35 Ill. Adm. Code 703.305.

40 CFR 761 ~~(2007)~~, amended in 72 Fed. Reg. 53152 (September 18, 2007) and 72 Fed. Reg. 57235 (October 9, 2007) (2009) (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.

40 CFR 761.3 ~~(2007)~~(2009) (Definitions), referenced in 35 Ill. Adm. Code 728.102 and 739.110.

40 CFR 761.60 ~~(2007)~~, amended in 72 Fed. Reg. 57235 (October 9, 2007) (2009) (Disposal Requirements), referenced in 35 Ill. Adm. Code 728.142.

40 CFR 761.65 ~~(2007)~~, amended in 72 Fed. Reg. 57235 (October 9, 2007) (2009) (Storage for Disposal), referenced in 35 Ill. Adm. Code 728.150.

40 CFR 761.70 ~~(2007)~~, amended in 72 Fed. Reg. 57235 (October 9, 2007) (2009) (Incineration), referenced in 35 Ill. Adm. Code 728.142.

Subpart B of 49 CFR 107-(2007) (2009), as amended in 72 Fed. Reg. 55678 (October 1, 2007) at 74 Fed. Reg. 53182 (October 16, 2009), 75 Fed. Reg. 15613 (March 30, 2010), and 75 Fed. Reg. 27205 (May 14, 2010) (Exemptions), referenced generally in 35 Ill. Adm. Code 724.986 and 725.987.

49 CFR 171-(2007) (2009), as amended in 72 Fed. Reg. 55678 (October 1, 2007), 73 Fed. Reg. 4699 (January 28, 2008), and 73 Fed. Reg. 23362 (April 30, 2008) at 74 Fed. Reg. 53182 (October 16, 2009), 75 Fed. Reg. 63 (January 4, 2010), 75 Fed. Reg. 5376 (February 2, 2010), 75 Fed. Reg. 27205 (May 14, 2010) (General Information, Regulations, and Definitions), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 171.3 (2007)-(2009) (Hazardous Waste), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 171.8-(2007) (2009), as amended in 72 Fed. Reg. 55678 (October 1, 2007), 73 Fed. Reg. 4699 (January 28, 2008), and 73 Fed. Reg. 23362 (April 30, 2008) at 74 Fed. Reg. 53182 (October 16, 2009), 75 Fed. Reg. 5376 (February 2, 2010), and 75 Fed. Reg. 27205 (May 14, 2010) (Definitions and Abbreviations), referenced in 35 Ill. Adm. Code 733.118, 733.138, 733.152, 733.155, and 739.143.

49 CFR 171.15-(2007) (2009), as amended in 72 Fed. Reg. 55678 (October 1, 2007) at 74 Fed. Reg. 53182 (October 16, 2009) (Immediate Notice of Certain Hazardous Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 171.16 (2007)-(2009) (Detailed Hazardous Materials Incident Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 172-(2007) (2009), as amended in 72 Fed. Reg. 55678 (October 1, 2007), 72 Fed. Reg. 59146 (October 18, 2007), 73 Fed. Reg. 1089 (January 7, 2008), 73 Fed. Reg. 4699 (January 28, 2008), and 73 Fed. Reg. 20752 (April 16, 2008) at 74 Fed. Reg. 52896 (October 15, 2009), 74 Fed. Reg. 53182 (October 16, 2009), 74 Fed. Reg. 53413 (October 19, 2009), 74 Fed. Reg. 54489 (October 22, 2009), 74 Fed. Reg. 65696 (December 11, 2009), 75 Fed. Reg. 63 (January 4, 2010), 75 Fed. Reg. 5376 (February 2, 2010), and 75 Fed. Reg. 10974 (March 8, 2010) (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), referenced generally in 35 Ill. Adm. Code 722.131, 722.132, 724.986,

725.987, 733.114, 733.118, 733.134, 733.138, 733.152, 733.155, and 739.143.

49 CFR 172.304 ~~(2007)~~ (2009), amended in ~~72 Fed. Reg. 55678 (October 1, 2007)~~ (2009) (Marking Requirements), referenced in 35 Ill. Adm. Code 722.132.

Subpart F of 49 CFR 172 ~~(2007)~~ (2009), as amended in ~~72 Fed. Reg. 55678 (October 1, 2007)~~ at 75 Fed. Reg. 5376 (February 2, 2010) (Placarding), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 173 ~~(2007)~~ (2009), as amended in ~~72 Fed. Reg. 55678 (October 1, 2007)~~, ~~73 Fed. Reg. 4699 (January 28, 2008)~~, and ~~73 Fed. Reg. 23362 (April 30, 2008)~~ at 74 Fed. Reg. 53182 (October 16, 2009), 75 Fed. Reg. 63 (January 4, 2010), 75 Fed. Reg. 5376 (February 2, 2010), and 75 Fed. Reg. 27205 (May 14, 2010) (Shippers—General Requirements for Shipments and Packages), referenced generally in 35 Ill. Adm. Code 721.104, 722.130, 724.986, 724.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 173.2 ~~(2007)~~ (2009) (Hazardous Materials Classes and Index to Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.

49 CFR 173.12 ~~(2007)~~ (2009), as amended in ~~73 Fed. Reg. 4699 (January 28, 2008)~~ at 75 Fed. Reg. 27205 (May 14, 2010) (Exceptions for Shipments of Waste Materials), referenced in 35 Ill. Adm. Code 724.416, 724.986, and 725.987.

49 CFR 173.28 ~~(2007)~~ (2009), as amended at 75 Fed. Reg. 5376 (February 2, 2010) (Reuse, Reconditioning, and Remanufacture of Packagings), referenced in 35 Ill. Adm. Code 725.273.

49 CFR 173.50 ~~(2007)~~ (2009) (Class 1—Definitions), referenced in 35 Ill. Adm. Code 721.124.

49 CFR 173.54 ~~(2006)~~ (2009) (Forbidden Explosives), referenced in 35 Ill. Adm. Code 721.124.

49 CFR 173.115 ~~(2007)~~ (2009), as amended at 75 Fed. Reg. 63 (January 4, 2010) (Class 2, Divisions 2.1, 2.2, and 2.3—Definitions), referenced in 35 Ill. Adm. Code 721.121.

49 CFR ~~174-(2007)~~ (2009), as amended in 72 Fed. Reg. 55678 (October 1, 2007) and 73 Fed. Reg. 20752 (April 16, 2008) at 74 Fed. Reg. 53182 (October 16, 2009), 74 Fed. Reg. 53413 (October 19, 2009), 74 Fed. Reg. 54489 (October 22, 2009), 75 Fed. Reg. 5376 (February 2, 2010), and 75 Fed. Reg. 27205 (May 14, 2010) (Carriage by Rail), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR ~~175-(2007)~~ (2009), as amended in 72 Fed. Reg. 55678 (October 1, 2007), 73 Fed. Reg. 4699 (January 28, 2008), and 73 Fed. Reg. 23362 (April 30, 2008) at 75 Fed. Reg. 63 (January 4, 2010) (Carriage by Aircraft), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR ~~176-(2007)~~ (2009), as amended in 72 Fed. Reg. 55678 (October 1, 2007) and 73 Fed. Reg. 4699 (January 28, 2008) at 74 Fed. Reg. 53182 (October 16, 2009) and 75 Fed. Reg. 27205 (May 14, 2010) (Carriage by Vessel), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR ~~177-(2007)~~ (2009), as amended in 73 Fed. Reg. 4699 (January 28, 2008) at 75 Fed. Reg. 27205 (May 14, 2010) (Carriage by Public Highway), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR ~~178-(2007)~~ (2009), as amended in 72 Fed. Reg. 55678 (October 1, 2007) and 72 Fed. Reg. 59146 (October 18, 2007) at 75 Fed. Reg. 63 (January 4, 2010) and 75 Fed. Reg. 5376 (February 2, 2010) (Specifications for Packagings), referenced generally in 35 Ill. Adm. Code 721.104, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR ~~179-(2007)~~ (2009), as amended in 72 Fed. Reg. 55678 (October 1, 2007) at 75 Fed. Reg. 27205 (May 14, 2010) (Specifications for Tank Cars), referenced in 35 Ill. Adm. Code 721.104, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR ~~180-(2007)~~ (2009), as amended in 72 Fed. Reg. 55678 (October 1, 2007) and 73 Fed. Reg. 4699 (January 28, 2008) at 74 Fed. Reg. 53182 (October 16, 2009) (Continuing Qualification and Maintenance of Packagings), referenced generally in 35 Ill. Adm. Code 724.986, 725.987, 733.118, 733.138, 733.152, and 739.143.

c) Federal Statutes:

Section 11 of the Atomic Energy Act of 1954 (42 USC 2014), as amended through January 3, 2006, referenced in 35 Ill. Adm. Code 721.104 and 726.310.

Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 360b(j)), as amended through January 3, 2006, referenced in Section 720.110 and 35 Ill. Adm. Code 733.109.

Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145 (50 USC 1521(j)(1)), as amended through January 3, 2006, referenced in 35 Ill. Adm. Code 726.301.

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

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

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section 720.122 Waste Delisting

- a) Any person seeking to exclude a waste from a particular generating facility from the lists in Subpart D of 35 Ill. Adm. Code 721 may file a petition, as specified in subsection (n) of this Section. The Board will grant the petition if the following occur:
- 1) The petitioner demonstrates that the waste produced by a particular generating facility does not meet any of the criteria under which the waste was listed as a hazardous or acute hazardous waste; and
 - 2) The Board determines that there is a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, “EPA RCRA Delisting Program—Guidance Manual for the Petitioner,” incorporated by reference in Section 720.111(a). A waste that is so excluded, however, still may be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.
- b) Listed wastes and mixtures. A person may also petition the Board to exclude from 35 Ill. Adm. Code 721.103(a)(2)(B) or ~~(a)(2)(C)~~ (c), a waste that is described

in these Sections and is either a waste listed in Subpart D of 35 Ill. Adm. Code 721, or is derived from a waste listed in that Subpart. This exclusion may only be granted for a particular generating, storage, treatment, or disposal facility. The petitioner must make the same demonstration as required by subsection (a) of this Section. Where the waste is a mixture of a solid waste and one or more listed hazardous wastes or is derived from one or more listed hazardous wastes, the demonstration must be made with respect to the waste mixture as a whole; analyses must be conducted for not only those constituents for which the listed waste contained in the mixture was listed as hazardous, but also for factors (including additional constituents) that could cause the waste mixture to be a hazardous waste. A waste that is so excluded may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.

- c) Ignitable, corrosive, reactive and toxicity characteristic wastes. If the waste is listed in codes “I,” “C,” “R,” or “E” in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:
- 1) The petitioner must demonstrate that the waste does not exhibit the relevant characteristic for which the waste was listed, as defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections. The petitioner must also show that the waste does not exhibit any of the other characteristics, defined in those Sections, using any applicable methods prescribed in those Sections; and
 - 2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, “EPA RCRA Delisting Program—Guidance Manual for the Petitioner,” incorporated by reference in Section 720.111(a). A waste that is so excluded, however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.
- d) Toxic waste. If the waste is listed in code “T” in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:
- 1) The petitioner must demonstrate that the waste fulfills the following criteria:

- A) It does not contain the constituent or constituents (as defined in Appendix G of 35 Ill. Adm. Code 721) that caused USEPA to list the waste; or
 - B) Although containing one or more of the hazardous constituents (as defined in Appendix G of 35 Ill. Adm. Code 721) that caused USEPA to list the waste, the waste does not meet the criterion of 35 Ill. Adm. Code 721.111(a)(3) when considering the factors used in 35 Ill. Adm. Code 721.111(a)(3)(A) through (a)(3)(K) under which the waste was listed as hazardous.
- 2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste.
 - 3) The petitioner must demonstrate that the waste does not exhibit any of the characteristics, defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections.
 - 4) A waste that is so excluded, however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.
- e) Acute hazardous waste. If the waste is listed with the code “H” in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:
- 1) The petitioner must demonstrate that the waste does not meet the criterion of 35 Ill. Adm. Code 721.111(a)(2); and
 - 2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, “EPA RCRA Delisting Program—Guidance Manual for the Petitioner,” incorporated by reference in Section 720.111(a).
 - 3) The petitioner must demonstrate that the waste does not exhibit any of the characteristics, defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections.

- 4) A waste that is so excluded, however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.
- f) This subsection (f) corresponds with 40 CFR 260.22(f), which USEPA has marked “reserved.” This statement maintains structural consistency with the federal regulations.
- g) This subsection (g) corresponds with 40 CFR 260.22(g), which USEPA has marked “reserved.” This statement maintains structural consistency with the federal regulations.
- h) Demonstration samples must consist of enough representative samples, but in no case less than four samples, taken over a period of time sufficient to represent the variability or the uniformity of the waste.
- i) Each petition must include, in addition to the information required by subsection (n) of this Section:
 - 1) The name and address of the laboratory facility performing the sampling or tests of the waste;
 - 2) The names and qualifications of the persons sampling and testing the waste;
 - 3) The dates of sampling and testing;
 - 4) The location of the generating facility;
 - 5) A description of the manufacturing processes or other operations and feed materials producing the waste and an assessment of whether such processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;
 - 6) A description of the waste and an estimate of the average and maximum monthly and annual quantities of waste covered by the demonstration;
 - 7) Pertinent data on and discussion of the factors delineated in the respective criterion for listing a hazardous waste, where the demonstration is based on the factors in 35 Ill. Adm. Code 721.111(a)(3);
 - 8) A description of the methodologies and equipment used to obtain the representative samples;

- 9) A description of the sample handling and preparation techniques, including techniques used for extraction, containerization, and preservation of the samples;
- 10) A description of the tests performed (including results);
- 11) The names and model numbers of the instruments used in performing the tests; and
- 12) The following statement signed by the generator or the generator's authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration 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.

- j) After receiving a petition, the Board may request any additional information that the Board needs to evaluate the petition.
- k) An exclusion will only apply to the waste generated at the individual facility covered by the demonstration and will not apply to waste from any other facility.
- l) The Board will exclude only part of the waste for which the demonstration is submitted if the Board determines that variability of the waste justifies a partial exclusion.

BOARD NOTE: See "EPA RCRA Delisting Program—Guidance Manual for the Petitioner," incorporated by reference in Section 720.111(a).

- m) Delisting of specific wastes from specific sources that have been adopted by USEPA may be proposed as State regulations that are identical in substance pursuant to Section 720.120(a).
- n) Delistings that have not been adopted by USEPA may be proposed to the Board pursuant to a petition for adjusted standard pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 104. The justification for the adjusted standard is as specified in subsections (a) through (g) of this Section,

as applicable to the waste in question. The petition must be clearly labeled as a RCRA delisting adjusted standard petition.

- 1) In accordance with 35 Ill. Adm. Code 101.304, the petitioner must serve copies of the petition, and any other documents filed with the Board, on USEPA at the following addresses:

USEPA
Office of ~~Solid Waste and Emergency Response~~ Resource Conservation and Recovery
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

USEPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

- 2) The Board will mail copies of all opinions and orders to USEPA at the above addresses.
- 3) In conjunction with the normal updating of the RCRA regulations, the Board will maintain, in Appendix I of 35 Ill. Adm. Code 721, a listing of all adjusted standards granted by the Board.
 - o) The Agency may determine in a permit or a letter directed to a generator that, based on 35 Ill. Adm. Code 721, a waste from a particular source is not subject to these regulations. Such a finding is evidence against the Agency in any subsequent proceedings but will not be conclusive with reference to other persons or the Board.
 - p) Any petition to delist directed to the Board or request for determination directed to the Agency must include a showing that the waste will be generated or managed in Illinois.
 - q) The Board will not grant any petition that would render the Illinois RCRA program less stringent than if the decision were made by USEPA.
 - r) Delistings apply only within Illinois. Generators must comply with 35 Ill. Adm. Code 722 for waste that is hazardous in any state to which it is to be transported.

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

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section 720.130 Procedures for Solid Waste Determinations and Non-Waste Determinations

In accordance with the standards and criteria in ~~Section~~ Sections 720.131 and 720.134 and the procedures in Section 720.133, the Board will determine on a case-by-case basis that the following recycled materials are not solid wastes:

- a) Materials that are accumulated speculatively without sufficient amounts being recycled (as defined in Section 721.101(c)(8));
- b) Materials that are reclaimed and then reused within the original production process in which they were generated; ~~and~~
- c) Materials that have been reclaimed but must be reclaimed further before the materials are completely recovered;:
- d) Hazardous secondary materials that are reclaimed in a continuous industrial process; and
- e) Hazardous secondary materials that are indistinguishable in all relevant aspects from a product or intermediate.

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

Section 720.133 Procedures for Determinations

The Board will use the procedures of Subpart D of 35 Ill. Adm. Code 104 for determining whether a material is a solid waste, ~~or~~ for determining whether a particular enclosed flame combustion device is a boiler, or for evaluating an application for a non-waste determination.

- a) The application must address the relevant criteria contained in Section 720.131, 720.132, or 720.134, as applicable.
- b) This subsection (b) corresponds with 40 CFR 260.33(b), which pertains to the USEPA procedure for review of petitions. This statement maintains structural consistency with USEPA rules.
- c) For a non-waste determination, in the event of a change in circumstances that affects how a hazardous secondary material meets the relevant criteria contained in Section 720.134 upon which a non-waste determination has been based, the applicant must re-apply to the Board for a formal determination that the hazardous

secondary material continues to meet the relevant criteria and therefore is not a solid waste.

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

Section 720.134 Non-Waste Determinations

- a) A person generating, managing, or reclaiming hazardous secondary material may petition the Board pursuant to this Section, Section 720.133 and Section 28.2 of the Act [415 ILCS 5/28.2] for an adjusted standard that is a formal determination that a hazardous secondary material is not discarded and therefore is not a solid waste. The Board's adjusted standard determination will be based on the criteria contained in either subsection (b) or (c) of this Section, as applicable. If the Board denies the petition, the hazardous secondary material might still be eligible for a solid waste determination pursuant to Section 720.131 or an exclusion. A determination made by the Board pursuant to this Section becomes effective upon occurrence of the first of the following two events:
- 1) After USEPA has authorized Illinois to administer this segment of the hazardous waste regulations, the determination is effective upon issuance of the Board order that grants the non-waste determination; or
 - 2) Before USEPA has granted such authorization, the non-waste determination becomes effective upon fulfillment of all of the following conditions:
 - A) The Board has granted an adjusted standard which determines that the hazardous secondary material meets the criteria in either subsection (b) or (c) of this Section, as applicable;
 - B) The Agency has requested that USEPA review the Board's non-waste determination; and
 - C) USEPA has approved the Board's non-waste determination.
- b) The Board will grant a non-waste determination for hazardous secondary material that is reclaimed in a continuous industrial process if the Board determines that the applicant has demonstrated that the hazardous secondary material is a part of the production process and the material is not discarded. The determination will be based on whether the hazardous secondary material is legitimately recycled, as determined pursuant to Section 720.143, and on the following criteria:

- 1) The extent to which the management of the hazardous secondary material is part of the continuous primary production process and is not waste treatment;
 - 2) Whether the capacity of the production process would use the hazardous secondary material in a reasonable time frame and ensure that the hazardous secondary material will not be abandoned (for example, based on past practices, market factors, the nature of the hazardous secondary material, or any contractual arrangements);
 - 3) Whether the hazardous constituents in the hazardous secondary material are reclaimed, rather than released to the air, water, or land, at significantly higher levels, from either a statistical or from a health and environmental risk perspective, than would otherwise be released by the production process; and
 - 4) Other relevant factors which demonstrate that the hazardous secondary material is not discarded.
- c) The Board will grant a non-waste determination for a hazardous secondary material that is indistinguishable in all relevant aspects from a product or intermediate if the petitioner demonstrates that the hazardous secondary material is comparable to a product or intermediate and is not discarded. The Board's determination will be based on whether the hazardous secondary material is legitimately recycled, as determined pursuant to Section 720.143, and on the following criteria:
- 1) Whether market participants treat the hazardous secondary material as a product or intermediate, rather than as a waste (for example, based on the current positive value of the hazardous secondary material, stability of demand, or any contractual arrangements);
 - 2) Whether the chemical and physical identity of the hazardous secondary material is comparable to commercial products or intermediates;
 - 3) Whether the capacity of the market would use the hazardous secondary material in a reasonable time frame and ensure that the hazardous secondary material will not be abandoned (for example, based on past practices, market factors, the nature of the hazardous secondary material, or any contractual arrangements);
 - 4) Whether the hazardous constituents in the hazardous secondary material are reclaimed, rather than released to the air, water, or land, at significantly

higher levels, from either a statistical or from a health and environmental risk perspective, than would otherwise be released by the production process; and

- 5) Other relevant factors which demonstrate that the hazardous secondary material is not discarded.

BOARD NOTE: USEPA intended that use of the non-waste determination procedure is voluntary. By this procedure, the generator or other person managing a hazardous secondary material may obtain a formal determination that a particular use of a hazardous secondary material is legitimate recycling. The generator and others managing the material may independently make a determination pursuant to Section 720.143 and manage the material under one of the exemptions from the definition of solid waste codified at 35 Ill. Adm. Code 721.102(a)(2)(ii) or 721.104(a)(23), (a)(24), or (a)(25). See 73 Fed. Reg. 64668, 74710 (Oct. 30, 2008).

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

Section 720.142 Notification Requirement for Hazardous Secondary Materials

a) A hazardous secondary material generator, a tolling contractor, a toll manufacturer, a reclaimer, or an intermediate facility that manages hazardous secondary materials which are excluded from regulation under 35 Ill. Adm. Code 721.102(a)(2)(B) or 721.104(a)(23), (a)(24), or (a)(25) must send a notification to USEPA Region 5. The notification must occur prior to operating under the exclusion and before March 1 of every even-numbered calendar year thereafter using a copy of USEPA Form 8700-12 obtained from the Agency, Bureau of Land (217-782-6762). The notification must include the following information:

- 1) The name, address, and USEPA identification number (if applicable) of the facility;
- 2) The name and telephone number of a contact person for the facility;
- 3) The NAICS code of the facility;

BOARD NOTE: Determined using the “North American Industry Classification System,” incorporated by reference in Section 720.111.

- 4) The exclusion under which the facility will manage the hazardous secondary materials (e.g., 35 Ill. Adm. Code 721.102(a)(2)(B) or 721.104(a)(23), (a)(24), or (a)(25));

- 5) For a reclaimer or intermediate facility that manages hazardous secondary materials in accordance with Section 721.104(a)(24) or (a)(25), whether the reclaimer or intermediate facility has financial assurance (not applicable for persons managing hazardous secondary materials generated and reclaimed under the control of the generator);
 - 6) When the facility expects to begin managing the hazardous secondary materials in accordance with the exclusion;
 - 7) A list of hazardous secondary materials that the facility will manage according to the exclusion (reported as the USEPA hazardous waste numbers that would apply if the hazardous secondary materials were managed as hazardous wastes);
 - 8) For each hazardous secondary material, whether the hazardous secondary material, or any portion thereof, will be managed in a land-based unit;
 - 9) The quantity of each hazardous secondary material to be managed annually; and
 - 10) The certification (included in USEPA Form 8700-12) signed and dated by an authorized representative of the facility.
- b) If a hazardous secondary material generator, tolling contractor, toll manufacturer, reclaimer, or intermediate facility has submitted a notification, but then subsequently ceases managing hazardous secondary materials in accordance with the exclusions, the facility owner or operator must notify the Agency within 30 days after the cessation using a copy of USEPA Form 8700-12 obtained from the Agency, Bureau of Land (217-782-6762). For purposes of this Section, a facility has stopped managing hazardous secondary materials if the facility no longer generates, manages, or reclaims hazardous secondary materials under the exclusions, and the facility owner or operator does not expect to manage any amount of hazardous secondary materials for at least one year.

BOARD NOTE: USEPA Form 8700-12 is the required instructions and forms for notification of regulated waste activity.

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

Section 720.143 Legitimate Recycling of Hazardous Secondary Materials

- a) This Section applies to any person that is regulated pursuant to Section 720.134 or which claims to be excluded from hazardous waste regulation pursuant to 35 Ill.

Adm. Code 721.102(a)(2)(B) or 721.104(a)(23), (a)(24), or (a)(25) because that person is engaged in reclamation. Any such person must be able to demonstrate that the recycling in which it is engaged is legitimate recycling. Hazardous secondary material that is not the subject of legitimate recycling is discarded material and is a solid waste. A determination that an activity is legitimate recycling must address the factors set forth in subsections (b) and (c) of this Section.

- b) Factors fundamental to a determination of legitimate recycling. Legitimate recycling must involve a hazardous secondary material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process, and the recycling process must produce a valuable product or intermediate.
- 1) The hazardous secondary material provides a useful contribution to the recycling process or to a product or intermediate if any of the following is true of its reclamation:
- A) It contributes valuable ingredients to a product or intermediate;
 - B) It replaces a catalyst or carrier in the recycling process;
 - C) It is the source of a valuable constituent recovered in the recycling process;
 - D) It is recovered or regenerated by the recycling process; or
 - E) It is used as an effective substitute for a commercial product.
- 2) The product or intermediate produced is valuable if either of the following describes it:
- A) It is sold to a third party; or
 - B) It is used by the recycler or the generator as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process.
- c) Other factors for consideration in a determination of legitimate recycling. A determination whether a specific recycling activity constitutes legitimate recycling must consider the factors of subsections (c)(1) and (c)(2) of this Section, in the way described in subsection (c)(3) of this Section:

- 1) The demonstration must show whether both the generator and the recycler manage the hazardous secondary material as a valuable commodity. Where there is an analogous raw material, the demonstration must show whether the generator and the recycler manage the hazardous secondary material, at a minimum, in a manner consistent with the management of the raw material. Where there is no analogous raw material, the demonstration must show whether the hazardous secondary material is contained. A hazardous secondary material that is released to the environment and which is not immediately recovered is discarded material, which is solid waste; and

- 2) The demonstration must show whether each of the following is true of the product of the recycling process:
 - A) The product does not contain significant concentrations of any hazardous constituents listed in Appendix H to 35 Ill. Adm. Code 721 that are not found in analogous products;

 - B) The product does not contain concentrations of any hazardous constituents listed in Appendix H to 35 Ill. Adm. Code 721 at levels that are significantly elevated above those found in analogous products; and

 - C) The product does not exhibit a hazardous characteristic (as defined in Subpart C of 35 Ill. Adm. Code 721) that analogous products do not exhibit.

- 3) Determination whether a specific instance of reclamation is legitimate recycling. A determination that a specific instance of reclamation of a hazardous secondary material is legitimate recycling, requires evaluation of all of the factors set forth in subsections (c)(1) and (c)(2) of this Section, and the determination must consider legitimacy as a whole.
 - A) If, after careful evaluation, the determination is that the conditions of one or both of the factors set forth in subsections (c)(1) and (c)(2) of this Section are not fulfilled, this fact militates in favor of a determination that the reclamation of the hazardous secondary material is not legitimate recycling. However, the non-fulfillment of the factors set forth in subsections (c)(1) and (c)(2) of this Section does not require a determination that the reclamation is not legitimate recycling.

B) In evaluating the extent to which the reclamation fulfills the factors set forth in subsections (c)(1) and (c)(2) of this Section, and in determining whether a specific reclamation process that does not meet one or both of these factors is still legitimate recycling, the determination can consider the protectiveness of the storage methods, exposure of persons and the environment to toxics in the product, the bioavailability of the toxics in the product, and other relevant considerations that bear on whether the recycling is legitimate.

BOARD NOTE: USEPA stated that the four legitimacy factors of this Section are substantially the same as its pre-existing “legitimacy policy,” as embodied in an internal USEPA memorandum. That memorandum elaborates “other relevant factors” as the economics of the recycling process (i.e., whether most of the revenue derives from sale of the product or from fees charged generators for managing their wastes) and whether the toxic constituents are necessary or of use to the product or are “just ‘along for the ride.’” Memorandum from Sylvia K. Lowrance, Director, USEPA, Office of Resource Conservation and Recovery, to Hazardous Waste Management Division Directors, USEPA Regions 1 through 10, attachment at p. 2; see 73 Fed. Reg. 64668, 709-10 (Oct. 31, 2008).

BOARD NOTE: USEPA uses “legitimate recycling” interchangeably with “legitimately recycled,” “recycling is legitimate,” and “recycling to be considered legitimate” in corresponding 40 CFR 260.43, as added at 73 Fed. Reg. 64668 (Oct. 30, 2008). The Board has standardized the usage “legitimate recycling” in this Section. USEPA refers to “reclamation of the material that is legitimate” in corresponding 40 CFR 261.2(a)(2)(ii) and 261.4(a)(23), (a)(24), and (a)(25) (2009), as determined pursuant to corresponding 40 CFR 260.43 (2009). The Illinois provision at 35 Ill. Adm. Code 721.101(c)(7) (and corresponding federal 40 CFR 261.1(c)(7)) states that a material is “recycled” if it is “used, reused, or reclaimed.” The Board intends that “legitimate reclamation,” in referenced provisions 35 Ill. Adm. Code 721.102(a)(2)(ii) or 721.104(a)(23), (a)(24), or (a)(25), is synonymous with “legitimate recycling,” as used in this Section.

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

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

PART 721
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- 721.APPENDIX Z Table to Section 721.102: Recycled Materials 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(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 726.212.
- 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:
 - Ai) ~~Abandoned, It is abandoned, as explained~~ described in subsection (b) of this Section;
 - Bii) ~~Recycled, It is recycled, as explained~~ described in subsection (c) of this Section;
 - Ciii) ~~Considered It is considered inherently waste-like, as explained~~ described in subsection (d) of this Section; or
 - Div) ~~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 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-earthen 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 721.110).

- B) No person or facility other than the hazardous secondary material generator, the transporter, an intermediate facility, or a reclaimer manages 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 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 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 manages material which 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 (a)(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 the facility itself which 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/finalerp1203.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 a 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 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 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. 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. 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 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 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 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; 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 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 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 _____)

Section 721.106 Requirements for Recyclable Materials

- a) Recyclable materials:
 - 1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsections (b) and (c) of this Section, except for the materials listed in subsections (a)(2) and (a)(3) of this Section. Hazardous wastes that are recycled will be known as “recyclable materials.”
 - 2) The following recyclable materials are not subject to the requirements of this Section but are regulated under Subparts C through H of 35 Ill. Adm. Code 726 and all applicable provisions in 35 Ill. Adm. Code 702 and 703.
 - A) Recyclable materials used in a manner constituting disposal (Subpart C of 35 Ill. Adm. Code 726);

- B) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 35 Ill. Adm. Code 724 or Subpart O of this Part (Subpart H of 35 Ill. Adm. Code 726);
 - C) Recyclable materials from which precious metals are reclaimed (Subpart F of 35 Ill. Adm. Code 726); and
 - D) Spent lead-acid batteries that are being reclaimed (Subpart G of 35 Ill. Adm. Code 726).
- 3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 726, 728, or 702 and 703 and are not subject to the notification requirements of section 3010 of the Resource Conservation and Recovery Act:
- A) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in 35 Ill. Adm. Code 722.158, the following requirements continue to apply:
 - i) A person initiating a shipment for reclamation in a foreign country and any intermediary arranging for the shipment must comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153; 722.156(a)(1) through (a)(4), (a)(6), and (b); and 722.157; must export such materials only upon consent of the receiving country and in conformance with the USEPA Acknowledgment of Consent, as defined in Subpart E of 35 Ill. Adm. Code 722; and must provide a copy of the USEPA Acknowledgment of Consent to the shipper transporting the shipment for export; and
 - ii) Transporters transporting a shipment for export must not accept a shipment if the transporter knows that the shipment does not conform to the USEPA Acknowledgment of Consent, must ensure that a copy of the USEPA Acknowledgment of Consent accompanies the shipment, and must ensure that it is delivered to the facility designated by the person initiating the shipment;
 - B) Scrap metal that is not excluded under Section 721.104(a)(13);

- C) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste where such recovered oil is already excluded under Section 721.104(a)(12));
- D) Petroleum refining wastes.
 - i) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil, so long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 739.111 and so long as no other hazardous wastes are used to produce the hazardous waste fuel;
 - ii) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 739.111; and
 - iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 739.111.
- 4) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the requirements of 35 Ill. Adm. Code 720 through 728, but it is regulated under 35 Ill. Adm. Code 739. Used oil that is recycled includes any used oil that is reused for any purpose following its original use (including the purpose for which the oil was originally used). Such term includes, but is not limited to, oil that is re-refined, reclaimed, burned for energy recovery, or reprocessed.

- 5) Hazardous waste that is exported to or imported from designated member countries of the Organization for Economic Cooperation and Development (OECD), as defined in Section 722.158(a)(1), for the purpose of recovery is subject to the requirements of Subpart H of 35 Ill. Adm. Code 722 if it is subject to either the hazardous waste manifesting requirements of 35 Ill. Adm. Code 722 or the universal waste management standards of 35 Ill. Adm. Code 733.
- b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a) of this Section.
 - c) Storage and recycling.
 - 1) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of Subparts A through L, AA, BB, and CC of 35 Ill. Adm. Code 724 and 725 and 35 Ill. Adm. Code 702, 703, 705, 724, 726, and 728; and the notification requirement under section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a) of this Section. (The recycling process itself is exempt from regulation, except as provided in subsection (d) of this Section.)
 - 2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (a) of this Section, the following requirements continue to apply:
 - A) Notification requirements under section 3010 of the Resource Conservation and Recovery Act,
 - B) 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies), and
 - C) Subsection (d) of this Section.
 - d) Owners or operators of facilities required to have a RCRA permit pursuant to 35 Ill. Adm. Code 703 with hazardous waste management units that recycle hazardous wastes are subject to Subparts AA and BB of 35 Ill. Adm. Code 724 and Subparts AA and BB of 35 Ill. Adm. Code 725.

(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	<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 (3aS-cis)-1,2,3,3a,8,8a- hexahydro-1,3a,8-trimethylpyrrolo- (2,3-b)indol-5-yl methylcarbamate ester (1:1)	
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	
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)-, O-((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-1H-pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P190	1129-41-5	Carbamic acid, methyl-, 3-methyl-phenyl 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	p-Chloroaniline
P026	5344-82-1	1-(o-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	m-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- <i>o</i> -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, T) (R, T)
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, T) (R, T)
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)phenyl)-	
P199	2032-65-7	Methiocarb	
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-	
P059	76-44-8	1,5,5a,6,9,9a-hexahydro-, 3-oxide 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	Octamethylpyrophosphoramidate	
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)
P092	62-38-4	Phenylmercury acetate	(R)
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-methyl-ethyl)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-(methylsulfonyl)-, 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)	<u>(R)</u>
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-, methyl-carbamate (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 ₂ O 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 ₂ N)C(S)) ₂ NH	
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 ₂ O 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	<u>(R, T)</u>
P205	137-30-4	Ziram	

Numerical Listing

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 ,4a β ,5 α ,8 α ,8a β)-	
P005	107-18-6	Allyl alcohol	
P005	107-18-6	2-Propen-1-ol	
P006	20859-73-8	Aluminum phosphide-(R, T)	<u>(R, T)</u>
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)	<u>(R)</u>
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt	<u>(R)</u>
P010	7778-39-4	Arsenic acid H_3AsO_4	
P011	1303-28-2	Arsenic oxide As_2O_5	
P011	1303-28-2	Arsenic pentoxide	

P012	1327-53-3	Arsenic oxide As_2O_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-di- nitro-
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-methyl-ethyl)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 ,7 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, T)</u>
P065	628-86-4	Mercury fulminate- (R, T)	<u>(R, T)</u>
P066	16752-77-5	Ethanimidothioic acid, N-(((methyl-amino)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)	<u>(R)</u>
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)	<u>(R)</u>
P112	509-14-8	Tetranitromethane- (R)	<u>(R)</u>
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_3P_2 , when present at concentrations greater than 10 percent	<u>(R, T)</u>
		(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 (3aS-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-methyl-phenyl ester	
P190	1129-41-5	Metolcarb	
P191	644-64-4	Carbamic acid, dimethyl-, 1-((dimethyl-amino)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-(dimethyl-amino)-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-(methylsulfonyl)-, 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(dimethylcarbamo-dithioato-S,S')-
P205	137-30-4	Ziram

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)	(<u>I</u>)
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)	(<u>I</u>)
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-(I)	(<u>I</u>)
U003	75-05-8	Acetonitrile-(I , T)	(<u>I</u> , <u>T</u>)
U004	98-86-2	Acetophenone	
U005	53-96-3	2-Acetylaminofluorene	
U006	75-36-5	Acetyl chloride-(C , R , T)	(<u>C</u> , <u>R</u> , <u>T</u>)
U007	79-06-1	Acrylamide	
U008	79-10-7	Acrylic acid-(I)	(<u>I</u>)
U009	107-13-1	Acrylonitrile	
U011	61-82-5	Amitrole	
U012	62-53-3	Aniline-(I , T)	(<u>I</u> , <u>T</u>)
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-(((amino- carbonyl)oxy)methyl)-1,1a,2,8,8a,8b- hexahydro-8a-methoxy-5-methyl-, (1a-S-(1 α ,8 β ,8 α ,8b α))-	
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)	<u>(I, T)</u>
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, T)</u>
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-dichloroethyl- idene)bis(4-chloro-	
U017	98-87-3	Benzene, (dichloromethyl)-	
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl--(R , T)	<u>(R, T)</u>
U239	1330-20-7	Benzene, dimethyl--(I , T)	<u>(I, T)</u>
U201	108-46-3	1,3-Benzenediol	
U127	118-74-1	Benzene, hexachloro-	
U056	110-82-7	Benzene, hexahydro--(I)	<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)--(I)	<u>(I)</u>
U169	98-95-3	Benzene, nitro-	<u>(I, T)</u>
U183	608-93-5	Benzene, pentachloro-	
U185	82-68-8	Benzene, pentachloronitro-	
U020	98-09-9	Benzenesulfonic acid chloride--(C , R)	<u>(C, R)</u>
U020	98-09-9	Benzenesulfonyl chloride--(C , R)	<u>(C, R)</u>
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-	
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethyl- idene)bis(4-chloro-	
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethyl- idene)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-di- oxide, 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-di- methyl-	
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>(L, 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>(L, 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>(L, 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-(I)	<u>(I)</u>
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-ethanediyl-bis-, salts and esters	
U062	2303-16-4	Carbamothioic acid, bis(1-methyl-ethyl)-, S-(2,3-dichloro-2-propenyl) ester	
U389	2303-17-5	Carbamothioic acid, bis(1-methyl-ethyl)-, 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	<u>(R, T)</u>
U156	79-22-1	Carbonochloridic acid, methyl ester- (R, T)	<u>(L, T)</u>
		(T)	
U033	353-50-4	Carbon oxyfluoride- (R, T)	<u>(R, T)</u>
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- (T)	<u>(I)</u>
U246	506-68-3	Cyanogen bromide CNBr	
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione	
U056	110-82-7	Cyclohexane- (T)	<u>(I)</u>
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-(F)	(<u>I</u>)
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-(I , T)	(<u>I</u> , <u>T</u>)
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-(I , T)	(<u>I</u> , <u>T</u>)
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)	(<u>I</u>)
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)	(<u>R</u>)

U097	79-44-7	Dimethylcarbamoyl 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-(I)	(I)
U111	621-64-7	Di-n-propylnitrosamine	
U041	106-89-8	Epichlorohydrin	
U001	75-07-0	Ethanal-(I)	(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--(I)	(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-(dimethyl- amino)-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)	(<u>I</u>)
U113	140-88-5	Ethyl acrylate-(F)	(<u>I</u>)
U238	51-79-6	Ethyl carbamate (urethane)	
U117	60-29-7	Ethyl ether	(<u>I</u>)
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-(I, T)	(<u>I, T</u>)
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)	(<u>C, T</u>)
U124	110-00-9	Furan-(F)	(<u>I</u>)
U125	98-01-1	2-Furancarboxaldehyde-(F)	(<u>I</u>)
U147	108-31-6	2,5-Furandione	
U213	109-99-9	Furan, tetrahydro-(F)	(<u>I</u>)
U125	98-01-1	Furfural-(F)	(<u>I</u>)
U124	110-00-9	Furfuran-(F)	(<u>I</u>)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl- 3-nitrosoureido)-, D-	
U206	18883-66-4	D-Glucose, 2-deoxy-2-(((methyl- nitrosoamino)-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, 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, T)</u>
U134	7664-39-3	Hydrogen fluoride-(C, T)	<u>(C, 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-phenyl-ethyl-(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, 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, T)</u>
U092	124-40-3	Methanamine, N-methyl-(T)	<u>(I)</u>
U029	74-83-9	Methane, bromo-	
U045	74-87-3	Methane, chloro-(I, T)	<u>(I, T)</u>
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)	<u>(I, T)</u>
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-(F)	(<u>I</u>)
U155	91-80-5	Methapyrilene	
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta(cd)- pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachloro- octahydro-	
U247	72-43-5	Methoxychlor	
U154	67-56-1	Methyl alcohol-(F)	(<u>I</u>)
U029	74-83-9	Methyl bromide	
U186	504-60-9	1-Methylbutadiene-(F)	(<u>I</u>)
U045	74-87-3	Methyl chloride-(I, T)	(<u>I, T</u>)
U156	79-22-1	Methyl chlorocarbonate-(I, T)	(<u>I, T</u>)
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)	(<u>I, T</u>)
U160	1338-23-4	Methyl ethyl ketone peroxide-(R, T)	(<u>R, T</u>)
U138	74-88-4	Methyl iodide	
U161	108-10-1	Methyl isobutyl ketone-(F)	(<u>I</u>)
U162	80-62-6	Methyl methacrylate-(I, T)	(<u>I, T</u>)
U161	108-10-1	4-Methyl-2-pentanone-(F)	(<u>I</u>)
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-tetra- hydro-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-chloro- ethyl)-	
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)	(<u>I</u> , <u>T</u>)
U170	100-02-7	p-Nitrophenol	
U171	79-46-9	2-Nitropropane-(I , T)	(<u>I</u> , <u>T</u>)
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)	(<u>I</u> , <u>T</u>)
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-	(<u>I</u>)
U186	504-60-9	1,3-Pentadiene-(T)	(<u>I</u>)
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-tri-chloro-	
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methyl-carbamate	
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-chloro-ethyl)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)	(<u>R</u>)
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)	(<u>I, T</u>)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-	
U110	142-84-7	1-Propanamine, N-propyl-(I)	(<u>I</u>)
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)	(<u>I, T</u>)
U027	108-60-1	Propane, 2,2'-oxybis(2-chloro-	
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichloro-phenoxy)-	
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)	(<u>I, T</u>)
U002	67-64-1	2-Propanone-(I)	(<u>I</u>)
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>I, T</u>)
U008	79-10-7	2-Propenoic acid-(I)	(<u>I</u>)
U113	140-88-5	2-Propenoic acid, ethyl ester-(I)	(<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>I, 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>I, 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-(I)	(<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	79-00-5	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-(T)	<u>(I, T)</u>
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17- dimethoxy-18-((3,4,5-trimethoxybenz- oyl)oxy)-, methyl ester, (3 β ,16 β ,17 α ,18 β ,20 α)-	
U249	1314-84-7	Zinc phosphide Zn_3P_2 , when present at concentrations of 10 percent or less	

Numerical Listing

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	<u>Hazard Code</u>
U001	75-07-0	Acetaldehyde-(F)	<u>(I)</u>
U001	75-07-0	Ethanal-(F)	<u>(I)</u>
U002	67-64-1	Acetone-(F)	<u>(I)</u>
U002	67-64-1	2-Propanone-(F)	<u>(I)</u>
U003	75-05-8	Acetonitrile-(I, T)	<u>(I, T)</u>
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)	<u>(C, R, T)</u>
U007	79-06-1	Acrylamide	
U007	79-06-1	2-Propenamide	
U008	79-10-7	Acrylic acid-(F)	<u>(I)</u>
U008	79-10-7	2-Propenoic acid-(F)	<u>(I)</u>
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-(((amino- carbonyl)oxy)methyl)-1,1a,2,8,8a,8b- hexahydro-8a-methoxy-5-methyl-, (1a-S-(1 α ,8 β ,8 α ,8 β))-	
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-(I, T)	<u>(I, T)</u>
U012	62-53-3	Benzenamine-(I, T)	<u>(I, T)</u>
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, T)</u>
U020	98-09-9	Benzenesulfonic acid chloride-(C, R)	<u>(C, R)</u>

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-(T)	(<u>I</u>)
U031	71-36-3	n-Butyl alcohol-(T)	(<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	Benzenoacetic 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)	<u>(I, T)</u>
U045	74-87-3	Methyl chloride (I, T)	<u>(I, T)</u>
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)	<u>(I)</u>
U055	98-82-8	Cumene (I)	<u>(I)</u>
U056	110-82-7	Benzene, hexahydro- (I)	<u>(I)</u>
U056	110-82-7	Cyclohexane (I)	<u>(I)</u>
U057	108-94-1	Cyclohexanone (I)	<u>(I)</u>
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-lyxohexapyranosyl)oxyl)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-	

U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethyl- idene)bis(4-chloro-	
U060	72-54-8	DDD	
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethyl- idene)bis(4-chloro-	
U061	50-29-3	DDT	
U062	2303-16-4	Carbamothioic acid, bis(1-methyl- ethyl)-, 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'-di- chloro-	
U073	91-94-1	3,3'-Dichlorobenzidine	
U074	764-41-0	2-Butene, 1,4-dichloro- (I, T)	<u>(I, T)</u>
U074	764-41-0	1,4-Dichloro-2-butene (I, T)	<u>(I, T)</u>
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 di- thiophosphate	
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-ethenedi- yl)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'-di- methoxy-	
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'-di- methyl-	
U095	119-93-7	3,3'-Dimethylbenzidine	
U096	80-15-9	α , α -Dimethylbenzylhydroperoxide (R)	(R)
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenyl- ethyl-(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-(I)	<u>(I)</u>
U110	142-84-7	1-Propanamine, N-propyl-(I)	<u>(I)</u>
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-(I)	<u>(I)</u>
U112	141-78-6	Ethyl acetate-(I)	<u>(I)</u>
U113	140-88-5	Ethyl acrylate-(I)	<u>(I)</u>
U113	140-88-5	2-Propenoic acid, ethyl ester-(I)	<u>(I)</u>
U114	P 111-54-6	Carbamodithioic acid, 1,2-ethanediyl-bis-, salts and esters	
U114	P 111-54-6	Ethylenebisdithiocarbamic acid, salts and esters	
U115	75-21-8	Ethylene oxide-(I, T)	<u>(I, T)</u>
U115	75-21-8	Oxirane-(I, T)	<u>(I, T)</u>
U116	96-45-7	Ethylenethiourea	
U116	96-45-7	2-Imidazolidinethione	
U117	60-29-7	Ethane, 1,1'-oxybis-(I)	<u>(I)</u>
U117	60-29-7	Ethyl ether	<u>(I)</u>
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)	<u>(C, T)</u>
U124	110-00-9	Furan-(F)	<u>(I)</u>
U124	110-00-9	Furfuran-(F)	<u>(I)</u>
U125	98-01-1	2-Furancarboxaldehyde-(F)	<u>(I)</u>
U125	98-01-1	Furfural-(F)	<u>(I)</u>
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)	<u>(R, T)</u>
U134	7664-39-3	Hydrofluoric acid-(C , T)	<u>(C, T)</u>
U134	7664-39-3	Hydrogen fluoride-(C , T)	<u>(C, T)</u>
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)	<u>(I, T)</u>
U140	78-83-1	1-Propanol, 2-methyl-(I , T)	<u>(I, T)</u>

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-decachloro- octahydro-	
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-((2,3-di- hydroxy-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-chloro- ethyl)amino)-	
U151	7439-97-6	Mercury	
U152	126-98-7	Methacrylonitrile-(I , T)	(<u>I</u> , <u>T</u>)
U152	126-98-7	2-Propenenitrile, 2-methyl-(I , T)	(<u>I</u> , <u>T</u>)
U153	74-93-1	Methanethiol-(I , T)	(<u>I</u> , <u>T</u>)
U153	74-93-1	Thiomethanol-(I , T)	(<u>I</u> , <u>T</u>)
U154	67-56-1	Methanol-(T)	(<u>I</u>)
U154	67-56-1	Methyl alcohol-(T)	(<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</u> , <u>T</u>)
U156	79-22-1	Methyl chlorocarbonate-(I , T)	(<u>I</u> , <u>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-	
		4,4'-Methylenebis(2-chloroaniline)	
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-(T)	<u>(I)</u>
U161	108-10-1	4-Methyl-2-pentanone-(T)	<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-	
		MNNG	
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-(T)	(I)
U186	504-60-9	1,3-Pentadiene-(T)	(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, (3 β ,16 β ,17 α ,18 β ,20 α)-	

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	<u>(R, T)</u>
U205	7488-56-4	Selenium sulfide SeS_2 - (R, T)	<u>(R, T)</u>
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-	
U206	18883-66-4	D-Glucose, 2-deoxy-2-(((methyl-nitrosoamino)-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)	<u>(I)</u>
U213	109-99-9	Tetrahydrofuran- (I)	<u>(I)</u>
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- <u>Ethane, 1,1,2-trichloro-</u>	
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-methyl-ethyl)-, 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-(dimethyl-amino)-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)-, methyl-carbamate
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 the following specifications for 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:

a1) Comparable fuel specifications.

4i) Physical specifications.

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

- ~~B~~i) Viscosity. The viscosity must not exceed 50 ~~cs~~ cS, as fired.
- ~~2~~B) 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.
- ~~b~~2) Synthesis gas fuel specifications. Synthesis gas fuel (i.e., syngas fuel) that is generated from hazardous waste must fulfill the following requirements:
- ~~1~~A) It must have a minimum Btu value of 100 Btu/Scf;
- ~~2~~B) It must contain less than 1 ppmv of total halogen;
- ~~3~~C) It must contain less than 300 ppmv of total nitrogen other than diatomic nitrogen (N₂);
- ~~4~~D) It must contain less than 200 ppmv of hydrogen sulfide; and
- ~~5~~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:

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.

6) Dilution prohibition. A generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility must not in any way dilute a hazardous waste to meet the specifications of subsections (a)(1)(A)(i) or (a)(1)(B) of this Section for comparable fuel, or subsection (a)(2) of this section for Syngas.

b) Implementation.

1) General.

eA) Implementation. ~~Waste~~ ~~Wastes~~ 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.

42) 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.~~

A) Notice to the Agency.

i) The generator must submit a one-time notice, except as provided by 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 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)~~ subsections (b)(3) and (c) 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
 - ~~iv)~~ 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(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 ~~(e)(1)(C)(iv)-(c)(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.

- 23) 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 ~~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~~, a ~~waste fuel~~ waste fuel analysis plan containing the elements of subsection ~~(e)(7)(A)~~(b)(4)(A) 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~~ waste fuel analysis plan may contain such provisions and conditions as the regulatory authority deems appropriate.

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

- A) General. For each waste for which an exclusion is claimed under the specifications provided by subsection (a)(1) or (a)(2) of this Section, the generator of the ~~hazardous~~ waste must test for all the constituents ~~on~~ in 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)(8)(A)~~ (b)(5)(A) 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 ~~(e)(8)(b)(5)~~ 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.~~
- ~~Hii)~~ ~~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.~~

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.

- ~~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.~~
- IIH) ~~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 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.

- 97) ~~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).
- 108) ~~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)(A) of this Section;
 - E) The results of all analyses and all detection limits achieved, as required pursuant to subsection ~~(e)(8)~~ (b)(5) 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 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 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 (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 ~~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)(5) of this Section; and
 - v) A one-time certification by the burner, as required pursuant to subsection ~~(e)(12)~~ (b)(10) of this Section.
- 419) Records retention. Records must be maintained for ~~the a~~ a period of three years. ~~A generator must maintain a current waste analysis plan during that three year period.~~
- 4210) 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)(2)~~ (b)(3) 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.
- 4311) 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 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 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 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 35 Ill. Adm. Code 722.134, are not subject to

the closure requirements of 35 Ill. Adm. Code 724, 725, 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 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 31 of the Act [415 ILCS 5/31].

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 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 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 725.241(d), (f), (g), and (h) have the same meaning in this Subpart H as they do in 35 Ill. Adm. Code 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 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 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 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, 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 the Agency's 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. 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, 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 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 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 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 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 (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 remedy as is 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

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;

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 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.”

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 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 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)(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 724.241(h) and 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 of 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 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 that, at a minimum, includes the total time required to remove all excluded hazardous secondary materials for recycling and 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 no later than 30 days 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 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 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). 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 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. Upon request, the owner or operator must furnish the Agency with documentation that supports the Professional Engineer's certification, until the Agency releases the owner or operator from the financial assurance requirements 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 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 where 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 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 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 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 demonstrate this liability coverage may be 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 where 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 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 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 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 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 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 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 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 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 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)(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) where 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) Where 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 (as the state in which the facility covered by the guarantee is located).
- B) Where 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 occurred:
- i) The non-U.S. corporation has identified a registered agent for service of process in the State of Illinois (as the 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 (as the 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 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.
 - 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 at 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 (as the 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 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 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 USEPA approval of the Illinois requirements is important to regulated entities in Illinois, although the federal provision 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 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
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	
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	—	2,400	
Benzo(a)pyrene	50-32-8	ND	—	2,400	
Chrysene	218-01-9	ND	—	2,400	
Dibenzo(a,h)anthracene Dibenz(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	
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) (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	—	2,400	
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	—	30 30	
Safrole	94-59-7	ND	—	2,400	
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 methane- sulfonate	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
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

<u>O,O-Diethyl O-pyrazinyl phosphorothioate</u> <u>O,O-Diethyl O-pyrazinyl phosphorothioate</u> (Thionazin)	297-97-2	ND	—	ND	2,400
Dimethoate	60-51-5	ND	—	ND	2,400
p-(Dimethylamino)azobenzene (4-Dimethylaminoazobenzene)	60-11-7	ND	—	ND	2,400
3,3'-Dimethylbenzidine	119-93-7	ND	—	ND	2,400
$\alpha,\alpha,\alpha,\alpha$ -Dimethylphenethylamine	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'-nitroguanidine)	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-butyl-amine	924-16-3	ND	—	ND	2,400
N-Nitrosodiethylamine	55-18-5	ND	—	ND	2,400
N-Nitrosodiphenyl-amine (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 (alpha - α -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
Halogenated Organics:					
Allyl chloride	107-05-1	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 bis(2-Chloroethyl)ether (Dichloroethyl ether)	111-44-4	ND	—	ND	2,400
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-buta- diene)	1126-99-8	ND	—	ND	39
2,4-D (2,4-Dichlorophenoxy- acetic 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
Dichlorodifluoro- methane (CFC-12)	75-71-8	ND	—	ND	39
1,2-Dichloroethane (Ethylene dichloride)	107-06-2	ND	—	ND	39
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-Dichloro- propylene	10061-01-5	ND	—	ND	39
trans-1,3-Dichloro- propylene	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
Hexachlorocyclopentadiene	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 (gamma-Hexachlorocyclohexane)- (gamma-Hexachlorocyclohexane) (gamma-BHC)	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

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

	1	2	3	4
			Reclamation (except as provided in Section Sections <u>721.102(a)(2)- (B) or</u> 721.104- (a)(17) for mineral processing secondary materials, <u>(a)(23), (a)(24), or (a)(25))</u>	Speculative accumulation
Applicable Subsection of Section 721.102:	Use constituting disposal (c)(1)	Burning for energy recovery or use to produce a fuel (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	—No	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	—No	Yes
Commercial chemical products listed in Section 721.133	Yes	Yes	—No	—No

Scrap metal other than excluded scrap metal (see Section 721.101- (c)(9))	Yes	Yes	Yes	Yes
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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 _____)

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

PART 722
 STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

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722.111	Hazardous Waste Determination
722.112	USEPA Identification Numbers
722.113	Electronic Reporting

SUBPART B: THE MANIFEST

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Section

722.140 Recordkeeping
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SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section

722.150 Applicability
 722.151 Definitions
 722.152 General Requirements
 722.153 Notification of Intent to Export
 722.154 Special Manifest Requirements
 722.155 Exception Report
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SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section

722.160 Imports of Hazardous Waste

SUBPART G: FARMERS

Section

722.170 Farmers

SUBPART H: TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD

Section

722.180 Applicability
 722.181 Definitions
 722.182 General Conditions
 722.183 Notification and Consent
 722.184 Tracking Document
 722.185 Contracts
 722.186 Provisions Relating to Recognized Traders
 722.187 Reporting and Recordkeeping
 722.189 OECD Waste Lists

SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS
WASTE DETERMINATION AND ACCUMULATION OF UNWANTED
MATERIAL FOR LABORATORIES OWNED BY ELIGIBLE ACADEMIC
ENTITIES

<u>Section</u>	
<u>722.300</u>	<u>Definitions</u>
<u>722.301</u>	<u>Applicability</u>
<u>722.302</u>	<u>Opting into the Subpart K Requirements</u>
<u>722.303</u>	<u>Notice of Election into the Subpart K Requirements</u>
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<u>722.305</u>	<u>Summary of the Requirements of this Subpart K</u>
<u>722.306</u>	<u>Container Standards in the Laboratory</u>
<u>722.307</u>	<u>Personnel Training</u>
<u>722.308</u>	<u>Removing Unwanted Material from the Laboratory</u>
<u>722.309</u>	<u>Hazardous Waste Determination and Removal of Unwanted Material from the Laboratory</u>
<u>722.310</u>	<u>Hazardous Waste Determination in the Laboratory</u>
<u>722.311</u>	<u>Hazardous Waste Determination at an On-Site Central Accumulation Area</u>
<u>722.312</u>	<u>Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal Facility</u>
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<u>722.314</u>	<u>Laboratory Management Plan</u>
<u>722.315</u>	<u>Unwanted Material That Is Not Solid Waste or Hazardous Waste</u>
<u>722.316</u>	<u>Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity</u>

~~722.Appendix~~ 722.APPENDIX A Hazardous Waste Manifest

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 R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg.

17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg. 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 722.110 Purpose, Scope, and Applicability

- a) This Part establishes standards for generators of hazardous waste.
- b) A generator must use 35 Ill. Adm. Code 721.105(c) and (d) to determine the applicability of provisions of this Part that are dependent on calculations of the quantity of hazardous waste generated per month.
- c) A generator that treats, stores, or disposes of a hazardous waste on-site must comply only with the following Sections of this Part with respect to that waste: Section 722.111, for determining whether or not the generator has a hazardous waste; Section 722.112, for obtaining an USEPA identification number; Section 722.140(c) and (d), for recordkeeping; Section 722.143, for additional reporting; and Section 722.170, for farmers, if applicable.
- d) Any person that exports or imports hazardous waste that is subject to the hazardous waste manifesting requirements of this Part or the universal waste management standards of 35 Ill. Adm. Code 733, to or from countries listed in Section 722.158(a)(1) for recovery, must comply with Subpart H of this Part.
- e) Any person that imports hazardous waste into the United States must comply with the generator standards of this Part.
- f) A farmer that generates waste pesticides that are hazardous waste and which complies with Section 722.170 is not required to comply with other standards in this Part or 35 Ill. Adm. Code 702, 703, 724 through 728, 733, or 739 with respect to such pesticides.

- g) A person that generates a hazardous waste, as defined by 35 Ill. Adm. Code 721, is subject to the compliance requirements and penalties prescribed in Title VIII and XII of the Environmental Protection Act if that person does not comply with this Part.
- h) An owner or operator that initiates a shipment of hazardous waste from a treatment, storage, or disposal facility must comply with the generator standards established in this Part.
- i) A person responding to an explosives or munitions emergency in accordance with 35 Ill. Adm. Code 724.101(g)(8)(A)(iv) or (g)(8)(D) or 35 Ill. Adm. Code 725.101(c)(11)(A)(iv) or (c)(11)(D) and 35 Ill. Adm. Code 703.121(a)(4) or (c) is not required to comply with the standards of this Part.
- j) This subsection corresponds with 40 CFR 262.10(j), a provision that relates only to facilities in the Commonwealth of Massachusetts. This statement maintains structural consistency with USEPA rules.
- k) This subsection corresponds with 40 CFR 262.10(k), a provision that relates only to facilities in the Commonwealth of Massachusetts. This statement maintains structural consistency with USEPA rules.
- l) The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of Subpart K of this Part are not subject to the requirements set forth in subsections (l)(1) and (l)(2) of this Section, except as specifically otherwise provided in Subpart K of this Part. For purposes of this subsection (l), the terms “laboratory” and “eligible academic entity” shall have the meanings given them in Section 722.300.
 - 1) The requirements of Section 722.111, for a large quantity generator, or Section 722.134(c), for a small quantity generator; and
 - 2) The conditions of 35 Ill. Adm. Code 721.105(b), for a conditionally exempt small quantity generator.

BOARD NOTE: The provisions of Section 722.134 are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of Section 722.134 only apply to an owner or operator that is shipping hazardous waste which it generated at that facility. A generator that treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 35 Ill. Adm. Code 702, 703, 724 through 728, 733, and 739.

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

Section 722.112 USEPA Identification Numbers

- a) A generator must not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received a USEPA identification number from USEPA.
- b) A generator that has not received a USEPA identification number may obtain one by applying to ~~the Administrator~~ USEPA Region 5 using USEPA ~~form~~ Form 8700-12. The generator must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762), and submit a completed copy of the form to the Bureau of Land, in addition to any notification directly to USEPA. Upon receiving the request USEPA will assign a USEPA identification number to the generator.
- c) A generator must not offer its hazardous waste to transporters or to treatment, storage or disposal facilities that have not received a USEPA identification number.

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

SUBPART B: THE MANIFEST

Section 722.121 Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests

- a) USEPA approval of manifest.
 - 1) A registrant may not print the manifest or have the manifest printed for use or distribution, unless it has received approval from the USEPA Director of the Office of ~~Solid Waste~~ Resource Conservation and Recovery to do so pursuant to 40 CFR 262.21(c) and (e), as described in subsections (c) and (e) of this Section.
 - 2) The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of 40 CFR 262.21, as described in this Section. The registrant is responsible for assigning manifest tracking numbers to its manifests.
- b) A registrant must submit an initial application to the USEPA Director of the Office of ~~Solid Waste~~ Resource Conservation and Recovery that contains the following information:
 - 1) The name and mailing address of registrant;

- 2) The name, telephone number, and email address of contact person;
- 3) A brief description of registrant's government or business activity;
- 4) The USEPA identification number of the registrant, if applicable;
- 5) A description of the scope of the operations that the registrant plans to undertake in printing, distributing, and using its manifests, including the following:
 - A) A description of the printing operation. The description should include an explanation of whether the registrant intends to print its manifests in-house (i.e., using its own printing establishments) or through a separate (i.e., unaffiliated) printing company. If the registrant intends to use a separate printing company to print the manifest on its behalf, the application must identify this printing company and discuss how the registrant will oversee the company. If this includes the use of intermediaries (e.g., prime and subcontractor relationships), the role of each must be discussed. The application must provide the name and mailing address of each company. It also must provide the name and telephone number of the contact person at each company;
 - B) A description of how the registrant will ensure that its organization and unaffiliated companies, if any, comply with the requirements of 40 CFR 262.21, as described in this Section. The application must discuss how the registrant will ensure that a unique manifest tracking number will be preprinted on each manifest. The application must describe the internal control procedures to be followed by the registrant and unaffiliated companies to ensure that numbers are tightly controlled and remain unique. In particular, the application must describe how the registrant will assign manifest tracking numbers to its manifests. If computer systems or other infrastructure will be used to maintain, track, or assign numbers, these should be indicated. The application must also indicate how the printer will pre-print a unique number on each form (e.g., crash or press numbering). The application also must explain the other quality procedures to be followed by each establishment and printing company to ensure that all required print specifications are consistently achieved and that printing violations are identified and corrected at the earliest practicable time; and

- C) An indication of whether the registrant intends to use the manifests for its own business operations or to distribute the manifests to a separate company or to the general public (e.g., for purchase);
 - 6) A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information to do so (e.g., corporate brochures, product samples, customer references, documentation of ISO certification), so long as such information pertains to the establishments or company being proposed to print the manifest;
 - 7) Proposed unique three-letter manifest tracking number suffix. If the registrant is approved to print the manifest, the registrant must use this suffix to pre-print a unique manifest tracking number on each manifest; and
 - 8) A signed certification by a duly authorized employee of the registrant that the organizations and companies in its application will comply with the procedures of its approved application and the requirements of 40 CFR 262.21, as described in this Section and that it will notify the Agency and the USEPA Director of the Office of Solid Waste Resource Conservation and Recovery of any duplicated manifest tracking numbers on manifests that have been used or distributed to other parties as soon as this becomes known.
- c) USEPA will review the application submitted under subsection (b) of this Section and either approve it or request additional information or modification before approving it.
 - d) Submission of document samples.
 - 1) Upon USEPA approval of the application pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section, USEPA will provide the registrant an electronic file of the manifest, continuation sheet, and manifest instructions and ask the registrant to submit three fully assembled manifests and continuation sheet samples, except as noted in 40 CFR 262.21(d)(3), as described in subsection (d)(3) of this Section. The registrant's samples must meet all of the specifications in 40 CFR 262.21(f), as described in subsection (f) of this Section, and be printed by the company that will print the manifest as identified in the application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section.

- 2) The registrant must submit a description of the manifest samples as follows:
 - A) The paper type (i.e., manufacturer and grade of the manifest paper);
 - B) The paper weight of each copy;
 - C) The ink color of the manifest's instructions. If screening of the ink was used, the registrant must indicate the extent of the screening; and
 - D) The method of binding the copies.
- 3) The registrant need not submit samples of the continuation sheet if it will print its continuation sheet using the same paper type, paper weight of each copy, ink color of the instructions, and binding method as its manifest form samples.
- e) USEPA will evaluate the forms and either approve the registrant to print them as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its forms until USEPA approves them. An approved registrant must print the manifest and continuation sheet according to its application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (e) of this Section and the manifest specifications in 40 CFR 262.21(f), as described in subsection (f) of this Section. It also must print the forms according to the paper type, paper weight, ink color of the manifest instructions and binding method of its approved forms.
- f) Paper manifests and continuation sheets must be printed according to the following specifications:
 - 1) The manifest and continuation sheet must be printed with the exact format and appearance as USEPA Forms 8700-22 and 8700-22A, respectively. However, information required to complete the manifest may be preprinted on the manifest form.
 - 2) A unique manifest tracking number assigned in accordance with a numbering system approved by USEPA must be pre-printed in Item 4 of the manifest. The tracking number must consist of a unique three-letter suffix following nine digits.

- 3) The manifest and continuation sheet must be printed on 8½ × 11-inch white paper, excluding common stubs (*e.g.*, top- or side-bound stubs). The paper must be durable enough to withstand normal use.
- 4) The manifest and continuation sheet must be printed in black ink that can be legibly photocopied, scanned, and faxed, except that the marginal words indicating copy distribution must be in red ink.
- 5) The manifest and continuation sheet must be printed as six-copy forms. Copy-to-copy registration must be exact within 1/32 inch. Handwritten and typed impressions on the form must be legible on all six copies. Copies must be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.
- 6) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:
 - A) Page 1 (top copy): “Designated facility to destination State (if required).”
 - B) Page 2: “Designated facility to generator State (if required).”
 - C) Page 3: “Designated facility to generator.”
 - D) Page 4: “Designated facility’s copy.”
 - E) Page 5: “Transporter’s copy.”
 - F) Page 6 (bottom copy): “Generator’s initial copy.”
- 7) The instructions in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), incorporated by reference in 35 Ill. Adm. Code 720.111(b), must appear legibly on the back of the copies of the manifest and continuation sheet as provided in 40 CFR 262.21(f), as described in this subsection (f). The instructions must not be visible through the front of the copies when photocopied or faxed.
 - A) Manifest Form 8700-22.
 - i) The “Instructions for Generators” on Copy 6;

- ii) The “Instructions for International Shipment Block” and “Instructions for Transporters” on Copy 5; and
 - iii) The “Instructions for Treatment, Storage, and Disposal Facilities” on Copy 4.
 - B) Manifest Form 8700-22A.
 - i) The “Instructions for Generators” on Copy 6;
 - ii) The “Instructions for Transporters” on Copy 5; and
 - iii) The “Instructions for Treatment, Storage, and Disposal Facilities” on Copy 4.
- g) Use of approved manifests.
 - 1) A generator may use manifests printed by any source so long as the source of the printed form has received approval from USEPA to print the manifest pursuant to 40 CFR 262.21(c) and (e), as described in subsections (c) and (e) of this Section. A registered source may be any of the following:
 - A) A state agency;
 - B) A commercial printer;
 - C) A hazardous waste generator, transporter, or treatment, storage, or disposal facility; or
 - D) A hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.
 - 2) The waste generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under these states’ authorized programs. The generator must also determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator’s state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.

- h) Manifest revisions.
- 1) If an approved registrant would like to update any of the information provided in its application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c) of this Section (e.g., to update a company phone number or name of contact person), the registrant must revise the application and submit it to the USEPA Director of the Office of ~~Solid Waste~~ Resource Conservation and Recovery, along with an indication or explanation of the update, as soon as practicable after the change occurs. The USEPA will either approve or deny the revision. If USEPA denies the revision, it will explain the reasons for the denial, and it will contact the registrant and request further modification before approval.
 - 2) If the registrant would like a new tracking number suffix, the registrant must submit a proposed suffix to the USEPA Director of the Office of ~~Solid Waste~~ Resource Conservation and Recovery, along with the reason for requesting it. USEPA will either approve the suffix or deny the suffix and provide an explanation why it is not acceptable.
 - 3) If a registrant would like to change the paper type, paper weight, ink color of the manifest instructions, or binding method of its manifest or continuation sheet subsequent to approval by USEPA pursuant to 40 CFR 262.21(e), as described in this subsection (e) of this Section, then the registrant must submit three samples of the revised form for USEPA review and approval. If the approved registrant would like to use a new printer, the registrant must submit three manifest samples printed by the new printer, along with a brief description of the printer's qualifications to print the manifest. USEPA will evaluate the manifests and either approve the registrant to print the forms as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its revised forms until USEPA approves them.
- i) If, subsequent to its approval by USEPA pursuant to 40 CFR 262.21(e), as described in subsection (e) of this Section, a registrant typesets its manifest or continuation sheet instead of using the electronic file of the forms provided by USEPA, it must submit three samples of the manifest or continuation sheet to the registry for approval. USEPA will evaluate the manifests or continuation sheets and either approve the registrant to print them as proposed or request additional information or modification to them before approval. USEPA will notify the

registrant of its decision by mail. The registrant cannot use or distribute its typeset forms until USEPA approves them.

- j) USEPA may exempt a registrant from the requirement to submit form samples pursuant to 40 CFR 262.21(d) or (h)(3), as described in subsection (d) or (h)(3) of this Section, if USEPA is persuaded that a separate review of the registrant's forms would serve little purpose in informing an approval decision (e.g., a registrant certifies that it will print the manifest using the same paper type, paper weight, ink color of the instructions, and binding method of the form samples approved for some other registrant). A registrant may request an exemption from USEPA by indicating why an exemption is warranted.
- k) An approved registrant must notify USEPA by phone or email as soon as it becomes aware that it has duplicated tracking numbers on any manifests that have been used or distributed to other parties.
- l) If, subsequent to approval of a registrant by USEPA pursuant to 40 CFR 262.21(e), as described in subsection (e) of this Section, USEPA becomes aware that the approved paper type, paper weight, ink color of the instructions, or binding method of the registrant's form is unsatisfactory, USEPA will contact the registrant and require modifications to the form.
- m) Effects of non-compliance.
 - 1) USEPA may suspend and, if necessary, revoke printing privileges if we find that the registrant has done either of the following:
 - A) The registrant has used or distributed forms that deviate from its approved form samples in regard to paper weight, paper type, ink color of the instructions, or binding method; or
 - B) The registrant exhibits a continuing pattern of behavior in using or distributing manifests that contain duplicate manifest tracking numbers.
 - 2) USEPA will send a warning letter to the registrant that specifies the date by which it must come into compliance with the requirements. If the registrant does not come in compliance by the specified date, USEPA will send a second letter notifying the registrant that USEPA has suspended or revoked its printing privileges. An approved registrant must provide information on its printing activities to the Agency and USEPA if requested.

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

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section 722.134 Accumulation Time

- a) Except as provided in subsection (d), (e), (f), (g), (h), or (i) of this Section, a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214, and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the following conditions are fulfilled:
 - 1) The waste is placed in or on one of the following types of units, and the generator complies with the applicable requirements:
 - A) In containers, and the generator complies with Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725;
 - B) In tanks, and the generator complies with Subparts J, AA, BB, and CC of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.297(c) and 725.300;
 - C) On drip pads, and the generator complies with Subpart W of 35 Ill. Adm. Code 725 and maintains the following records at the facility:
 - i) A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and
 - ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; or
 - D) In containment buildings, and the generator complies with Subpart DD of 35 Ill. Adm. Code 725 (has placed its Professional Engineer (PE) certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to the date of initial operation of the unit). The owner or operator must maintain the following records at the facility:

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

BOARD NOTE: The Board placed the “in addition” hanging subsection that appears in the federal rules after 40 CFR 262.34(a)(1)(iv)(B) in the introduction to subsection (a) of this Section.

- 2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
 - 3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words “Hazardous Waste”; and
 - 4) The generator complies with the requirements for owners or operators in Subparts C and D of 35 Ill. Adm. Code 725 and with 35 Ill. Adm. Code 725.116 and 728.107(a)(5).
- b) A generator that accumulates hazardous waste for more than 90 days is an operator of a storage facility. Such a generator is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703, and 705, unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Sections 35(b), 36(c), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(c), and 37(b)] and 35 Ill. Adm. Code 180 (Agency procedural regulations).
- c) Accumulation near the point of generation.
- 1) A generator may accumulate as much as 55 gallons (208 ℓ) of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in containers at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste without a permit or interim status and without

complying with subsection (a) of this Section, provided the generator does the following:

- A) The generator complies with 35 Ill. Adm. Code 725.271, 725.272, and 725.273(a); and
 - B) The generator marks the containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers.
- 2) A generator that accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in excess of the amounts listed in subsection (c)(1) of this Section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a) of this Section or other applicable provisions of this Chapter. During the three day period the generator must continue to comply with subsection (c)(1) of this Section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.
- d) A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the following conditions are fulfilled:
- 1) The quantity of waste accumulated on-site never exceeds 6,000 kilograms;
 - 2) The generator complies with the requirements of Subpart I of 35 Ill. Adm. Code 725 (except 35 Ill. Adm. Code 725.276 and 725.278);
 - 3) The generator complies with the requirements of 35 Ill. Adm. Code 725.301;
 - 4) The generator complies with the requirements of subsections (a)(2) and (a)(3) of this Section, Subpart C of 35 Ill. Adm. Code 725, and 35 Ill. Adm. Code 728.107(a)(5); and
 - 5) The generator complies with the following requirements:
 - A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures

specified in subsection (d)(5)(D) of this Section. The employee is the emergency coordinator.

- B) The generator must post the following information next to the telephone:
 - i) The name and telephone number of the emergency coordinator;
 - ii) Location of fire extinguishers and spill control material and, if present, fire alarm; and
 - iii) The telephone number of the fire department, unless the facility has a direct alarm.
- C) The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.
- D) The emergency coordinator or designee must respond to any emergencies that arise. The following are applicable responses:
 - i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
 - ii) In the event of a spill, contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil; and
 - iii) In the event of a fire, explosion, or other release that could threaten human health outside the facility, or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the National Response Center (using its 24-hour toll free number 800-424-8802).
- E) A report to the National Response Center pursuant to subsection (d)(5)(D)(iii) of this Section must include the following information:

- i) The name, address, and USEPA identification number (Section 722.112 of this Part) of the generator;
- ii) The date, time, and type of incident (e.g., spill or fire);
- iii) The quantity and type of hazardous waste involved in the incident; the extent of injuries, if any; and
- iv) The estimated quantity and disposition of recoverable materials, if any.

BOARD NOTE: The Board has codified 40 CFR 262.34(d)(5)(iv)(C)(1) through (d)(5)(iv)(C)(5) as subsections (d)(5)(E)(i) through (d)(5)(E)(iv) because Illinois Administrative Code codification requirements do not allow the use of a fifth level of subsection indents.

- e) A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month and that must transport the waste or offer the waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status, provided that the generator complies with the requirements of subsection (d) of this Section.
- f) A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month and that accumulates hazardous waste in quantities exceeding 6,000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste or offer the waste for transportation over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 703, unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of variance or provisional variance pursuant to Sections 35(b), 36(c), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(c), and 37(b)].
- g) A generator that generates 1,000 kilograms or greater of hazardous waste per calendar month which also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, may accumulate F006 waste on-site for more than 90 days, but

not more than 180 days, without a permit or without having interim status provided that the generator fulfills the following conditions:

- 1) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 or otherwise released to the environment prior to its recycling;
- 2) The F006 waste is legitimately recycled through metals recovery;
- 3) No more than 20,000 kilograms of F006 waste is accumulated on-site at any one time; and
- 4) The F006 waste is managed in accordance with the following conditions:
 - A) The F006 waste is placed in one of the following containing devices:
 - i) In containers and the generator complies with the applicable requirements of Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725;
 - ii) In tanks and the generator complies with the applicable requirements of Subparts J, AA, BB, and CC of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.297(c) and 725.300; or
 - iii) In containment buildings, and the generator complies with Subpart DD of 35 Ill. Adm. Code 725 and has placed its professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to operation of the unit. The owner or operator must maintain the records listed in subsection (g)(4)(F) of this Section at the facility;
 - B) In addition, such a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214;
 - C) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

- D) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste"; and
- E) The generator complies with the requirements for owners or operators in Subparts C and D of 35 Ill. Adm. Code 725, with 35 Ill. Adm. Code 725.116, and with 35 Ill. Adm. Code 728.107(a)(5).
- F) Required records for a containment building:
 - i) A written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the waste generation and management practices for the facility showing that they are consistent with the 180-day limit, and documentation that the generator is complying with the procedures; or
 - ii) Documentation that the unit is emptied at least once every 180 days.

BOARD NOTE: The Board has codified 40 CFR 262.34(g)(4)(i)(C)(1) and (g)(4)(i)(C)(2) as subsections (g)(4)(F)(i) and (g)(4)(F)(ii) because Illinois Administrative Code codification requirements do not allow the use of a fifth level of subsection indents.

- h) A generator that generates 1,000 kilograms or greater of hazardous waste per calendar month, which also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, and which must transport this waste or offer this waste for transportation over a distance of 200 miles or more for off-site metals recovery may accumulate F006 waste on-site for more than 90 days, but not more than 270 days, without a permit or without having interim status if the generator complies with the requirements of subsections (g)(1) through (g)(4) of this Section.
- i) A generator accumulating F006 in accordance with subsections (g) and (h) of this Section that accumulates F006 waste on-site for more than 180 days (or for more than 270 days if the generator must transport this waste or offer this waste for transportation over a distance of 200 miles or more) or which accumulates more than 20,000 kilograms of F006 waste on-site is an operator of a storage facility, and such a generator is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702 and 703, unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period or an exception to the 20,000 kilogram accumulation limit.

- 1) On a case-by-case basis, the Agency must grant a provisional variance that allows an extension of the accumulation time up to an additional 30 days pursuant to Sections 35(b), 36(c), and 37(b) of the Act [415 ILCS 5/35(b), 36(c), and 37(b)] if it finds that the F006 waste must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances.
 - 2) On a case-by-case basis, the Agency must grant a provisional variance pursuant to Sections 35(b), 36(c), and 37(b) of the Act [415 ILCS 5/35(b), 36(c), and 37(b)] that allows an exception to the 20,000 kilogram accumulation limit if the Agency finds that more than 20,000 kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances.
 - 3) A generator must follow the procedure of 35 Ill. Adm. Code 180 (Agency procedural rules) when seeking a provisional variance under subsection (i)(1) or (i)(2) of this Section.
- j) A member of the federal National Environmental Performance Track program that generates 1,000 kg or greater of hazardous waste per month (or one kilogram or more of acute hazardous waste) may accumulate hazardous waste on-site without a permit or interim status for an extended period of time, provided that the following conditions are fulfilled:
- 1) The generator accumulates the hazardous waste for no more than 180 days, or for no more than 270 days if the generator must transport the waste (or offer the waste for transport) more than 200 miles from the generating facility;
 - 2) The generator first notifies USEPA Region 5 and the Agency in writing of its intent to begin accumulation of hazardous waste for extended time periods under the provisions of this Section. Such advance notice must include the following information:
 - A) The name and USEPA ~~ID~~-identification number of the facility and specification of when the facility will begin accumulation of hazardous wastes for extended periods of time in accordance with this Section;
 - B) A description of the types of hazardous wastes that will be accumulated for extended periods of time and the units that will be used for such extended accumulation;

- C) A statement that the facility has made all changes to its operations; procedures, including emergency preparedness procedures; and equipment, including equipment needed for emergency preparedness, that will be necessary to accommodate extended time periods for accumulating hazardous wastes; and
 - D) If the generator intends to accumulate hazardous wastes on-site for up to 270 days, a certification that a facility that is permitted (or operating under interim status) under 35 Ill. Adm. Code 702 and 703, federal 40 CFR 270, or the corresponding regulations of a sister state to receive these wastes is not available within 200 miles of the generating facility;
- 3) The waste is managed in the following types of units:
- A) Containers, in accordance with the applicable requirements of Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725 and 35 Ill. Adm. Code 724.275;
 - B) Tanks, in accordance with the requirements of Subparts J, AA, BB, and CC of 35 Ill. Adm. Code 725, except for Sections 725.297(c) and Section 725.300;
 - C) Drip pads, in accordance with Subpart W of 35 Ill. Adm. Code 725; or
 - D) Containment buildings, in accordance with Subpart DD of 35 Ill. Adm. Code 725;
- 4) The quantity of hazardous waste that is accumulated for extended time periods at the facility does not exceed 30,000 kg;
- 5) The generator maintains the following records at the facility for each unit used for extended accumulation times:
- A) A written description of procedures to ensure that each waste volume remains in the unit for no more than 180 days (or 270 days, as applicable), a description of the waste generation and management practices at the facility showing that they are consistent with the extended accumulation time limit, and documentation that the procedures are complied with; or

- B) Documentation that the unit is emptied at least once every 180 days (or 270 days, if applicable);
- 6) Each container or tank that is used for extended accumulation time periods is labeled or marked clearly with the words "Hazardous Waste," and for each container the date upon which each period of accumulation begins is clearly marked and visible for inspection;
 - 7) The generator complies with the requirements for owners and operators in Subparts C and D of 35 Ill. Adm. Code 725, 35 Ill. Adm. Code 725.116, and 35 Ill. Adm. Code 728.107(a)(5). In addition, such a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214;
 - 8) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants released to the environment prior to its recycling, treatment, or disposal; and
 - 9) The generator includes the following information with its federal National Environmental Performance Track Annual Performance Report, which must be submitted to the USEPA Region 5 and the Agency:
 - A) Information on the total quantity of each hazardous waste generated at the facility that has been managed in the previous year according to extended accumulation time periods;
 - B) Information for the previous year on the number of off-site shipments of hazardous wastes generated at the facility, the types and locations of destination facilities, how the wastes were managed at the destination facilities (e.g., recycling, treatment, storage, or disposal), and what changes in on-site or off-site waste management practices have occurred as a result of extended accumulation times or other pollution prevention provisions of this Section;
 - C) Information for the previous year on any hazardous waste spills or accidents occurring at extended accumulation units at the facility, or during off-site transport of accumulated wastes; and
 - D) If the generator intends to accumulate hazardous wastes on-site for up to 270 days, a certification that a facility that is permitted (or operating under interim status) under 35 Ill. Adm. Code 702 and

703, federal 40 CFR 270, or the corresponding regulations of a sister state to receive these wastes is not available within 200 miles of the generating facility.

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

- k) If the Agency finds that hazardous wastes must remain on-site at a federal National Environmental Performance Track member facility for longer than the 180 days (or 270 days, if applicable) allowed under subsection (j) of this Section due to unforeseen, temporary, and uncontrollable circumstances, it must grant an extension to the extended accumulation time period of up to 30 days on a case-by-case basis by a provisional variance pursuant to Sections 35(b), 36(c), and 37(b) of the Act [415 ILCS 5/35(b), 36(c), and 37(b)].
- l) If a generator that is a member of the federal National Environmental Performance Track program withdraws from the National Environmental Performance Track program or if USEPA Region 5 terminates a generator's membership, the generator must return to compliance with all otherwise applicable hazardous waste regulations as soon as possible, but no later than six months after the date of withdrawal or termination.
- m) A generator that sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and which later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172 may accumulate the returned waste on-site in accordance with subsections (a) and (b) or (d), (e), and (f) of this Section, depending on the amount of hazardous waste on-site in that calendar month. Upon receipt of the returned shipment, the generator must sign the appropriate of the following:
 - 1) Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or
 - 2) Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

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

SUBPART H: TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE
FOR RECOVERY WITHIN THE OECD

Section 722.187 Reporting and Recordkeeping

- a) Annual reports. For all waste movements subject to this Subpart H, persons (e.g., notifiers, recognized traders, etc.) that meet the definition of primary exporter in Section 722.151 must file an annual report with the Office of Enforcement and Compliance Assurance, Office of Federal ~~Activities~~ Activities, International Compliance Assurance Division (2254A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460 and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield, IL 62794, no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. (If the primary exporter is required to file an annual report for waste exports that are not covered under this Subpart H, the person filing may include all export information in one report provided the following information on exports of waste destined for recovery within the designated OECD member countries is contained in a separate Section). Such reports must include the following information:
- 1) The USEPA identification number, name, and mailing and site address of the notifier filing the report;
 - 2) The calendar year covered by the report;
 - 3) The name and site address of each final recovery facility;
 - 4) By final recovery facility, for each hazardous waste exported, a description of the hazardous waste, the USEPA hazardous waste number (from Subpart C or D of 35 Ill. Adm. Code 721); the designation of waste types from the OECD waste list and applicable waste code from the OECD lists, as described in the annex to OECD Council Decision C(88)90/Final, as amended by C(94)152/Final, incorporated by reference in 35 Ill. Adm. Code 720.111(a), USDOT hazard class; the name and USEPA identification number (where applicable) for each transporter used; the total amount of hazardous waste shipped pursuant to this Subpart H; and number of shipments pursuant to each notification;
 - 5) In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kilograms (kg) but less than 1,000 kg in a calendar month, and except for hazardous waste for which information was already provided pursuant to Section 722.141:

- A) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and
 - B) A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and
- 6) A certification signed by the person acting as primary exporter 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.”
- b) Exception reports. Any person that meets the definition of primary exporter in Section 722.151 must file with USEPA and the Agency an exception report in lieu of the requirements of Section 722.142 if any of the following occurs:
- 1) The person has not received a copy of the tracking documentation signed by the transporter stating point of departure of the waste from the United States within 45 days from the date it was accepted by the initial transporter;
 - 2) Within 90 days from the date the waste was accepted by the initial transporter, the notifier has not received written confirmation from the recovery facility that the hazardous waste was received; or
 - 3) The waste is returned to the United States.
- c) Recordkeeping.
- 1) Persons that meet the definition of primary exporter in Section 722.151 must keep the following records:
 - A) A copy of each notification of intent to export and all written consents obtained from the competent authorities of concerned

countries, for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

- B) A copy of each annual report, for a period of at least three years from the due date of the report; and
 - C) A copy of any exception reports and a copy of each confirmation of delivery (i.e., tracking documentation) sent by the recovery facility to the notifier, for at least three years from the date the hazardous waste was accepted by the initial transporter or received by the recovery facility, whichever is applicable.
- 2) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by USEPA or the Agency.

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

SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS
WASTE DETERMINATION AND ACCUMULATION OF UNWANTED
MATERIAL FOR LABORATORIES OWNED BY ELIGIBLE ACADEMIC
ENTITIES

Section 722.300 Definitions

The following definitions apply for the purposes of this Subpart K:

“Central accumulation area” means an on-site hazardous waste accumulation area subject to Section 722.134(a), for a large quantity generator; Section 722.134(d) through (f), for a small quantity generator; or Section 722.134(j) and (k) for a Performance Track member. A central accumulation area at an eligible academic entity that chooses to be subject to this Subpart K must also comply with Section 722.311 when accumulating unwanted material or hazardous waste.

“College or University” means a private or public post-secondary degree-granting academic institution that is accredited by an accrediting agency listed annually by the U.S. Department of Education.

BOARD NOTE: The Department of Education maintains on-line lists of accrediting agencies on the Internet at the following address: www.ed.gov/admins/finaid/accred/accreditation_pg6.html#NationallyRecognized.

“Eligible academic entity” means a college or university, a non-profit research institute that is owned by or which has a formal written affiliation agreement with

a college or university, or a teaching hospital that is owned by or which has a formal written affiliation agreement with a college or university.

“Formal written affiliation agreement” for a non-profit research institute means a written document that establishes a relationship between institutions for the purposes of research or education and which is signed by an authorized representative, as that term is defined in 35 Ill. Adm. Code 720.110, from each institution. A relationship that exists on a project-by-project or grant-by-grant basis is not considered a formal written affiliation agreement. “Formal written affiliation agreement” for a teaching hospital means a “master affiliation agreement” and “program letter of agreement,” as these terms are defined in the document entitled “Accreditation Council for Graduate Medical Education: Glossary of Terms,” incorporated by reference in 35 Ill. Adm. Code 720.111, with an accredited medical program or medical school.

“Laboratory” means an area owned by an eligible academic entity where relatively small quantities of chemicals and other substances are used on a non-production basis for teaching or research (or diagnostic purposes at a teaching hospital) and are stored and used in containers that are easily manipulated by one person. Photo laboratories, art studios, and field laboratories are laboratories within the meaning of this definition. Areas such as chemical stockrooms and preparatory laboratories that provide a support function to teaching or research laboratories (or diagnostic laboratories at teaching hospitals) are also laboratories within the meaning of this definition.

“Laboratory clean-out” means an evaluation of the inventory of chemicals and other materials in a laboratory that are no longer needed or which have expired and the subsequent removal of those chemicals or other unwanted materials from the laboratory. A clean-out may occur for several reasons. It may be on a routine basis (e.g., at the end of a semester or academic year) or as a result of a renovation, relocation, or change in laboratory supervisor or occupant. A regularly scheduled removal of unwanted material, as required by Section 722.308, does not qualify as a laboratory clean-out within the meaning of this definition.

“Laboratory worker” means a person who handles chemicals or unwanted material in a laboratory. This may include, but is not limited to, any member of faculty or staff, a post-doctoral fellow, an intern, a researcher, a technician, a supervisor or manager, or a principal investigator. A person does not need to be paid or otherwise compensated for his or her work in the laboratory to be considered a laboratory worker. An undergraduate or graduate student in a supervised classroom setting is not a laboratory worker.

“Non-profit research institute” means an organization that conducts research as its primary function and which files as a nonprofit organization under Section 501(c)(3) of the federal tax code (26 USC 501(c)(3)).

“Reactive acutely hazardous unwanted material” means an unwanted material that is one of the acutely hazardous commercial chemical products listed in 35 Ill. Adm. Code 721.133(e) for reactivity.

“Teaching hospital” means a hospital that trains students to become physicians, nurses, or other health or laboratory personnel.

“Trained professional” means a person who has completed the applicable RCRA training requirements of 35 Ill. Adm. Code 725.116, for a large quantity generator, or who is knowledgeable about normal operations and emergencies in accordance with Section 722.134(d)(5)(C), for a small quantity generator or conditionally exempt small quantity generator. A trained professional may be an employee of the eligible academic entity or a contractor or vendor who meets the requisite training requirements.

“Unwanted material” means any chemical, mixtures of chemicals, products of experiments, or other material from a laboratory that is no longer needed, wanted, or usable in the laboratory and which is destined for hazardous waste determination by a trained professional. Unwanted material includes reactive acutely hazardous unwanted material, material that may eventually be determined not to be solid waste pursuant to 35 Ill. Adm. Code 721.102, or a hazardous waste pursuant to 35 Ill. Adm. Code 721.103. If an eligible academic entity elects to use another equally effective term in lieu of “unwanted material,” as allowed by Section 722.306(a)(1)(A), the equally effective term will have the same meaning, and the material designated by that term will be subject to the same requirements as “unwanted material” under this Subpart K.

“Working container” means a small container (i.e., two gallons (7.6 ℓ) or less) that is in use at a laboratory bench, hood, or other work station, to collect unwanted material from a laboratory experiment or procedure.

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

Section 722.301 Applicability

- a) Large quantity generators and small quantity generators. This Subpart K provides alternative requirements to the requirements set forth in Sections 722.111 and 722.134(c) for determination of hazardous waste and accumulation of hazardous waste in a laboratory owned by an eligible academic entity that chooses to be

subject to this Subpart K, provided that the academic entity fulfills the notification requirements of Section 722.303.

- b) Conditionally exempt small quantity generators. This Subpart K provides alternative requirements to the conditional exemption set forth in 35 Ill. Adm. Code 721.105(b) for the accumulation of hazardous waste in a laboratory owned by an eligible academic entity that chooses to be subject to this Subpart K, provided that the academic entity fulfills the notification requirements of Section 722.303.

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

Section 722.302 Opting into the Subpart K Requirements

- a) Large quantity generators and small quantity generators. An eligible academic entity has the option of complying with this Subpart K with respect to its laboratories, as an alternative to complying with the requirements set forth in Sections 722.111 and 722.134(c).
- b) Conditionally exempt small quantity generators. An eligible academic entity has the option of complying with this Subpart K with respect to its laboratories, as an alternative to complying with the conditional exemption of 35 Ill. Adm. Code 721.105(b).

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

Section 722.303 Notice of Election into the Subpart K Requirements

- a) If an eligible academic entity elects to become subject to the requirements of this Subpart K, it must notify the Agency of this election in writing using the RCRA Subtitle C Site Identification Form (USEPA Form 8700-12) for all the laboratories that the eligible academic entity owns or operates under the same USEPA identification number. If the eligible academic entity is a conditionally exempt small quantity generator (CESQG) that does not have a USEPA identification number, the CESQG must notify the Agency that it has made this choice for all the laboratories that the eligible academic entity owns or operates that are onsite, as defined by 35 Ill. Adm. Code 720.110. If the eligible academic entity has multiple USEPA identification numbers, or if it is a CESQG with multiple sites, it must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number (or site, for a CESQG) that it elects to become subject to the requirements of this Subpart K. The eligible academic entity must submit USEPA Form 8700-12 to the Agency before it begins operating under this Subpart K.

BOARD NOTE: Corresponding 40 CFR 262.203(a) requires the use of the “RCRA Subtitle C Site Identification Form (EPA Form 8700-12).” This is the title that appears on the face of the form. The title on the pre-pended instructions for USEPA Form 8700-12, however, is “Notification of RCRA Subtitle C Activity.” USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/osw/inforesources/data/form8700/8700-12.pdf. Only the November 2009 version of USEPA Form 8700-12 includes a segment relating to the alternative standards for eligible academic entities.

- b) When submitting USEPA Form 8700-12, the eligible academic entity must, at a minimum, fill out each of the following fields on the form:

“1. Reason for Submittal”

“2. Site EPA ID Number” (except for a conditionally exempt small quantity generator)

“3. Site Name”

“4. Site Location Information”

“5. Site Land Type”

“6. North American Industry Classification System (NAICS) Code(s) for the Site”

BOARD NOTE: See the definition of “NAICS Code” in 35 Ill. Adm. Code 720.110.

“7. Site Mailing Address”

“8. Site Contact Person”

“9. Operator and Legal Owner of the Site”

“10. Type of Regulated Waste Activity”

“13. Certification”

- c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed with the Agency pursuant to subsection (a) of this Section, on file at the eligible academic entity for as long as its laboratories are subject to this Subpart K.

- d) A teaching hospital that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the teaching hospital for as long as its laboratories are subject to this Subpart K.
- e) A non-profit research institute that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the non-profit research institute for as long as its laboratories are subject to this Subpart K.

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

Section 722.304 Notice of Withdrawal from the Subpart K Requirements

- a) If an eligible academic entity elects to no longer remain subject to the requirements of this Subpart K for all the laboratories that the eligible academic entity owns or operates under the same USEPA identification number, it elects to instead comply with the requirements set forth in Sections 722.111 and 722.134(c), which are the generally applicable standards for small quantity generators and large quantity generators. An eligible academic entity must notify the Agency in writing of this election using the USEPA Form 8700-12. If the eligible academic entity is a CESQG that does not have a USEPA identification number, it must notify the Agency that it has elected to withdraw from the requirements of this Subpart K for all of the laboratories that it owns or operates that are on-site. The eligible academic entity that is a CESQG that makes this election must comply with the conditional exemption in 35 Ill. Adm. Code 721.105(b). If the eligible academic entity has multiple USEPA identification numbers, or if it is a CESQG with multiple sites, it must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number (or site, for a CESQG) that it elects to withdraw from the requirements of this Subpart K. The eligible academic entity that chooses to withdraw from the requirements of this Subpart K must submit USEPA Form 8700-12 to the Agency before it begins operating under the requirements set forth in Sections 722.111 and 722.134(c), which are the generally applicable standards for small quantity generators and large quantity generators, or 35 Ill. Adm. Code 721.105(b), which are the generally applicable standards for conditionally exempt small quantity generators.

BOARD NOTE: Corresponding 40 CFR 262.204(a) requires the use of the “RCRA Subtitle C Site Identification Form (EPA Form 8700-12).” This is the title that appears on the face of the form. The title on the pre-pended instructions for USEPA Form 8700-12, however, is “Notification of RCRA Subtitle C Activity.” USEPA Form 8700-12 is available from the Agency, Bureau of Land

(217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/osw/inforesources/data/form8700/8700-12.pdf. Only the November 2009 version of USEPA Form 8700-12 includes a segment relating to the alternative standards for eligible academic entities.

b) When submitting USEPA Form 8700-12, the eligible academic entity must, at a minimum, fill out each of the following fields on the form:

“1. Reason for Submittal”

“2. Site EPA ID Number” (except for a conditionally exempt small quantity generator)

“3. Site Name”

“4. Site Location Information”

“5. Site Land Type”

“6. North American Industry Classification System (NAICS) Code(s) for the Site”

BOARD NOTE: See the definition of “NAICS Code” in 35 Ill. Adm. Code 720.110.

“7. Site Mailing Address”

“8. Site Contact Person”

“9. Operator and Legal Owner of the Site”

“10. Type of Regulated Waste Activity”

“13. Certification”

c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed with the Agency pursuant to subsection (a) of this Section, on file at the eligible academic entity for three years after the date of the notification of withdrawal.

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

Section 722.305 Summary of the Requirements of this Subpart K

An eligible academic entity that chooses to become subject to the requirements of this Subpart K is not required to have interim status or a RCRA Part B permit for the accumulation of unwanted material and hazardous waste in its laboratories, provided the laboratories comply with the provisions of this Subpart K, and the eligible academic entity has a Laboratory Management Plan (LMP) that complies with Section 722.314 which describes how the laboratories owned by the eligible academic entity will comply with the requirements of this Subpart K.

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

Section 722.306 Container Standards in the Laboratory

An eligible academic entity must manage containers of unwanted material while in the laboratory in accordance with the requirements in this Section.

- a) Labeling: The eligible academic entity must label containers of unwanted material as follows:
 - 1) The following information must be affixed or attached to the container:
 - A) The words “unwanted material,” or another equally effective term that is to be used consistently by the eligible academic entity and that is identified in Part I of the Laboratory Management Plan; and
 - B) Sufficient information to alert emergency responders to the contents of the container. Examples of information that would be sufficient to alert emergency responders to the contents of the container include, but are not limited to, the following:
 - i) The name of the chemicals; or
 - ii) The type or class of chemicals, such as organic solvents or halogenated organic solvents.
 - 2) The following information may be affixed or attached to the container, but must be associated with the container if not attached to it:
 - A) The date on which the unwanted material first began accumulating in the container; and
 - B) Information sufficient to allow a trained professional to properly identify whether an unwanted material is a solid waste and a

hazardous waste and to assign the proper hazardous waste codes to the material, pursuant to Section 722.111. Examples of information that would allow a trained professional to properly identify whether an unwanted material is a solid waste and hazardous waste include, but are not limited to, the following:

- i) The name or description of the chemical contents or the composition of the unwanted material or, if known, the product of the chemical reaction;
 - ii) Whether the unwanted material has been used or is unused; and
 - iii) A description of the manner in which the chemical was produced or processed, if applicable.
- b) Management of Containers in the Laboratory. An eligible academic entity must properly manage containers of unwanted material in the laboratory in a way that assures safe storage of the unwanted material and which prevents leaks, spills, emissions to the air, adverse chemical reactions, and dangerous situations that may result in harm to human health or the environment. Proper container management must include the following actions:
- 1) Containers must be maintained and kept in good condition, and damaged containers must be replaced, overpacked, or repaired;
 - 2) Containers must be compatible with their contents, in order to avoid reactions between the contents and the container; and they must be made of, or lined with, material that is compatible with the unwanted material, so that the container's integrity is not impaired; and
 - 3) Containers must be kept closed at all times, except under the following circumstances:
 - A) A container may be open when adding, removing, or consolidating unwanted material;
 - B) A working container may be open until the end of the procedure, until the end of the work shift, or until it is full, whichever comes first, at which time either the working container must be closed or its contents emptied into a separate container that is then closed; or

C) A container may be open when venting of a container is necessary for either of the following reasons:

- i) It is necessary for the proper operation of laboratory equipment, such as with inline collection of unwanted materials from high performance liquid chromatographs; or
- ii) It is necessary to prevent dangerous situations, such as a build-up of extreme pressure.

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

Section 722.307 Personnel Training

An eligible academic entity must provide training to all individuals working in its laboratory, as follows:

- a) It must provide training for laboratory workers and students that is commensurate with their duties, so that the workers and students understand the requirements of this Subpart K and can implement them.
- b) An eligible academic entity may provide training for laboratory workers and students in a variety of ways, including, but not limited to, any of the following:
 - 1) Instruction by the professor or laboratory manager before or during an experiment;
 - 2) Formal classroom training;
 - 3) Electronic or written training;
 - 4) On-the-job training; or
 - 5) Written or oral exams.
- c) An eligible academic entity that is a large quantity generator (see Section 722.127) must maintain for the durations specified in 35 Ill. Adm. Code 725.116(e) documentation which is sufficient to demonstrate that training for all laboratory workers has occurred. Examples of documentation which demonstrates that training has occurred can include, but are not limited to, the following:
 - 1) Sign-in or attendance sheets for training sessions;

- 2) Syllabi for training sessions;
 - 3) Certificates of training completion; or
 - 4) Test results.
- d) A trained professional is required for either of the following tasks:
- 1) A trained professional must accompany the transfer of unwanted material and hazardous waste when the unwanted material and hazardous waste is removed from the laboratory; and
 - 2) A trained professional must make the hazardous waste determination for unwanted material, pursuant to Section 722.111.

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

Section 722.308 Removing Unwanted Material from the Laboratory

- a) Removing containers of unwanted material on a regular schedule. An eligible academic entity must do either of the following:
 - 1) It must remove all containers of unwanted material from each laboratory on a regular interval, not to exceed six months; or
 - 2) It must remove containers of unwanted material from each laboratory within six months after each container's accumulation start date.
- b) The eligible academic entity must specify in Part I of its Laboratory Management Plan whether it will comply with subsection (a)(1) or (a)(2) of this Section for the regular removal of unwanted material from its laboratories.
- c) The eligible academic entity must specify in Part II of its Laboratory Management Plan how it will comply with subsection (a)(1) or (a)(2) of this Section and how the eligible academic entity will develop a schedule for regular removals of unwanted material from its laboratories.
- d) Removing containers of unwanted material when volumes are exceeded.
 - 1) If a laboratory accumulates a total volume of unwanted material (including reactive acutely hazardous unwanted material) in excess of 55 gallons (208 ℓ) before the regularly scheduled removal, the eligible academic entity must ensure that the following requirements are fulfilled for all

containers of unwanted material in the laboratory (including reactive acutely hazardous unwanted material):

- A) The containers are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date on which 55 gallons (208 ℓ) was exceeded; and
 - B) The containers are removed from the laboratory within 10 calendar days after the date on which 55 gallons (208 ℓ) was exceeded, or on the date of the next regularly scheduled removal, whichever comes first.
- 2) If a laboratory accumulates more than one quart (0.946 ℓ) of reactive acutely hazardous unwanted material before the regularly scheduled removal, then the eligible academic entity must ensure that the following requirements are fulfilled for all containers of reactive acutely hazardous unwanted material:
- A) The containers are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date on which one quart (0.946 ℓ) was exceeded; and
 - B) The containers are removed from the laboratory within 10 calendar days after the date on which one quart (0.946 ℓ) was exceeded, or at the next regularly scheduled removal, whichever comes first.

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

Section 722.309 Hazardous Waste Determination and Removal of Unwanted Material from the Laboratory

- a) Large quantity generators and small quantity generators. An eligible academic entity that is a large quantity generator or a small quantity generator must ensure that a trained professional makes a hazardous waste determination, pursuant to Section 722.111, for unwanted material in any of the following areas within the time given for that area:
 - 1) In the laboratory, before the unwanted material is removed from the laboratory, in accordance with Section 722.310;

- 2) At an on-site central accumulation area, within four calendar days after the waste arrives in the area, in accordance with Section 722.311; or
 - 3) At an on-site interim status or permitted treatment, storage, or disposal facility, within four calendar days after the waste arrives in the facility, in accordance with Section 722.312.
- b) Conditionally exempt small quantity generators. An eligible academic entity that is a conditionally exempt small quantity generator must ensure that a trained professional makes a hazardous waste determination, pursuant to Section 722.111, for unwanted material in the laboratory before the unwanted material is removed from the laboratory, in accordance with Section 722.310.

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

Section 722.310 Hazardous Waste Determination in the Laboratory

When an eligible academic entity makes the hazardous waste determination, pursuant to Section 722.111, for unwanted material in the laboratory, it must fulfill the following requirements:

- a) A trained professional must make the hazardous waste determination, pursuant to Section 722.111, before the unwanted material is removed from the laboratory.
- b) If an unwanted material is a hazardous waste, the eligible academic entity must do the following:
 - 1) It must write the words “hazardous waste” on the container label that is affixed or attached to the container, before the hazardous waste may be removed from the laboratory;
 - 2) It must write the appropriate hazardous waste codes on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste is transported off-site; and
 - 3) It must count the hazardous waste toward the amount used to determine the eligible academic entity’s generator status, pursuant to 35 Ill. Adm. Code 721.105(c) and (d), in the calendar month that the hazardous waste determination was made.
- c) A trained professional must accompany all hazardous waste that is transferred from the laboratory to an on-site central accumulation area or on-site interim status or permitted treatment, storage, or disposal facility.

- d) When hazardous waste is removed from the laboratory, the following requirements apply:
- 1) An eligible academic entity that is a large quantity generator or a small quantity generator must ensure that its hazardous waste is taken directly from the laboratory to an on-site central accumulation area or to an on-site interim status or permitted treatment, storage, or disposal facility, or the waste is transported off-site.
 - 2) An eligible academic entity that is a conditionally exempt small quantity generator must ensure that its hazardous waste is taken directly from the laboratory to any of the types of facilities listed in 35 Ill. Adm. Code 721.105(f)(3), for acute hazardous waste, or 35 Ill. Adm. Code 721.105(g)(3), for hazardous waste.
- e) An unwanted material that is a hazardous waste is subject to all applicable hazardous waste regulations after it has been removed from the laboratory.

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

Section 722.311 Hazardous Waste Determination at an On-Site Central Accumulation Area

When an eligible academic entity makes the hazardous waste determination, pursuant to Section 722.111, for unwanted material at an on-site central accumulation area, it must fulfill the following requirements:

- a) A trained professional must accompany all unwanted material that is transferred from the laboratory to an on-site central accumulation area.
- b) All unwanted material removed from the laboratory must be taken directly from the laboratory to the on-site central accumulation area.
- c) The unwanted material becomes subject to the generator accumulation regulations of Section 722.134(a) (or Section 722.134(j) and (k) for a Performance Track member), for a large quantity generator, or Section 722.134(d) through (f), for a small quantity generator, as soon as the material arrives in the central accumulation area, except for the “hazardous waste” labeling requirements of Section 722.134(a)(3) (or Section 722.134(j)(6) for a Performance Track member).

- d) A trained professional must determine, pursuant to Section 722.111, if the unwanted material is a hazardous waste within four calendar days after the unwanted material has arrived at the on-site central accumulation area.
- e) If the unwanted material is a hazardous waste, the eligible academic entity must fulfill the following requirements:
- 1) It must write the words “hazardous waste” on the container label that is affixed or attached to the container, within four calendar days after the unwanted material has arrived at the on-site central accumulation area and before the hazardous waste may be removed from that area;
 - 2) It must write the appropriate hazardous waste codes on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported offsite;
 - 3) It must count the hazardous waste toward the amount used to determine the eligible academic entity’s generator status, pursuant to 35 Ill. Adm. Code 721.105(c) and (d), in the calendar month that the hazardous waste determination was made; and
 - 4) It must manage the hazardous waste according to all applicable hazardous waste regulations.

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

Section 722.312 Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal Facility

When an eligible academic entity makes the hazardous waste determination, pursuant to Section 722.111, for unwanted material at an on-site interim status or permitted treatment, storage, or disposal facility, it must fulfill the following requirements:

- a) A trained professional must accompany all unwanted material that is transferred from the laboratory to an on-site interim status or permitted treatment, storage, or disposal facility;
- b) All unwanted material removed from the laboratory must be taken directly from the laboratory to the on-site interim status or permitted treatment, storage, or disposal facility;

- c) The unwanted material becomes subject to the terms of the eligible academic entity's hazardous waste permit or interim status as soon as it arrives at the on-site treatment, storage, or disposal facility;
- d) A trained professional must determine, pursuant to Section 722.111, if the unwanted material is a hazardous waste within four calendar days after the unwanted material has arrived at an on-site interim status or permitted treatment, storage or disposal facility; and
- e) If the unwanted material is a hazardous waste, the eligible academic entity must fulfill the following requirements:
 - 1) It must write the words "hazardous waste" on the container label that is affixed or attached to the container (or on the label that is affixed or attached to the container, if that is preferred) within four calendar days after the unwanted material has arrived at the on-site interim status or permitted treatment, storage, or disposal facility and before the hazardous waste may be removed from that facility;
 - 2) It must write the appropriate hazardous waste codes on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported off-site;
 - 3) It must count the hazardous waste toward the amount used to determine the eligible academic entity's generator status, pursuant to 35 Ill. Adm. Code 721.105(c) and (d) in the calendar month that the hazardous waste determination was made; and
 - 4) It must manage the hazardous waste according to all applicable hazardous waste regulations.

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

Section 722.313 Laboratory Clean-Outs

- a) Once in any 12-month period for each laboratory, an eligible academic entity may opt to conduct a laboratory clean-out that is subject to all the applicable requirements of this Subpart K, except that the following limitations apply:
 - 1) If the volume of unwanted material in the laboratory exceeds 55 gallons (208 ℓ) (or one quart (0.946 ℓ) of reactive acutely hazardous unwanted material), the eligible academic entity is not required to remove all

unwanted materials from the laboratory within 10 calendar days after exceeding 55 gallons (208 ℓ) (or one quart (0.946 ℓ) of reactive acutely hazardous unwanted material), as required by Section 722.308. Instead, the eligible academic entity must remove all unwanted materials from the laboratory within 30 calendar days after the start of the laboratory clean-out;

- 2) For the purposes of on-site accumulation, an eligible academic entity is not required to count toward its hazardous waste generator status, pursuant to 35 Ill. Adm. Code 721.105(c) and (d), a hazardous waste that is an unused commercial chemical product (one that is listed in Subpart D of 35 Ill. Adm. Code 721 or which exhibits one or more of the characteristics set forth in Subpart C of 35 Ill. Adm. Code 721) that is solely generated during the laboratory clean-out. An unwanted material that is generated prior to the beginning of the laboratory clean-out and which is still in the laboratory at the time the laboratory clean-out commences must be counted toward hazardous waste generator status, pursuant to 35 Ill. Adm. Code 721.105(c) and (d), if it is determined to be hazardous waste;
 - 3) For the purposes of off-site management, an eligible academic entity must count all of its hazardous waste, regardless of whether the hazardous waste was counted toward generator status under subsection (a)(2) of this Section, and if the eligible academic entity generates more than one kg per month of acute hazardous waste or more than 100 kg per month of hazardous waste (i.e., the conditionally exempt small quantity generator limits of 35 Ill. Adm. Code 721.105), the hazardous waste is subject to all applicable hazardous waste regulations when it is transported off-site; and
 - 4) An eligible academic entity must document the activities of the laboratory clean-out. The documentation must, at a minimum, identify the laboratory being cleaned out, the date the laboratory clean-out began and ended, and the volume of hazardous waste generated during the laboratory clean-out. The eligible academic entity must maintain these records for a period of three years from the date on which the clean-out ended.
- b) For all other laboratory clean-outs conducted during the same 12-month period, an eligible academic entity is subject to all the applicable requirements of this Subpart K, including, but not limited to the following:
- 1) The requirement to remove all unwanted materials from the laboratory within 10 calendar days of exceeding 55 gallons (208 ℓ) (or one quart (0.946 ℓ) of reactive acutely hazardous unwanted material), as required by Section 722.308; and

- 2) The requirement to count all hazardous waste, including unused hazardous waste, that is generated during the laboratory clean-out toward its hazardous waste generator status, pursuant to 35 Ill. Adm. Code 721.105(c) and (d).

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

Section 722.314 Laboratory Management Plan

An eligible academic entity must develop and retain a written Laboratory Management Plan, or revise an existing written plan. The Laboratory Management Plan is a site-specific document that describes how the eligible academic entity will manage unwanted materials in compliance with this Subpart K. An eligible academic entity may write one Laboratory Management Plan for all of the laboratories that it owns which have opted into this Subpart K, even if the laboratories are located at sites with different USEPA identification numbers. The Laboratory Management Plan must contain two parts, with a total of the nine elements identified in subsections (a) and (b) of this Section. In Part I of its Laboratory Management Plan, an eligible academic entity must describe its procedures for each of the elements listed in subsection (a) of this Section. An eligible academic entity must implement and comply with the specific provisions that it develops to address the elements in Part I of its Laboratory Management Plan. In Part II of its Laboratory Management Plan, an eligible academic entity must describe its best management practices for each of the elements listed in subsection (b) of this Section. The specific actions taken by an eligible academic entity to implement each element in Part II of its Laboratory Management Plan may vary from the procedures described in the eligible academic entity's Laboratory Management Plan, without constituting a violation of this Subpart K. An eligible academic entity may include additional elements and best management practices in Part II of its Laboratory Management Plan if it so chooses.

- a) The eligible academic entity must implement and comply with the specific provisions of Part I of its Laboratory Management Plan. In Part I of its Laboratory Management Plan, an eligible academic entity must include the following information:
- 1) Part I must describe procedures for container labeling in accordance with Section 722.306(a) that includes the following:
- A) Identification whether the eligible academic entity will use the term "unwanted material" on the containers in the laboratory. If not, identification of an equally effective term that the eligible academic entity will consistently use in lieu of "unwanted material." The equally effective term, if used, has the same meaning as the term "unwanted material," and the material is

subject to the same requirements as if it were called “unwanted material”; and

B) Identification of the manner in which information that is “associated with the container” will be imparted.

2) Identification whether the eligible academic entity will comply with Section 722.308(a)(1) or (a)(2) for regularly scheduled removals of unwanted material from the laboratory.

b) In Part II of its Laboratory Management Plan, an eligible academic entity must include the following information:

1) Description of its intended best practices for container labeling and management, including how the eligible academic entity will manage containers used for in-line collection of unwanted materials, such as with high performance liquid chromatographs and other laboratory equipment (see the required standards at Section 722.306);

2) Description of its intended best practices for providing training for laboratory workers and students commensurate with their duties (see the required standards at Section 722.307(a));

3) Description of its intended best practices for providing training to ensure safe on-site transfers of unwanted material and hazardous waste by trained professionals (see the required standards at Section 722.307(d)(1));

4) Description of its intended best practices for removing unwanted material from the laboratory, including the following:

A) For regularly scheduled removals, a regular schedule for identifying and removing unwanted materials from its laboratories (see the required standards at Section 722.308(a)(1) and (a)(2));

B) For removals when maximum volumes are exceeded, the following:

i) Description of the eligible academic entity’s intended best practices for removing unwanted materials from the laboratory within 10 calendar days after the date on which unwanted materials have exceeded their maximum volumes (see the required standards at Section 722.308(d)); and

- ii) Description of its intended best practices for communicating that unwanted materials have exceeded their maximum volumes;
- 5) Description of its intended best practices for making hazardous waste determinations, including specifying the duties of the individuals involved in the process (see the required standards at Sections 722.111 and 722.309 through 722.312);
- 6) Describe its intended best practices for laboratory clean-outs, if the eligible academic entity plans to use the incentives for laboratory clean-outs provided in Section 722.313, including the following:
 - A) Procedures for conducting laboratory clean-outs (see the required standards at Section 722.313(a)(1) through (a)(3)); and
 - B) Procedures for documenting laboratory clean-outs (see the required standards at Section 722.313(a)(4));
- 7) Description of the eligible academic entity's intended best practices for emergency prevention, including the following information:
 - A) Procedures for emergency prevention, notification, and response that are appropriate to the hazards in the laboratory;
 - B) A list of chemicals that the eligible academic entity has, or is likely to have, that become more dangerous when they exceed their expiration date or as they degrade;
 - C) Procedures to safely dispose of chemicals that become more dangerous when they exceed their expiration date or as they degrade; and
 - D) Procedures for the timely characterization of unknown chemicals.
- c) An eligible academic entity must make its Laboratory Management Plan available to laboratory workers, students, or any others at the eligible academic entity who may request it.
- d) An eligible academic entity must review and revise its Laboratory Management Plan as needed.

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

Section 722.315 Unwanted Material That Is Not Solid Waste or Hazardous Waste

- a) If an unwanted material does not meet the definition of solid waste in 35 Ill. Adm. Code 721.102, it is no longer subject to the requirements of this Subpart K or to the RCRA hazardous waste regulations of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728.
- b) If an unwanted material does not meet the definition of hazardous waste in 35 Ill. Adm. Code 721.103, it is no longer subject to this Subpart K or to the RCRA hazardous waste regulations, but must be managed in compliance with any other applicable regulations or conditions.

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

Section 722.316 Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity

An eligible academic entity that generates hazardous waste outside of a laboratory is not eligible to manage that hazardous waste under this Subpart K, and either of the following is true of the waste:

- a) That hazardous waste remains subject to the generator requirements of Sections 722.111 and 722.134(c) for a large quantity generator or a small quantity generator (if the hazardous waste is managed in a satellite accumulation area), and all other applicable generator requirements of 40 CFR 722; or
- b) That hazardous waste remains subject to the conditional exemption of 35 Ill. Adm. Code 721.105(b) for a conditionally exempt small quantity generator.

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

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

PART 724
 STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
 TREATMENT, STORAGE, AND DISPOSAL FACILITIES

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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 R82-19 at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in

R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9833, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5115, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6635, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3725, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6009, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6365, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3196, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 893, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12365, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1106, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. _____, effective _____.

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section 724.152 Content of Contingency Plan

- a) The contingency plan must describe the actions facility personnel must take to comply with Sections 724.151 and 724.156 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.
- b) If the owner or operator has already prepared a Spill Prevention Control and Countermeasures (SPCC) Plan in accordance with federal 40 CFR 112 or 300, or some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part. The owner or operator may develop one contingency plan that meets all regulatory requirements. USEPA has recommended that the plan be based on the National Response Team's Integrated Contingency Plan Guidance (One Plan). When modifications are made to non-RCRA provisions in an integrated contingency plan, the changes do not trigger the need for a RCRA permit modification.

BOARD NOTE: The federal One Plan guidance appeared in the Federal Register at 61 Fed. Reg. 28642 (June 5, 1996), and was corrected at 61 Fed. Reg. 31103 (June 19, 1996). USEPA, Office of ~~Solid Waste and Emergency Response~~ Resource Conservation and Recovery, Chemical Emergency Preparedness and Prevention Office, has made these documents available on-line for examination and download at www.epa.gov/emergencies (search for "one plan" or "integrated contingency plan" documents).

- c) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services pursuant to Section 724.137.
- d) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see Section 724.155), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. For new facilities, this information must be supplied to the Agency at the time of certification, rather than at the time of permit application.
- e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.
- f) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signals to be used to begin evacuation, evacuation routes and alternative evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

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

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section 724.199 Compliance Monitoring Program

An owner or operator required to establish a compliance monitoring program under this Subpart F must, at a minimum, discharge the following responsibilities:

- a) The owner or operator must monitor the groundwater to determine whether regulated units are in compliance with the groundwater protection standard under Section 724.192. The Agency must specify the groundwater protection standard in the facility permit, including the following:
 - 1) A list of the hazardous constituents identified under Section 724.193;

- 2) Concentration limits under Section 724.194 for each of those hazardous constituents;
 - 3) The compliance point under Section 724.195; and
 - 4) The compliance period under Section 724.196.
- b) The owner or operator must install a groundwater monitoring system at the compliance point as specified under Section 724.195. The groundwater monitoring system must comply with Section 724.197(a)(2), 724.197(b), and 724.197(c).
- c) The Agency must specify the sampling procedures and statistical methods appropriate for the constituents and facility, consistent with Section 724.197(g) and (h).
- 1) The owner or operator must conduct a sampling program for each chemical parameter or hazardous constituent in accordance with Section ~~724.297(g)~~ 724.197(g).
 - 2) The owner or operator must record groundwater analytical data as measured and in a form necessary for the determination of statistical significance under Section 724.197(h) for the compliance period of the facility.
- d) The owner or operator must determine whether there is statistically significant evidence of increased contamination for any chemical parameter or hazardous constituent specified in the permit, pursuant to subsection (a) of this Section, at a frequency specified under subsection (f) of this Section.
- 1) In determining whether statistically significant evidence of increased contamination exists, the owner or operator must use the methods specified in the permit under Section 724.197(h). The methods must compare data collected at the compliance points to a concentration limit developed in accordance with Section 724.194.
 - 2) The owner or operator must determine whether there is statistically significant evidence of increased contamination at each monitoring well at the compliance point within a reasonable time period after completion of the sampling. The Agency must specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of groundwater samples.

- e) The owner or operator must determine the groundwater flow rate and direction in the uppermost aquifer at least annually.
- f) The Agency must specify the frequencies for collecting samples and conducting statistical tests to determine statistically significant evidence of increased contamination in accordance with Section 724.197(g).
- g) The owner or operator must annually determine whether additional hazardous constituents from Appendix I of this Part, which could possibly be present but are not on the detection monitoring list in the permit, are actually present in the uppermost aquifer and, if so, at what concentration, pursuant to procedures in Section 724.198(f). To accomplish this, the owner or operator must consult with the Agency to determine the following on a case-by-case basis: which sample collection event during the year will involve enhanced sampling; the number of monitoring wells at the compliance point to undergo enhanced sampling; the number of samples to be collected from each of these monitoring wells; and, the specific constituents from Appendix I of this Part for which these samples must be analyzed. If the enhanced sampling event indicates that Appendix I constituents are present in the ground water that are not already identified in the permit as monitoring constituents, the owner or operator may resample within one month or at an alternative site-specific schedule approved by the Agency, and repeat the analysis. If the second analysis confirms the presence of new constituents, the owner or operator must report the concentration of these additional constituents to the Agency within seven days after the completion of the second analysis and add them to the monitoring list. If the owner or operator chooses not to resample, then it must report the concentrations of these additional constituents to the Agency within seven days after completion of the initial analysis, and add them to the monitoring list.
- h) If the owner or operator determines, pursuant to subsection (d) of this Section that any concentration limits under Section 724.194 are being exceeded at any monitoring well at the point of compliance, the owner or operator must do the following:
 - 1) Notify the Agency of this finding in writing within seven days. The notification must indicate what concentration limits have been exceeded.
 - 2) Submit to the Agency an application for a permit modification to establish a corrective action program meeting the requirements of Section 724.200 within 180 days, or within 90 days if an engineering feasibility study has been previously submitted to the Agency under Section 724.198(g)(5). The application must at a minimum include the following information:

- A) A detailed description of corrective actions that will achieve compliance with the groundwater protection standard specified in the permit under subsection (a) of this Section; and
 - B) A plan for a groundwater monitoring program that will demonstrate the effectiveness of the corrective action. Such a groundwater monitoring program may be based on a compliance monitoring program developed to meet the requirements of this Section.
- i) If the owner or operator determines, pursuant to subsection (d) of this Section, that the groundwater concentration limits under this Section are being exceeded at any monitoring well at the point of compliance, the owner or operator may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation, or natural variation in groundwater. In making a demonstration under this subsection (i), the owner or operator must do the following:
- 1) Notify the Agency in writing within seven days that it intends to make a demonstration under this subsection (i);
 - 2) Within 90 days, submit a report to the Agency that demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation;
 - 3) Within 90 days, submit to the Agency an application for a permit modification to make any appropriate changes to the compliance monitoring program at the facility; and
 - 4) Continue to monitor in accord with the compliance monitoring program established under this Section.
- j) If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this Section, the owner or operator must, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

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

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

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

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SUBPART B: GENERAL FACILITY STANDARDS

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SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

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725.150	Applicability
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725.152	Content of Contingency Plan
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SUBPART E: MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

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725.170	Applicability
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725.251	Promulgation of Forms (Repealed)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

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725.270	Applicability
725.271	Condition of Containers
725.272	Compatibility of Waste with Containers
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725.278	Air Emission Standards

SUBPART J: TANK SYSTEMS

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725.290	Applicability
725.291	Assessment of Existing Tank System Integrity
725.292	Design and Installation of New Tank Systems or Components
725.293	Containment and Detection of Releases
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SUBPART M: LAND TREATMENT

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725.414	Special Requirements for Liquid Wastes
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SUBPART O: INCINERATORS

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725.505	Special Requirements for Ignitable or Reactive Wastes
725.506	Special Requirements for Incompatible Wastes

SUBPART R: UNDERGROUND INJECTION

Section	
725.530	Applicability

SUBPART W: DRIP PADS

Section	
725.540	Applicability
725.541	Assessment of Existing Drip Pad Integrity
725.542	Design and Installation of New Drip Pads
725.543	Design and Operating Requirements
725.544	Inspections
725.545	Closure

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section	
725.930	Applicability
725.931	Definitions
725.932	Standards: Process Vents
725.933	Standards: Closed-Vent Systems and Control Devices
725.934	Test Methods and Procedures
725.935	Recordkeeping Requirements

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section	
725.950	Applicability
725.951	Definitions
725.952	Standards: Pumps in Light Liquid Service
725.953	Standards: Compressors
725.954	Standards: Pressure Relief Devices in Gas/Vapor Service
725.955	Standards: Sampling Connecting Systems
725.956	Standards: Open-Ended Valves or Lines
725.957	Standards: Valves in Gas/Vapor or Light Liquid Service
725.958	Standards: Pumps, Valves, Pressure Relief Devices, Flanges, and Other Connectors
725.959	Standards: Delay of Repair
725.960	Standards: Closed-Vent Systems and Control Devices
725.961	Percent Leakage Alternative for Valves
725.962	Skip Period Alternative for Valves
725.963	Test Methods and Procedures
725.964	Recordkeeping Requirements

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section	
725.980	Applicability
725.981	Definitions
725.982	Schedule for Implementation of Air Emission Standards

725.983	Standards: General
725.984	Waste Determination Procedures
725.985	Standards: Tanks
725.986	Standards: Surface Impoundments
725.987	Standards: Containers
725.988	Standards: Closed-Vent Systems and Control Devices
725.989	Inspection and Monitoring Requirements
725.990	Recordkeeping Requirements
725.991	Alternative Tank Emission Control Requirements (Repealed)

SUBPART DD: CONTAINMENT BUILDINGS

Section

725.1100	Applicability
725.1101	Design and Operating Standards
725.1102	Closure and Post-Closure Care

SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

Section

725.1200	Applicability
725.1201	Design and Operating Standards
725.1202	Closure and Post-Closure Care

725.APPENDIX A	Recordkeeping Instructions
725.APPENDIX B	EPA Report Form and Instructions (Repealed)
725.APPENDIX C	USEPA Interim Primary Drinking Water Standards
725.APPENDIX D	Tests for Significance
725.APPENDIX E	Examples of Potentially Incompatible Wastes
725.APPENDIX F	Compounds with Henry's Law Constant Less Than 0.1 Y/X (at 25°C)

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. 14034, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective

November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9168, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1076, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9575, effective June 20, 2000; amended in R03-7 at 27 Ill. Reg. 4187, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6028, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6389, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3460, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1031, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12566, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1155, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. _____, effective _____.

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section 725.152 Content of Contingency Plan

- a) The contingency plan must describe the actions facility personnel must take to comply with Sections 725.151 and 725.156 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.
- b) If the owner or operator has already prepared a federal Spill Prevention Control and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112 or 300, or some other emergency or contingency plan, it needs only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part. The owner or operator may develop one contingency plan that meets all regulatory requirements. USEPA has recommended that the plan be based on the National Response Team's Integrated Contingency Plan Guidance (One Plan). When modifications are made to non-RCRA provisions in an integrated contingency plan, the changes do not trigger the need for a RCRA permit modification.


BOARD NOTE: The federal One Plan guidance appeared in the Federal Register at 61 Fed. Reg. 28642 (June 5, 1996), and was corrected at 61 Fed. Reg. 31103 (June 19, 1996). USEPA, Office of ~~Solid Waste and Emergency Response~~ Resource Conservation and Recovery, Chemical Emergency Preparedness and Prevention Office, has made these documents available on-line for examination and download at yosemite.epa.gov/oswer/Ceppoweb.nsf/content/serc-lepc-publications.htm.

- c) The plan must describe arrangements agreed to by local police department, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to Section 725.137.
- d) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see Section 725.155), and this list must be kept up to date. Where more than one person is listed one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.
- e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment) where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.
- f) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

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

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 7, 2010, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board