

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: RCRA and UIC Permit Programs
- 2) Code Citation: 35 Ill. Adm. Code 702
- 3) Section Numbers:

702.101	<u>Proposed Action:</u>
702.110	Amend
702.120	Amend
702.181	Amend
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) A complete description of the subjects and issues involved: The following briefly describes the subjects and issues involved in the consolidated docket R11-2/R11-16 rulemaking of which the amendments to Part 702 are a single segment. Also affected is 35 Ill. Adm. Code 720, 721, 722, 723, 724, 725, 726, and 728, which is covered by a separate notice in this issue of the *Illinois Register*. A comprehensive description is contained in the Board's opinion and order of June 2, 2011, proposing amendments in consolidated docket R11-2/R11-16, which opinion and order is available from the address below.

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JUN 28 2011
STATE OF ILLINOIS
Pollution Control Board

This proceeding updates the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R11-2	Federal RCRA Subtitle C hazardous waste amendments that occurred during the period January 1, 2010 through June 30, 2010.
R11-16	Federal RCRA Subtitle C hazardous waste amendments that occurred during the period July 1, 2010 through December 31, 2010.

The consolidated R11-2/R11-16 docket amends rules in Parts 702, 720, 721, 722, 723, 724, 725, 726, and 728. The amendments to the various Parts are inter-related. The following table briefly summarizes the federal actions in the update period:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

January 8, 2010 (75 Fed. Reg. 1236): Amended Requirements for Export and Import of Hazardous Waste

Description of the USEPA action: USEPA amended the requirements applicable to imports and exports of hazardous waste. The amendments included revisions to the hazardous waste generator; transporter; and treatment, storage, and disposal facility standards. The amendments further add notice and consent requirements for spent lead-acid batteries exported for reclamation. Some of the amendments relate to the flow of paperwork for exception reporting and to matching paperwork for submission to USEPA for hazardous waste imports.

Necessary Board action in response: The Board must incorporate the federal changes into segments of the Illinois regulations.

March 18, 2010 (75 Fed. Reg. 12989): Technical Corrections and Clarifying Amendments to Numerous, Diverse Hazardous Waste Provisions

Description of the USEPA action: USEPA adopted a direct final rule that made several technical corrections and clarifications to various hazardous waste regulations. Included are revisions to over 40 provisions in nine of the 10 parts of the hazardous waste regulations.

Necessary Board action in response: The Board has examined the corresponding segments of the Illinois regulations and made all needed corresponding changes.

June 4, 2010 (75 Fed. Reg. 31716): Partial Withdrawal of Segments of the March 18, 2010 Technical Corrections and Clarifying Amendments

Description of the USEPA action: USEPA partially withdrew its March 18, 2010 direct final rule that included several technical corrections and clarifications to several of the hazardous waste regulations. USEPA withdrew six revisions to three provisions affected by the March 18, 2010 direct final rule. All other March 18, 2010 amendments remain valid.

Necessary Board action in response: Board action is already complete, and nothing further will be required, since the Board included this USEPA action in the amendments in the prior consolidated docket R09-16/R10-4 update.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

June 15, 2010 (75 Fed. Reg. 33712): Withdrawal of the Emission-Comparable Fuel Rule

Description of the USEPA action: USEPA withdrew the Emission-Comparable Fuel Rule from the December 19, 2008 amendments to the Excluded Fuels Rule. The June 15, 2010 withdrawal did not affect several unrelated corrections and clarifying amendments that USEPA made to the Excluded Fuels Rule on December 19, 2008.

Necessary Board action in response: No Board action is necessary on this USEPA action. The Board included this action in the amendments in docket R09-16/R10-4, which included the December 19, 2008 amendments.

December 17, 2010 (75 Fed. Reg. 78926): Removal of Saccharine and Saccharine Salts from the Lists of Hazardous Waste and Hazardous Waste Constituents

Description of the USEPA action: USEPA removed saccharine and saccharine salts from the list of hazardous constituents and from the list of commercial chemical products that are listed hazardous waste when discarded (hazardous waste number U202). USEPA also removed the reportable quantity threshold for releases of saccharine and saccharine salts.

Necessary Board action in response: The Board must remove the hazardous constituents and hazardous waste listing for saccharine and saccharine salts. No action will be necessary with regard to the reportable quantity, since that is not a RCRA Subtitle C hazardous waste regulation.

December 20, 2010 (75 Fed. Reg. 78304): Six Technical Corrections to the Alternative Standards for Academic Laboratories

Description of the USEPA action: By a direct final rule, USEPA adopted six technical corrections to the Eligible Academic Entity Laboratory Rule. USEPA adopted the Eligible Academic Entity Laboratory Rule on December 1, 2008. The Board adopted corresponding provisions.

Necessary Board action in response: The Board must ensure that all of the technical corrections are accounted for in the Illinois hazardous waste generator standards.

In addition to the federal actions that fall within the timeframe of this docket, the Board included a number of corrections and updates to reflect changes that have occurred to the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

text of rules in Parts of the regulations opened by this proposal. The Board's opinion and order of June 2, 2011 indicate and discuss these added changes.

Thus, the Board is acting in this consolidated R11-2/R11-16 docket on the following USEPA amendments:

Federal Action Date (citation)	Description of the Action
January 8, 2010 (75 Fed. Reg. 1236)	Amendments to the requirements for import and export of hazardous waste.
March 18, 2010 (75 Fed. Reg. 12989)	Technical corrections and clarifications.
December 17, 2010 (75 Fed. Reg. 78926)	Removal of saccharine and saccharine salts from the lists of hazardous waste.
December 20, 2010 (75 Fed. Reg. 78304)	Technical corrections to the Eligible Academic Entity Laboratory Waste Accumulation Rule.

Specifically, the amendments to Part 702 implement segments of the federal technical corrections and clarifications of March 18, 2010. The amendments include a number of non-substantive corrections and clarifications added by the Board.

Tables appear in the Board's opinion and order of June 2, 2011 in docket R11-2/R11-16 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the June 2, 2011 opinion and order in docket R11-2/R11-16.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No. The incorporations by reference for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, and 739 appear in 35 Ill. Adm. Code 720.111. Amendments to 35 Ill. Adm. Code 720.111 may affect documents incorporated by reference for the purposes of this Part 702.
- 11) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of statewide policy objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R11-2/R11-16 and be addressed to:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Please direct inquiries to the following person and reference docket R11-2/R11-16:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

100 W. Randolph 11-500
Chicago, IL 60601

Phone: 312/814-6924
E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
 - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.
- 14) Regulatory agenda on which this rulemaking was summarized: July 2010 and December 2010

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

EXEMPT

JCAR350702-1109243r01

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER b: PERMITS
5

6 PART 702
7 RCRA AND UIC PERMIT PROGRAMS
8

9 SUBPART A: GENERAL PROVISIONS
10

11	Section	
12	702.101	Purpose, Scope, and Applicability
13	702.102	Electronic Reporting
14	702.103	Trade Secret or Non-Disclosable Information Submitted to the Agency or Board
15	702.104	References
16	702.105	Rulemaking
17	702.106	Adoption of Agency Criteria
18	702.107	Permit Appeals and Review of Agency Determinations
19	702.108	Variances and Adjusted Standards
20	702.109	Enforcement Actions
21	702.110	Definitions

22
23 SUBPART B: PERMIT APPLICATIONS
24

25	Section	
26	702.120	Permit Application
27	702.121	Who Applies
28	702.122	Completeness
29	702.123	Information Requirements
30	702.124	Recordkeeping
31	702.125	Continuation of Expiring Permits
32	702.126	Signatories to Permit Applications and Reports

33
34 SUBPART C: PERMIT CONDITIONS
35

36	Section	
37	702.140	Conditions Applicable to all Permits
38	702.141	Duty to Comply
39	702.142	Duty to Reapply
40	702.143	Need to Halt or Reduce Activity Not a Defense
41	702.144	Duty to Mitigate
42	702.145	Proper Operation and Maintenance
43	702.146	Permit Actions

44	702.147	Property Rights
45	702.148	Duty to Provide Information
46	702.149	Inspection and Entry
47	702.150	Monitoring and Records
48	702.151	Signature Requirements
49	702.152	Reporting Requirements
50	702.160	Establishing Permit Conditions
51	702.161	Duration of Permits
52	702.162	Schedules of Compliance
53	702.163	Alternative Schedules of Compliance
54	702.164	Recording and Reporting

SUBPART D: ISSUED PERMITS

58	Section	
59	702.181	Effect of a Permit
60	702.182	Transfer
61	702.183	Modification
62	702.184	Causes for Modification
63	702.185	Facility Siting
64	702.186	Revocation
65	702.187	Minor Modifications

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

69
 70 SOURCE: Adopted in R81-32 at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19
 71 at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11926, effective
 72 July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in
 73 R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131,
 74 effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987;
 75 amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill.
 76 Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July
 77 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in
 78 R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273,
 79 effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993;
 80 amended in R93-16 at 18 Ill. Reg. 6918, effective April 26, 1994; amended in R94-5 at 18 Ill.
 81 Reg. 18284, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9913, effective June
 82 27, 1995; amended in R95-20 at 20 Ill. Reg. 11210, effective August 1, 1996; amended in R96-
 83 10/R97-3/R97-5 at 22 Ill. Reg. 532, effective December 16, 1997; amended in R99-15 at 23 Ill.
 84 Reg. 9359, effective July 26, 1999; amended in R00-11/R01-1 at 24 Ill. Reg. 18585, effective
 85 December 7, 2000; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 438, effective December
 86 20, 2006; amended in R11-2/R11-16 at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 702.101 Purpose, Scope, and Applicability

a) Coverage.

- 1) The permit regulations of 35 Ill. Adm. Code 702 through 705 include provisions for the following two permit programs:
 - A) The RCRA (Resource Conservation and Recovery Act) permit program pursuant to Title V and Title X of the Environmental Protection Act [415 ILCS 5/Title V and Title X].
 - B) The UIC (Underground Injection Control) permit program pursuant to Title III and Title X of the Environmental Protection Act [415 ILCS 5/Title III and Title X].
- 2) The regulations of 35 Ill. Adm. Code 702 through 705 cover basic permitting requirements (35 Ill. Adm. Code 702 through 704) and procedures for processing of permit applications (35 Ill. Adm. Code 705) for the RCRA and UIC permit programs.
- 3) The regulations of 35 Ill. Adm. Code 702 through 705 are derived from 40 CFR 124, 144, and 270.

b) Structure.

- 1) The regulations of 35 Ill. Adm. Code 702 through 705 comprise the following four Parts:
 - A) This Part contains definitions applicable to 35 Ill. Adm. Code 702 through 705. It also contains basic permitting requirements for the RCRA and UIC programs.
 - B) The regulations of 35 Ill. Adm. Code 703 contain requirements specific to RCRA permits. In case of inconsistency between 35 Ill. Adm. Code 702 and 703, 35 Ill. Adm. Code 703 will control.
 - C) The regulations of 35 Ill. Adm. Code 704 contain requirements specific to UIC permits. In case of inconsistency between 35 Ill. Adm. Code 702 and 704, 35 Ill. Adm. Code 704 will control.

- 130 D) The regulations of 35 Ill. Adm. Code 705 establish procedures for
 131 issuance of RCRA and UIC permits by the Agency .
 132
 133 2) The structure and coverage of 35 Ill. Adm. Code 702 through 704 are
 134 indicated in the following table:
 135

	RCRA AND UIC Subpart of 35 Ill. Adm. Code 702 Subpart	RCRA Subpart of 35 Ill. Adm. Code 703 Subpart	UIC Subpart of 35 Ill. Adm. Code 704 Subpart
General	A	A	A
Prohibitions	–	B	B
Authorization by Rule	–	C	C
Permit Application	B	D	D
Special Forms of Permits	–	E	–
Permit Conditions	C	F	E
Issued Permits	D	–	H
Permit Modification	–	G	–
Remedial Action Plans	–	H	–
Intergration with MACT Standards	–	I	–
RCRA Standardized Permits	–	J	–
Requirements Applicable to Hazardous Waste Injection Wells	–	–	F
Financial Responsibility for Class I Hazardous Waste Injection Wells	–	–	G
Requirements Applicable to Class V Injection Wells	–	–	I

- 136 c) Relation to other requirements.
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- 1) Permit application forms. An applicant for a RCRA or UIC permit or a person seeking interim status under RCRA must submit its application on an Agency permit application form when such is available.
 - 2) Technical regulations. Each of the two permit programs that are covered in these permit regulations has separate additional regulations that contain technical requirements for that program. These separate regulations are used by the Agency to determine the requirements that must be placed in any permit that it issues. These separate regulations are located as follows:

RCRA	35 Ill. Adm. Code 720 through 728, 733, and 739
UIC	35 Ill. Adm. Code 730 and 738

150
151 BOARD NOTE: Derived in significant part from 40 CFR 144.1 and 270.1 (2010)
152 (2005).

153
154 (Source: Amended at 35 Ill. Reg. _____, effective _____)
155

156 **Section 702.110 Definitions**
157

158 The following definitions apply to 35 Ill. Adm. Code 702, 703, 704, and 705. Terms not defined
159 in this Section have the meaning given by the appropriate act and regulations, as such are defined
160 in this Section. When a definition applies primarily to one or more programs, those programs
161 appear in parentheses after the defined terms.

162
163 "Act" or "Environmental Protection Act" means the Environmental Protection Act
164 [415 ILCS 5].

165
166 "Administrator" means the Administrator of the United States Environmental
167 Protection Agency or an authorized representative.

168
169 "Agency" means the Illinois Environmental Protection Agency.

170
171 "Application" means the Agency forms for applying for a permit. For RCRA,
172 application also includes the information required by the Agency pursuant to
173 Ill. Adm. Code 703.182 through 703.212 (contents of Part B of the RCRA
174 application).

175
176 "Appropriate act and regulations" means the federal Resource Conservation and
177 Recovery Act (42 USC 6901 et seq.) (RCRA), the federal Safe Drinking Water
178 Act (42 USC 300f et seq.) (SDWA), or the Environmental Protection Act,

179 whichever is applicable, and the applicable regulations promulgated under those
180 statutes.

181
182 "Approved program or approved state" means a state or interstate program that
183 has been approved or authorized by USEPA pursuant to 40 CFR 271 (RCRA) or
184 ~~section~~Section 1422 of the SDWA (42 USC 300h-1) (UIC).

185
186 "Aquifer" (RCRA and UIC) means a geologic formation, group of formations, or
187 part of a formation that is capable of yielding a significant amount of water to a
188 well or spring.

189
190 "Area of review" (UIC) means the area surrounding an injection well described
191 according to the criteria set forth in 35 Ill. Adm. Code 730.106, or in the case of
192 an area permit, the project area plus a circumscribing area the width of which is
193 either 402 meters (one-quarter of a mile) or a number calculated according to the
194 criteria set forth in 35 Ill. Adm. Code 730.106.

195
196 "Board" (RCRA and UIC) means the Illinois Pollution Control Board.

197
198 "Cesspool" (UIC) means a drywell that receives untreated sanitary waste
199 containing human excreta and which sometimes has an open bottom or perforated
200 sides.

201
202 "Closure" (RCRA) means the act of securing a Hazardous waste management
203 facility pursuant to 35 Ill. Adm. Code 724.

204
205 "Component" (RCRA) means any constituent part of a unit or any group of
206 constituent parts of a unit that are assembled to perform a specific function (e.g., a
207 pump seal, pump, kiln liner, or kiln thermocouple).

208
209 "Contaminant" (UIC) means any physical, chemical, biological, or radiological
210 substance or matter in water.

211
212 "Corrective action management unit" or "CAMU" (RCRA) means an area within
213 a facility that is designated by the Agency pursuant to Subpart S of 35 Ill. Adm.
214 Code 724 for the purpose of implementing corrective action requirements
215 pursuant to 35 Ill. Adm. Code 724.201 and RCRA section 3008(h) (42 USC
216 6928(h)). A CAMU must only be used for the management of remediation wastes
217 pursuant to implementing such corrective action requirements at the facility.
218 BOARD NOTE: USEPA must also designate a CAMU until it grants this
219 authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

220
221 "CWA" (RCRA and UIC) means the Clean Water Act (33 USC 1251 et seq.), as

222 amended.
223
224 "Date of approval by USEPA of the Illinois UIC program" (UIC) means March 3,
225 1984.
226
227 "Director" (RCRA and UIC) means the Director of the Illinois Environmental
228 Protection Agency or the Director's designee.
229
230 "Disposal" (RCRA) means the discharge, deposit, injection, dumping, spilling,
231 leaking, or placing of any hazardous waste into or on any land or water so that
232 such hazardous waste or any constituent of the waste may enter the environment
233 or be emitted into the air or discharged into any waters, including groundwater.
234
235 "Disposal facility" (RCRA) means a facility or part of a facility at which
236 hazardous waste is intentionally placed into or on the land or water, and at which
237 hazardous waste will remain after closure. The term disposal facility does not
238 include a corrective action management unit into which remediation wastes are
239 placed.
240
241 "Draft permit" (RCRA and UIC) means a document prepared pursuant to 35 Ill.
242 Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny,
243 modify, terminate, or reissue a permit. A notice of intent to deny a permit, as
244 discussed in 35 Ill. Adm. Code 705.141, is a type of draft permit. A denial of a
245 request for modification, as discussed in 35 Ill. Adm. Code 705.128, is not a draft
246 permit. A proposed permit is not a draft permit.
247
248 "Drywell" (UIC) means a well, other than an improved sinkhole or subsurface
249 fluid distribution system, that is completed above the water table so that its
250 bottom and sides are typically dry, except when receiving fluids.
251
252 "Drilling mud" (UIC) means a heavy suspension used in drilling an injection well,
253 introduced down the drill pipe and through the drill bit.
254
255 "Elementary neutralization unit" (RCRA) means a device of which the following
256 is true:
257
258 It is used for neutralizing wastes that are hazardous wastes only because
259 they exhibit the corrosivity characteristics defined in 35 Ill. Adm. Code
260 721.122, or are listed in Subpart D of 35 Ill. Adm. Code 721 only for this
261 reason; and
262
263 It meets the definition of tank, tank system, container, transport vehicle, or
264 vessel in 35 Ill. Adm. Code 720.110.

265
266 "Emergency permit" (RCRA and UIC) means a RCRA or UIC permit issued in
267 accordance with 35 Ill. Adm. Code 703.221 or 704.163, respectively.
268
269 "Environmental Protection Agency" or "EPA" or "USEPA" (RCRA and UIC)
270 means the United States Environmental Protection Agency.
271
272 "Exempted aquifer" (UIC) means an aquifer or its portion that meets the criteria in
273 the definition of "underground source of drinking water" but which has been
274 exempted according to the procedures in 35 Ill. Adm. Code 702.105, 704.104, and
275 704.123(b).
276
277 "Existing hazardous waste management (HWM) facility" or "existing facility"
278 (RCRA) means a facility that was in operation or for which construction
279 commenced on or before November 19, 1980. A facility has commenced
280 construction if the following occurs:
281
282 The owner or operator has obtained the federal, State, and local approvals
283 or permits necessary to begin physical construction; and
284
285 Either of the following has transpired:
286
287 A continuous on-site, physical construction program has begun; or
288
289 The owner or operator has entered into contractual obligations for
290 physical construction of the facility that cannot be canceled or
291 modified without substantial loss and which are to be completed
292 within a reasonable time.
293
294 "Existing injection well" (UIC) means an injection well that is not a new injection
295 well.
296
297 "Facility mailing list" (RCRA) means the mailing list for a facility maintained by
298 the Agency in accordance with 35 Ill. Adm. Code 705.163(a).
299
300 "Facility or activity" (RCRA and UIC) means any HWM facility, UIC injection
301 well, or any other facility or activity (including land or appurtenances thereto) that
302 is subject to regulations under the Illinois RCRA or UIC program.
303
304 "Federal, State, and local approvals or permits necessary to begin physical
305 construction" (RCRA) means permits and approvals required under federal, State,
306 or local hazardous waste control statutes, regulations, or ordinances.
307

308 "Final authorization" (RCRA) means January 31, 1986, the date of approval by
309 USEPA of the Illinois hazardous waste management program~~Hazardous Waste~~
310 ~~Management Program~~ that has met the requirements of section~~Section~~ 3006(b) of
311 RCRA (42 USC 6926(b)) and the applicable requirements of subpart A of 40 CFR
312 271.

313
314 "Fluid" (UIC) means any material or substance that flows or moves, whether in a
315 semisolid, liquid, sludge, gas, or any other form or state.

316
317 "Formation" (UIC) means a body of rock characterized by a degree of lithologic
318 homogeneity that is prevailingly, but not necessarily, tabular and is mappable on
319 the earth's surface or traceable in the subsurface.

320
321 "Formation fluid" (UIC) means fluid present in a formation under natural
322 conditions, as opposed to introduced fluids, such as drilling mud.

323
324 "Functionally equivalent component" (RCRA) means a component that performs
325 the same function or measurement and which meets or exceeds the performance
326 specifications of another component.

327
328 "Generator" (RCRA) means any person, by site location, whose act or process
329 produces hazardous waste.

330
331 "Groundwater" (RCRA and UIC) means a water below the land surface in a zone
332 of saturation.

333
334 "Hazardous waste" (RCRA and UIC) means a hazardous waste as defined in 35
335 Ill. Adm. Code 721.103.

336
337 "Hazardous waste management facility" or "HWM facility" (RCRA) means all
338 contiguous land and structures, other appurtenances, and improvements on the
339 land, used for treating, storing, or disposing of hazardous waste. A facility may
340 consist of several treatment, storage, or disposal operational units (for example,
341 one or more landfills, surface impoundments, or combinations of them).

342
343 "HWM facility" (RCRA) means hazardous~~Hazardous~~ waste management facility.

344
345 "Improved sinkhole" (UIC) means a naturally occurring karst depression or other
346 natural crevice that is found in volcanic terrain and other geologic settings that
347 have been modified by man for the purpose of directing and emplacing fluids into
348 the subsurface.

349
350 "Injection well" (RCRA and UIC) means a well into which fluids are being

351 injected.
352
353 "Injection zone" (UIC) means a geologic formation, group of formations, or part
354 of a formation receiving fluids through a well.
355
356 "In operation" (RCRA) means a facility that is treating, storing, or disposing of
357 hazardous waste.
358
359 "Interim authorization" (RCRA) means May 17, 1982, the date of approval by
360 USEPA of the Illinois hazardous waste management~~Hazardous Waste~~
361 ~~Management~~ program that has met the requirements of section 3006(g)(2) of
362 RCRA (42 USC 6926(g)(2)) and applicable requirements of 40 CFR 271.
363
364 "Interstate agency" means an agency of two or more states established by or under
365 an agreement or compact approved by the Congress, or any other agency of two
366 or more states having substantial powers or duties pertaining to the control of
367 pollution as determined and approved by the Administrator under the appropriate
368 act and regulations.
369
370 "Major facility" means any RCRA or UIC facility or activity classified as such by
371 the Regional Administrator or the Agency.
372
373 "Manifest" (RCRA and UIC) means the shipping document originated and signed
374 by the generator that contains the information required by Subpart B of 35 Ill.
375 Adm. Code 722.
376
377 "National Pollutant Discharge Elimination System" means the program for
378 issuing, modifying, revoking and reissuing, terminating, monitoring, and
379 enforcing permits and imposing and enforcing pretreatment requirements pursuant
380 to Section 12(f) of the Environmental Protection Act and Subpart A of 35 Ill.
381 Adm. Code 309 and 35 Ill. Adm. Code 310. The term includes an approved
382 program.
383
384 "New HWM facility" (RCRA) means a hazardous waste management facility that
385 began operation or for which construction commenced after November 19, 1980.
386
387 "New injection well" (UIC) means a well that began injection after March 3,
388 1984, the date of USEPA approval of the UIC program for the State of Illinois.
389 BOARD NOTE: See 40 CFR 147.700 (2010)(1998) and 49 Fed. Reg. 3991 (Feb.
390 1, 1984).
391
392 "Off-site" (RCRA) means any site that is not on-site.
393

394 "On-site" (RCRA) means on the same or geographically contiguous property that
 395 may be divided by public or private rights-of-way, provided the entrance and exit
 396 between the properties is at a cross-roads intersection, and access is by crossing as
 397 opposed to going along, the rights-of-way. Non-contiguous properties owned by
 398 the same person, but connected by a right-of-way that the person controls and to
 399 which the public does not have access, is also considered on-site property.
 400

401 "Owner or operator" means the owner or operator of any facility or activity
 402 subject to regulation under the RCRA or UIC program.
 403

404 "Permit" means an authorization, license, or equivalent control document issued
 405 to implement this Part and 35 Ill. Adm. Code 703, 704, and 705. "Permit"
 406 includes RCRA permit by rule (35 Ill. Adm. Code 703.141), RCRA standardized
 407 permit (35 Ill. Adm. Code 703.238), UIC area permit (35 Ill. Adm. Code
 408 704.162), and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.221
 409 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code
 410 703.153 through 703.157), UIC authorization by rule (Subpart C of 35 Ill. Adm.
 411 Code 704), or any permit that has not yet been the subject of final Agency action,
 412 such as a draft permit or a proposed permit.
 413

414 "Person" means any individual, partnership, co-partnership, firm, company,
 415 corporation, association, joint stock company, trust, estate, political subdivision,
 416 state agency, or any other legal entity, or their legal representative, agency, or
 417 assigns.
 418

419 "Physical construction" (RCRA) means excavation, movement of earth, erection
 420 of forms or structures, or similar activity to prepare an HWM facility to accept
 421 hazardous waste.
 422

423 "Plugging" (UIC) means the act or process of stopping the flow of water, oil, or
 424 gas into or out of a formation through a borehole or well penetrating that
 425 formation.
 426

427 "Point of injection" means the last accessible sampling point prior to waste fluids
 428 being released into the subsurface environment through a Class V injection well.
 429 For example, the point of injection of a Class V septic system might be the
 430 distribution box – the last accessible sampling point before the waste fluids drain
 431 into the underlying soils. For a dry well, it is likely to be the well bore itself.
 432

433 "POTW" means publicly owned treatment works.
 434

435 "Project" (UIC) means a group of wells in a single operation.
 436

437 "Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code
438 310.

439
440 "Radioactive waste" (UIC) means any waste that contains radioactive material in
441 concentrations that exceed those listed in table II, column 2 in appendix B to 10
442 CFR 20, incorporated by reference in 35 Ill. Adm. Code 720.111.

443
444 "RCRA" (RCRA) means the Resource Conservation and Recovery Act of 1976
445 (42 USC 6901 et seq.). For the purposes of regulation pursuant to 35 Ill. Adm.
446 Code 700 through 705, 720 through 728, 733, 738, and 739, "RCRA" refers only
447 to RCRA Subtitle C. This does not include the RCRA Subtitle D (municipal solid
448 waste landfill) regulations, found in 35 Ill. Adm. Code 810 through 815, and the
449 RCRA Subtitle I (underground storage tank) regulations found in 35 Ill. Adm.
450 Code 731 and 732.

451
452 "RCRA permit" (RCRA) means a permit required pursuant to Section 21(f) of
453 the Act [415 ILCS 5/21(f)].

454
455 "RCRA standardized permit" (RCRA) means a RCRA permit issued pursuant to
456 Subpart J of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 705 that
457 authorizes management of hazardous waste. The RCRA standardized permit may
458 have two parts: a uniform portion issued for all RCRA standardized permits and a
459 supplemental portion issued at the discretion of the Agency.

460
461 "Regional Administrator" (RCRA and UIC) means the Regional Administrator of
462 the USEPA Region in which the facility is located or the Regional Administrator's
463 designee.

464
465 BOARD NOTE: Illinois is in USEPA Region 5.

466
467 "Remedial action plan " or "RAP" (RCRA) means a special form of RCRA permit
468 that a facility owner or operator may obtain pursuant to Subpart H of 35 Ill. Adm.
469 Code 703, instead of a RCRA permit issued pursuant to this Part and 35 Ill. Adm.
470 Code 703, to authorize the treatment, storage, or disposal of hazardous
471 remediation waste (as defined in 35 Ill. Adm. Code 720.110) at a remediation
472 waste management site.

473
474 "Sanitary waste" (UIC) means liquid or solid wastes originating solely from
475 humans and human activities, such as wastes collected from toilets, showers,
476 wash basins, sinks used for cleaning domestic areas, sinks used for food
477 preparation, clothes washing operations, and sinks or washing machines where
478 food and beverage serving dishes, glasses, and utensils are cleaned. Sources of
479 these wastes may include single or multiple residences, hotels and motels,

480 restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations,
481 campgrounds, picnic grounds, day-use recreation areas, other commercial
482 facilities, and industrial facilities, provided the waste is not mixed with industrial
483 waste.

484
485 "Schedule of compliance"(RCRA and UIC) means a schedule of remedial
486 measures included in a permit, including an enforceable sequence of interim
487 requirements (for example, actions, operations, or milestone events) leading to
488 compliance with the appropriate act and regulations.

489
490 "SDWA" (UIC) means the Safe Drinking Water Act (42 USC 300f et seq.).

491
492 "Septic system" (UIC) means a well, as defined in this Section, that is used to
493 emplace sanitary waste below the surface and which is typically comprised of a
494 septic tank and subsurface fluid distribution system or disposal system.

495
496 "Site" (RCRA and UIC) means the land or water area where any facility or
497 activity is physically located or conducted, including adjacent land used in
498 connection with the facility or activity.

499
500 "SIC code" (RCRA and UIC) means "Standard Industrial Classification code."
501 This is the code assigned to a site by the United States Department of
502 Transportation, Federal Highway Administration, based on the particular
503 activities that occur on the site, as set forth in its publication, "Standard Industrial
504 Classification Manual," incorporated by reference in 35 Ill. Adm. Code 720.111.

505
506 "State" (RCRA and UIC) means the State of Illinois.

507
508 "State Director" (RCRA and UIC) means the Director of the Illinois
509 Environmental Protection Agency.

510
511 "State/USEPA agreement" (RCRA and UIC) means an agreement between the
512 Regional Administrator and the State that coordinates USEPA and State activities,
513 responsibilities, and programs, including those under the RCRA and SDWA.

514
515 "Storage" (RCRA) means the holding of hazardous waste for a temporary period,
516 at the end of which the hazardous waste is treated, disposed of, or stored
517 elsewhere.

518
519 "Stratum" (plural "strata") (UIC) means a single sedimentary bed or layer,
520 regardless of thickness, that consists of generally the same kind of rock material.

521
522 "Subsurface fluid distribution system" (UIC) means an assemblage of perforated

523 pipes, drain tiles, or other similar mechanisms intended to distribute fluids below
524 the surface of the ground.

525
526 "Total dissolved solids" (UIC) means the total dissolved (filterable) solids as
527 determined by use of the method specified in 40 CFR 136.3 (Identification of Test
528 Procedures; the method for filterable residue), incorporated by reference in 35 Ill.
529 Adm. Code 720.111.

530
531 "Transfer facility" (RCRA) means any transportation related facility, including
532 loading docks, parking areas, storage areas, and other similar areas where
533 shipments of hazardous wastes are held during the normal course of
534 transportation.

535
536 "Transferee" (UIC) means the owner or operator receiving ownership or
537 operational control of the well.

538
539 "Transferor" (UIC) means the owner or operator transferring ownership or
540 operational control of the well.

541
542 "Transporter" (RCRA) means a person engaged in the off-site transportation of
543 "hazardous waste" by air, rail, highway, or water.

544
545 "Treatment" (RCRA) means any method, technique, process, including
546 neutralization, designed to change the physical, chemical, or biological character
547 or composition of any "hazardous waste" so as to neutralize such wastes, or so as
548 to recover energy or material resources from the waste, or so as to render such
549 wastes non-hazardous or less hazardous; safer to transport, store, or dispose of; or
550 amenable for recovery, amenable for storage, or reduced in volume.

551
552 "UIC" (UIC) means the Underground Injection Control program.

553
554 "Underground injection" (UIC) means a well injection.

555
556 "Underground source of drinking water" or "USDW" (RCRA and UIC) means an
557 aquifer or its portion that is not an exempted aquifer and of which either of the
558 following is true:

559
560 It supplies any public water system; or

561
562 It contains a sufficient quantity of groundwater to supply a public water
563 system; and

564
565 It currently supplies drinking water for human consumption; or

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It contains less than 10,000 mg/ℓ total dissolved solids.

"USDW" (RCRA and UIC) means an underground source of drinking water.

"Wastewater treatment unit" (RCRA) means a device of which the following is true:

It is part of a wastewater treatment facility that is subject to regulation pursuant to Subpart A of 35 Ill. Adm. Code 309 or 35 Ill. Adm. Code 310; and

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 35 Ill. Adm. Code 720.110.

"Well" (UIC) means a bored, drilled, or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension; a dug hole whose depth is greater than the largest surface dimension; or an improved sinkhole; or, a subsurface fluid distribution system.

"Well injection" (UIC) means the subsurface emplacement of fluids through a well.

BOARD NOTE: Derived from 40 CFR 124.2, 144.3 and 270.2 (2010)(2005), as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART B: PERMIT APPLICATIONS

Section 702.120 Permit Application

- a) Applying for a UIC permit. Any person ~~that~~who is required to have a permit (including new applicants and permittees with expiring permits) ~~must~~shall complete, sign, and submit an application to the Agency as described in this Section and in 35 Ill. Adm. Code 704.161 (UIC). Any person ~~that~~who is currently

609 authorized with UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704)
610 must apply for a permit when required to do so by the Agency. The procedure for
611 application, issuance, and administration of an emergency permit is found
612 exclusively in 35 Ill. Adm. Code 704.163 (UIC).

613
614 b) Applying for a RCRA permit. The following information outlines how to obtain a
615 permit and where to find requirements for specific permits:

- 616
617 1) If the facility is covered by RCRA permits by rule (35 Ill. Adm. Code
618 703.141), the owner or operator needs not apply for a permit.
- 619
620 2) If the facility owner or operator currently has interim status pursuant to
621 RCRA (Subpart C of 35 Ill. Adm. Code 703), it must apply for a permit
622 when required by the Agency.
- 623
624 3) If the facility owner or operator is required to have a permit (including
625 new applicants and permittees with expiring permits), it must complete,
626 sign, and submit an application to the Agency, as described in this Section;
627 in Sections 702.121~~702.120~~ through 702.124; and in 35 Ill. Adm. Code
628 703.125, 703.126, 703.150 through 703.157, 703.186, and 703.188.
- 629
630 4) If the facility owner or operator is seeking an emergency permit, the
631 procedures for application, issuance, and administration are found
632 exclusively in 35 Ill. Adm. Code 703.220.
- 633
634 5) If the facility owner or operator is seeking a research, development, and
635 demonstration permit, the procedures for application, issuance, and
636 administration are found exclusively in 35 Ill. Adm. Code 703.231.
- 637
638 6) If the facility owner or operator is seeking a RCRA standardized permit,
639 the procedures for application and issuance are found in Subpart G of 35
640 Ill. Adm. Code 705 and Subpart J of 35 Ill. Adm. Code 703.

641
642 BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR 144.31(a)
643 ~~(2010)(2005)~~ and subsection (b) of this Section is derived from 40 CFR 270.10(a)
644 ~~(2010)(2005)~~, as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005).

645
646 (Source: Amended at 35 Ill. Reg. _____, effective _____)

647
648 SUBPART D: ISSUED PERMITS

649
650 **Section 702.181 Effect of a Permit**

651

652 a) The existence of a RCRA or UIC permit does not constitute a defense to a
653 violation of the Environmental Protection Act or this Subtitle G, except for
654 prohibitions against development, modification, or operation without a permit.
655 ~~A~~However, a permit may be modified or reissued during its term for cause, as set
656 forth in Subpart G of 35 Ill. Adm. Code 703 (RCRA) or Subpart H of 35 Ill. Adm.
657 Code 704 (UIC) and Section 702.186, or a permit may be modified upon the
658 request of the permittee, as provided by 35 Ill. Adm. Code 703.280 through
659 703.283.
660

661 BOARD NOTE: 40 CFR 270.4(a) differs from this subsection (a) in two
662 significant aspects: (1) 40 CFR 270.4(a)(1) states that compliance with the
663 permit is compliance with federal law; and (2) 40 CFR 270.4(a)(1)(i) through
664 (a)(1)(iv) ~~enumerates~~ enumerates exceptions when compliance with the permit
665 can violate federal law. The exceptions in which compliance with a permit can
666 violate federal law are the following intervening events: (1) new or amended
667 statutory requirements; (2) new or amended 40 CFR 268 land disposal
668 restrictions; (3) the adoption of the 40 CFR 264 leak detection requirements; and
669 (4) the adoption of the air emissions limitations of subparts AA, BB, and CC of
670 40 CFR ~~265-266~~, air emissions limitations. By not codifying the federal
671 exceptions, since they are not necessary in the Illinois program to accomplish the
672 intended purpose, the Board does not intend to imply that compliance with a
673 RCRA permit obviates immediate compliance with any of the events included in
674 the federal exceptions.
675

676 b) The issuance of a permit does not convey property rights of any sort, nor does
677 issuance convey any exclusive privilege.
678

679 c) The issuance of a permit does not authorize injury to persons or property or
680 invasion of other private rights, nor does issuance authorize any infringement of
681 State or local law or regulations, except as noted in subsection (a) of this Section.
682

683 BOARD NOTE: Derived from 40 CFR 144.35 and 40 CFR 270.4 (2010)~~(2005)~~.

684 (Source: Amended at 35 Ill. Reg. _____, effective _____)
685

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

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STATE OF ILLINOIS
Pollution Control Board

PART 702
RCRA AND UIC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

702.101 Purpose, Scope, and Applicability
702.102 Electronic Reporting
702.103 Trade Secret or Non-Disclosable Information Submitted to the Agency
or Board
702.104 References
702.105 Rulemaking
702.106 Adoption of Agency Criteria
702.107 Permit Appeals and Review of Agency Determinations
702.108 Variances and Adjusted Standards
702.109 Enforcement Actions
702.110 Definitions

SUBPART B: PERMIT APPLICATIONS

Section

702.120 Permit Application
702.121 Who Applies
702.122 Completeness
702.123 Information Requirements
702.124 Recordkeeping
702.125 Continuation of Expiring Permits
702.126 Signatories to Permit Applications and Reports

SUBPART C: PERMIT CONDITIONS

Section

702.140 Conditions Applicable to all Permits
702.141 Duty to Comply
702.142 Duty to Reapply
702.143 Need to Halt or Reduce Activity Not a Defense
702.144 Duty to Mitigate
702.145 Proper Operation and Maintenance
702.146 Permit Actions
702.147 Property Rights
702.148 Duty to Provide Information
702.149 Inspection and Entry
702.150 Monitoring and Records
702.151 Signature Requirements
702.152 Reporting Requirements
702.160 Establishing Permit Conditions
702.161 Duration of Permits
702.162 Schedules of Compliance
702.163 Alternative Schedules of Compliance
702.164 Recording and Reporting

SUBPART D: ISSUED PERMITS

Section	
702.181	Effect of a Permit
702.182	Transfer
702.183	Modification
702.184	Causes for Modification
702.185	Facility Siting
702.186	Revocation
702.187	Minor Modifications

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 R81-32 at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273, effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993; amended in R93-16 at 18 Ill. Reg. 6918, effective April 26, 1994; amended in R94-5 at 18 Ill. Reg. 18284, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9913, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11210, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 532, effective December 16, 1997; amended in R99-15 at 23 Ill. Reg. 9359, effective July 26, 1999; amended in R00-11/R01-1 at 24 Ill. Reg. 18585, effective December 7, 2000; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 438, effective December 20, 2006; amended in R11-2/R11-16 at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 702.101 Purpose, Scope, and Applicability

a) Coverage.

1) The permit regulations of 35 Ill. Adm. Code 702 through 705 include provisions for the following two permit programs:

A) The RCRA (Resource Conservation and Recovery Act) permit program pursuant to Title V and Title X of the Environmental Protection Act [415 ILCS 5/Title V and Title X].

B) The UIC (Underground Injection Control) permit program pursuant to Title III and Title X of the Environmental Protection Act [415 ILCS 5/Title III and Title X].

2) The regulations of 35 Ill. Adm. Code 702 through 705 cover basic permitting requirements (35 Ill. Adm. Code 702 through 704) and procedures for processing of permit applications (35 Ill. Adm. Code 705) for the RCRA and UIC permit programs.

3) The regulations of 35 Ill. Adm. Code 702 through 705 are derived from 40 CFR 124, 144, and 270.

b) Structure.

1) The regulations of 35 Ill. Adm. Code 702 through 705 comprise the following four Parts:

A) This Part contains definitions applicable to 35 Ill. Adm. Code 702 through 705. It also contains basic permitting requirements for the RCRA and UIC programs.

B) The regulations of 35 Ill. Adm. Code 703 contain requirements specific to RCRA permits. In case of inconsistency between 35 Ill. Adm. Code 702 and 703, 35 Ill. Adm. Code 703 will control.

C) The regulations of 35 Ill. Adm. Code 704 contain requirements specific to UIC permits. In case of inconsistency between 35 Ill. Adm. Code 702 and 704, 35 Ill. Adm. Code 704 will control.

D) The regulations of 35 Ill. Adm. Code 705 establish procedures for issuance of RCRA and UIC permits by the Agency .

2) The structure and coverage of 35 Ill. Adm. Code 702 through 704 are indicated in the following table:

RCRA AND UIC

Subpart of RCRA

Subpart of UIC

Subpart of 35 Ill. Adm. Code 702 Subpart RCRA

Subpart of 35 Ill. Adm. Code 703 Subpart UIC

Subpart of 35 Ill. Adm. Code 704 Subpart General AAAProhibitions

Code Code Code General AAAProhibitions - B Authorization by Rule - C Permit

Application B D S Special Forms of Permits - E - Permit - E - Permits Permit

Conditions C F E Issued Permits D - H Permit Modification - G - Remedial Action

Plans - H - Integration H - Intergration with - I - MACT Standards - I

RCRA Standards RCRA Standardized Permits - J - Requirements - J -

Permits Requirements - F Applicable to Hazardous Waste Injection Wells -

- F Financial Responsibility Wells Financial Responsibility - G for Class I

Hazardous Waste Injection Wells - G Requirements Wells Requirements - I

Applicable to Class V Injection Wells - I

c) Relation to other requirements.

1) Permit application forms. An applicant for a RCRA or UIC permit or a person seeking interim status under RCRA must submit its application on an Agency permit application form when such is available.

2) Technical regulations. Each of the two permit programs that are covered in these permit regulations has separate additional regulations that contain technical requirements for that program. These separate regulations are used by the Agency to determine the requirements that must be placed in any permit that it issues. These separate regulations are located as follows:

RCRA 35 Ill. Adm. Code 720 through 728, 733, and 739 UIC 35 Ill. Adm. Code 730 and 738

BOARD NOTE: Derived in significant part from 40 CFR 144.1 and 270.1 ~~(2005)~~ (2010).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 702.110 Definitions

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704, and 705. Terms not defined in this Section have the meaning given by the appropriate act and regulations, as such are defined in this Section. When a definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

"Act" or "Environmental Protection Act" means the Environmental Protection Act [415 ILCS 5].

"Administrator" means the Administrator of the United States Environmental Protection Agency or an authorized representative.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit. For RCRA, application also includes the information required by the Agency pursuant to 35 Ill. Adm. Code 703.182 through 703.212 (contents of Part B of the RCRA application).

"Appropriate act and regulations" means the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.) (RCRA), the federal Safe Drinking Water Act (42 USC 300f et seq.) (SDWA), or the Environmental Protection Act, whichever is applicable, and the applicable regulations promulgated under those statutes.

"Approved program or approved state" means a state or interstate program that has been approved or authorized by USEPA pursuant to 40 CFR 271 (RCRA) or ~~Section~~section 1422 of the SDWA (42 USC 300h-1) (UIC).

"Aquifer" (RCRA and UIC) means a geologic formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" (UIC) means the area surrounding an injection well described according to the criteria set forth in 35 Ill. Adm. Code 730.106, or in the case of an area permit, the project area plus a circumscribing area the width of which is either 402 meters (one-quarter of a mile) or a number calculated according to the criteria set forth in 35 Ill. Adm. Code 730.106.

"Board" (RCRA and UIC) means the Illinois Pollution Control Board.

"Cesspool" (UIC) means a drywell that receives untreated sanitary waste containing human excreta and which sometimes has an open bottom or perforated sides.

"Closure" (RCRA) means the act of securing a Hazardous waste management facility pursuant to 35 Ill. Adm. Code 724.

"Component" (RCRA) means any constituent part of a unit or any group of constituent parts of a unit that are assembled to perform a specific function (e.g., a pump seal, pump, kiln liner, or kiln thermocouple).

"Contaminant" (UIC) means any physical, chemical, biological, or radiological substance or matter in water.

"Corrective action management unit" or "CAMU" (RCRA) means an area within a facility that is designated by the Agency pursuant to Subpart S of 35 Ill. Adm. Code 724 for the purpose of implementing corrective action requirements pursuant to 35 Ill. Adm. Code 724.201 and RCRA section 3008(h) (42 USC 6928(h)). A CAMU must only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"CWA" (RCRA and UIC) means the Clean Water Act (33 USC 1251 et seq.), as amended.

"Date of approval by USEPA of the Illinois UIC program" (UIC) means March 3, 1984.

"Director" (RCRA and UIC) means the Director of the Illinois Environmental Protection Agency or the Director's designee.

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

"Disposal facility" (RCRA) means a facility or part of a facility at which hazardous waste is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

"Draft permit" (RCRA and UIC) means a document prepared pursuant to 35 Ill. Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny, modify, terminate, or reissue a permit. A notice of intent to deny a permit, as discussed in 35 Ill. Adm. Code 705.141, is a type of draft permit. A denial of a request for modification, as discussed in 35 Ill. Adm. Code 705.128, is not a draft permit. A proposed permit is not a draft permit.

"Drywell" (UIC) means a well, other than an improved sinkhole or subsurface fluid distribution system, that is completed above the water table so that its bottom and sides are typically dry, except when receiving fluids.

"Drilling mud" (UIC) means a heavy suspension used in drilling an injection well, introduced down the drill pipe and through the drill bit.

"Elementary neutralization unit" (RCRA) means a device of which the following is true:

It is used for neutralizing wastes that are hazardous wastes only because they exhibit the corrosivity characteristics defined in 35 Ill. Adm. Code 721.122, or 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 35 Ill. Adm. Code 720.110.

"Emergency permit" (RCRA and UIC) means a RCRA or UIC permit issued in accordance with 35 Ill. Adm. Code 703.221 or 704.163, respectively.

"Environmental Protection Agency" or "EPA" or "USEPA" (RCRA and UIC) means the United States Environmental Protection Agency.

"Exempted aquifer" (UIC) means an aquifer or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures in 35 Ill. Adm. Code 702.105, 704.104, and 704.123(b).

"Existing hazardous waste management (HWM) facility" or "existing facility" (RCRA) means a facility that was in operation or for which construction commenced on or before November 19, 1980. A facility has commenced construction if the following occurs:

The owner or operator has obtained the federal, State, and local approvals or permits necessary to begin physical construction; and

Either of the following has transpired:

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

The owner or operator has entered into contractual obligations for physical construction of the facility that cannot be canceled or modified without substantial loss and which are to be completed within a reasonable time.

"Existing injection well" (UIC) means an injection well that is not a new injection well.

"Facility mailing list" (RCRA) means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163(a).

"Facility or activity" (RCRA and UIC) means any HWM facility, UIC injection well, or any other facility or activity (including land or appurtenances thereto) that is subject to regulations under the Illinois RCRA or UIC program.

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

"Final authorization" (RCRA) means January 31, 1986, the date of approval by USEPA of the Illinois ~~Hazardous Waste Management Program~~ hazardous waste management program that has met the requirements of ~~Section~~ section 3006(b) of RCRA (42 USC 6926(b)) and the applicable requirements of subpart A of 40 CFR 271.

"Fluid" (UIC) means any material or substance that flows or moves, whether in a semisolid, liquid, sludge, gas, or any other form or state.

"Formation" (UIC) means a body of rock characterized by a degree of lithologic homogeneity that is prevailingly, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

"Formation fluid" (UIC) means fluid present in a formation under natural conditions, as opposed to introduced fluids, such as drilling mud.

"Functionally equivalent component" (RCRA) means a component that performs the same function or measurement and which meets or exceeds the performance specifications of another component.

"Generator" (RCRA) means any person, by site location, whose act or process produces hazardous waste.

"Groundwater" (RCRA and UIC) means a water below the land surface in a zone of saturation.

"Hazardous waste" (RCRA and UIC) means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

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

"HWM facility" (RCRA) means ~~Hazardous~~hazardous waste management facility.

"Improved sinkhole" (UIC) means a naturally occurring karst depression or other natural crevice that is found in volcanic terrain and other geologic settings that have been modified by man for the purpose of directing and emplacing fluids into the subsurface.

"Injection well" (RCRA and UIC) means a well into which fluids are being injected.

"Injection zone" (UIC) means a geologic formation, group of formations, or part of a formation receiving fluids through a well.

"In operation" (RCRA) means a facility that is treating, storing, or disposing of hazardous waste.

"Interim authorization" (RCRA) means May 17, 1982, the date of approval by USEPA of the Illinois ~~Hazardous Waste Management~~hazardous waste management program that has met the requirements of section 3006(g)(2) of RCRA (42 USC 6926(g)(2)) and applicable requirements of 40 CFR 271.

"Interstate agency" means an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the appropriate act and regulations.

"Major facility" means any RCRA or UIC facility or activity classified as such by the Regional Administrator or the Agency.

"Manifest" (RCRA and UIC) means the shipping document originated and signed by the generator that contains the information required by Subpart B of 35 Ill. Adm. Code 722.

"National Pollutant Discharge Elimination System" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements pursuant to Section 12(f) of the Environmental Protection Act and Subpart A of 35 Ill. Adm. Code 309 and 35 Ill. Adm. Code 310. The term includes an approved program.

"New HWM facility" (RCRA) means a hazardous waste management facility that began operation or for which construction commenced after November 19, 1980.

"New injection well" (UIC) means a well that began injection after March 3, 1984, the date of USEPA approval of the UIC program for the State of Illinois.

BOARD NOTE: See 40 CFR 147.700—(1998) (2010) and 49 Fed. Reg. 3991 (Feb. 1, 1984).

"Off-site" (RCRA) means any site that is not on-site.

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

"Owner or operator" means the owner or operator of any facility or activity subject to regulation under the RCRA or UIC program.

"Permit" means an authorization, license, or equivalent control document issued to implement this Part and 35 Ill. Adm. Code 703, 704, and 705. "Permit" includes RCRA permit by rule (35 Ill. Adm. Code 703.141), RCRA standardized permit (35 Ill. Adm. Code 703.238), UIC area permit (35 Ill. Adm. Code 704.162), and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.221 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code 703.153 through 703.157), UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704), or any permit that has not yet been the subject of final Agency action, such as a draft permit or a proposed permit.

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency, or assigns.

"Physical construction" (RCRA) means excavation, movement of earth, erection of forms or structures, or similar activity to prepare an HWM facility to accept hazardous waste.

"Plugging" (UIC) means the act or process of stopping the flow of water, oil, or gas into or out of a formation through a borehole or well penetrating that formation.

"Point of injection" means the last accessible sampling point prior to waste fluids being released into the subsurface environment through a Class V injection well. For example, the point of injection of a Class V septic system might be the distribution box --- the last accessible sampling point before the waste fluids drain into the underlying soils. For a dry well, it is likely to be the well bore itself.

"POTW" means publicly owned treatment works.

"Project" (UIC) means a group of wells in a single operation.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.

"Radioactive waste" (UIC) means any waste that contains radioactive material in concentrations that exceed those listed in table II, column 2 in appendix B to 10 CFR 20, incorporated by reference in 35 Ill. Adm. Code 720.111.

"RCRA" (RCRA) means the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.). For the purposes of regulation pursuant to 35 Ill. Adm. Code 700 through 705, 720 through 728, 733, 738, and 739, "RCRA" refers only to RCRA Subtitle C. This does not include the RCRA Subtitle D (municipal solid waste landfill) regulations, found in 35 Ill. Adm. Code 810 through 815, and the RCRA Subtitle I (underground storage tank) regulations found in 35 Ill. Adm. Code 731 and 732.

"RCRA permit" (RCRA) means a permit required pursuant to Section 21(f) of the Act [415 ILCS 5/21(f)].

"RCRA standardized permit" (RCRA) means a RCRA permit issued pursuant to Subpart J of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 705 that authorizes management of hazardous waste. The RCRA standardized permit may have two parts: a uniform portion issued for all RCRA standardized permits and a supplemental portion issued at the discretion of the Agency.

"Regional Administrator" (RCRA and UIC) means the Regional Administrator of the USEPA Region in which the facility is located or the Regional Administrator's designee.

BOARD NOTE: Illinois is in USEPA Region 5.

"Remedial action plan" or "RAP" (RCRA) means a special form of RCRA permit that a facility owner or operator may obtain pursuant to Subpart H of 35 Ill. Adm. Code 703, instead of a RCRA permit issued pursuant to this Part and 35 Ill. Adm. Code 703, to authorize the treatment, storage, or disposal of hazardous remediation waste (as defined in 35 Ill. Adm. Code 720.110) at a remediation waste management site.

"Sanitary waste" (UIC) means liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities, provided the waste is not mixed with industrial waste.

"Schedule of compliance" (RCRA and UIC) means a schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the appropriate act and regulations.

"SDWA" (UIC) means the Safe Drinking Water Act (42 USC 300f et seq.).

"Septic system" (UIC) means a well, as defined in this Section, that is used to emplace sanitary waste below the surface and which is typically comprised of a septic tank and subsurface fluid distribution system or disposal system.

"Site" (RCRA and UIC) means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

"SIC code" (RCRA and UIC) means "Standard Industrial Classification code." This is the code 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 35 Ill. Adm. Code 720.111.

"State" (RCRA and UIC) means the State of Illinois.

"State Director" (RCRA and UIC) means the Director of the Illinois Environmental Protection Agency.

"State/USEPA agreement" (RCRA and UIC) means an agreement between the Regional Administrator and the State that coordinates USEPA and State activities, responsibilities, and programs, including those under the RCRA and SDWA.

"Storage" (RCRA) 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.

"Stratum" (plural "strata") (UIC) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

"Subsurface fluid distribution system" (UIC) means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.

"Total dissolved solids" (UIC) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136.3 (Identification of Test Procedures; the method for filterable residue), incorporated by reference in 35 Ill. Adm. Code 720.111.

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

"Transferee" (UIC) means the owner or operator receiving ownership or operational control of the well.

"Transferor" (UIC) means the owner or operator transferring ownership or operational control of the well.

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

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

"UIC" (UIC) means the Underground Injection Control program.

"Underground injection" (UIC) means a well injection.

"Underground source of drinking water" or "USDW" (RCRA and UIC) means an aquifer or its portion that is not an exempted aquifer and of which either of the following is true:

It supplies any public water system; or

It contains a sufficient quantity of groundwater to supply a public water system; and

It currently supplies drinking water for human consumption; or

It contains less than 10,000 mg/l total dissolved solids.

"USDW" (RCRA and UIC) means an underground source of drinking water.

"Wastewater treatment unit" (RCRA) means a device of which the following is true:

It is part of a wastewater treatment facility that is subject to regulation pursuant to Subpart A of 35 Ill. Adm. Code 309 or 35 Ill. Adm. Code 310; and

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 35 Ill. Adm. Code 720.110.

"Well" (UIC) means a bored, drilled, or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension; a dug hole whose depth is greater than the largest surface dimension; or an improved sinkhole; or, a subsurface fluid distribution system.

"Well injection" (UIC) means the subsurface emplacement of fluids through a well.

BOARD NOTE: Derived from 40 CFR 124.2, 144.3 and 270.2 (2005), ~~as amended at 70-Fed. Reg. 53420 (Sep. 8, 2005)~~ (2010).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART B: PERMIT APPLICATIONS

Section 702.120 Permit Application

- a) Applying for a UIC permit. Any person ~~who~~-that is required to have a permit (including new applicants and permittees with expiring permits) ~~shall~~ must complete, sign, and submit an application to the Agency as described in this Section and in 35 Ill. Adm. Code 704.161 (UIC). Any person ~~who~~-that is currently authorized with UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704) must apply for a permit when required to do so by the Agency. The procedure for application, issuance, and administration of an emergency permit is found exclusively in 35 Ill. Adm. Code 704.163 (UIC).
- b) Applying for a RCRA permit. The following information outlines how to obtain a permit and where to find requirements for specific permits:
- 1) If the facility is covered by RCRA permits by rule (35 Ill. Adm. Code 703.141), the owner or operator needs not apply for a permit.
 - 2) If the facility owner or operator currently has interim status pursuant to RCRA (Subpart C of 35 Ill. Adm. Code 703), it must apply for a permit when required by the Agency.
 - 3) If the facility owner or operator is required to have a permit (including new applicants and permittees with expiring permits), it must complete, sign, and submit an application to the Agency, as described in this Section; in Sections ~~702.120~~-702.121 through 702.124; and in 35 Ill. Adm. Code 703.125, 703.126, 703.150 through 703.157, 703.186, and 703.188.
 - 4) If the facility owner or operator is seeking an emergency permit, the procedures for application, issuance, and administration are found exclusively in 35 Ill. Adm. Code 703.220.
 - 5) If the facility owner or operator is seeking a research, development, and demonstration permit, the procedures for application, issuance, and administration are found exclusively in 35 Ill. Adm. Code 703.231.
 - 6) If the facility owner or operator is seeking a RCRA standardized permit, the procedures for application and issuance are found in Subpart G of 35 Ill. Adm. Code 705 and Subpart J of 35 Ill. Adm. Code 703.

BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR 144.31(a) ~~(2005)-(2010)~~, and subsection (b) of this Section is derived from 40 CFR 270.10(a) ~~(2005)~~, ~~as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~ (2010).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART D: ISSUED PERMITS

Section 702.181 Effect of a Permit

- a) The existence of a RCRA or UIC permit does not constitute a defense to a violation of the Environmental Protection Act or this Subtitle G, except for prohibitions against development, modification, or operation without a permit. ~~However,~~ a permit may be modified or reissued during its term for cause, as

set forth in Subpart G of 35 Ill. Adm. Code 703 (RCRA) or Subpart H of 35 Ill. Adm. Code 704 (UIC) and Section 702.186, or a permit may be modified upon the request of the permittee, as provided by 35 Ill. Adm. Code 703.280 through 703.283.

BOARD NOTE: 40 CFR 270.4(a) differs from this subsection (a) in two significant aspects: (1) ~~it~~ 40 CFR 270.4(a)(1) states that compliance with the permit is compliance with federal law; and (2) ~~it enumerates~~ 40 CFR 270.4(a)(1)(i) through (a)(1)(iv) enumerate exceptions when compliance with the permit can violate federal law. The exceptions wherein which compliance with a permit can violate federal law are the following intervening events: (1) new or amended statutory requirements; (2) new or amended 40 CFR 268 land disposal restrictions; (3) the adoption of the 40 CFR 264 leak detection requirements; and (4) the adoption of the air emissions limitations of subparts AA, BB, and CC of 40 CFR ~~266 air emissions limitations~~ 265. By not codifying the federal exceptions, since they are not necessary in the Illinois program to accomplish the intended purpose, the Board does not intend to imply that compliance with a RCRA permit obviates immediate compliance with any of the events included in the federal exceptions.

b) The issuance of a permit does not convey property rights of any sort, nor does issuance convey any exclusive privilege.

c) The issuance of a permit does not authorize injury to persons or property or invasion of other private rights, nor does issuance authorize any infringement of State or local law or regulations, except as noted in subsection (a) of this Section.

BOARD NOTE: Derived from 40 CFR 144.35 and 40 CFR 270.4 (2005)-(2010).

(Source: Amended at 35 Ill. Reg. _____, effective _____)
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~~NOTICE OF PROPOSED AMENDMENTS~~

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