

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) Code Citation: 35 Ill. Adm. Code 724
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
724.171	Amendment
724.986	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 724 are a single segment of the docket R19-3 rulemaking that also affects 35 Ill. Adm. Code 721 through 723 and 725. The R19-3 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during the first half of 2018: January 1, 2018 through June 30, 2018. To save space, a more detailed description of the subjects and issues involved in the docket R19-3 rulemaking appears in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of July 26, 2018, proposing amendments in docket R19-3, which opinion and order is available from the address below.

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STATE OF ILLINOIS
Pollution Control Board

R19-3 further includes limited corrections and non-substantive stylistic revisions that the Board finds necessary. Some of these were included in the pending consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking, which appeared in the following issues of the *Illinois Register* as indicated in the answer to question 10 below.

Specifically, the amendments to Part 724 incorporate elements of the federal e-Manifest System user fees provisions and changes in the general hazardous waste manifest requirements. The Board makes several needed corrections in the text of the rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to docket R19-3. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in docket R19-3.

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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 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) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
724.101	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.103	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.110	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.112	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.113	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.114	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.115	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.116	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.117	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.118	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.119	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.132	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.133	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.156	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.171	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.172	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.173	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.175	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.176	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.190	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.191	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.193	Amendment	42 Ill. Reg. 11594; June 29, 2018

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724.196	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.197	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.198	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.199	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.200	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.201	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.213	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.216	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.217	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.218	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.219	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.241	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.242	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.243	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.245	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.247	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.270	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.274	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.275	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.279	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.290	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.291	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.292	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.293	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.295	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.296	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.297	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.298	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.300	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.321	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.323	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.327	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.328	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.332	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.350	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.351	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.353	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.358	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.372	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.373	Amendment	42 Ill. Reg. 11594; June 29, 2018

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724.376	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.378	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.380	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.382	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.401	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.404	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.410	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.412	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.413	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.414	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.416	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.440	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.443	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.444	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.445	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.650	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.651	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.652	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.653	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.654	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.655	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.670	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.671	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.673	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.675	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.701	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.930	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.931	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.932	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.933	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.934	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.935	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.950	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.951	Amendment	42 Ill. Reg. 11594; June 29, 2018
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724.955	Amendment	42 Ill. Reg. 11594; June 29, 2018
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724.958	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.960	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.961	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.962	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.963	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.964	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.980	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.983	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.984	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.985	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.986	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.987	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.988	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.989	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.990	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.1101	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.1102	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.1201	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.1202	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.Appendix I	Amendment	42 Ill. Reg. 11594; June 29, 2018

- 11) 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 R19-3 and be addressed to:

Don A. Brown, 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 R19-3:

Michael J. McCambridge
Staff Attorney

POLLUTION CONTROL BOARD

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Illinois Pollution Control Board
100 W. Randolph, 11-500
Chicago IL 60601

312/814-6924
email: michael.mccambridge@illinois.gov

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 disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. 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)].
 - 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. 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)].
 - 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. 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)].
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

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

6 PART 724
7 STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
8 TREATMENT, STORAGE, AND DISPOSAL FACILITIES
9

10 SUBPART A: GENERAL PROVISIONS
11

12 Section

- 13 724.101 Purpose, Scope, and Applicability
14 724.103 Relationship to Interim Status Standards
15 724.104 Electronic Reporting
16

17 SUBPART B: GENERAL FACILITY STANDARDS
18

19 Section

- 20 724.110 Applicability
21 724.111 USEPA Identification Number
22 724.112 Required Notices
23 724.113 General Waste Analysis
24 724.114 Security
25 724.115 General Inspection Requirements
26 724.116 Personnel Training
27 724.117 General Requirements for Ignitable, Reactive, or Incompatible Wastes
28 724.118 Location Standards
29 724.119 Construction Quality Assurance Program
30

31 SUBPART C: PREPAREDNESS AND PREVENTION
32

33 Section

- 34 724.130 Applicability
35 724.131 Design and Operation of Facility
36 724.132 Required Equipment
37 724.133 Testing and Maintenance of Equipment
38 724.134 Access to Communications or Alarm System
39 724.135 Required Aisle Space
40 724.137 Arrangements with Local Authorities
41

42 SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES
43

44	Section	
45	724.150	Applicability
46	724.151	Purpose and Implementation of Contingency Plan
47	724.152	Content of Contingency Plan
48	724.153	Copies of Contingency Plan
49	724.154	Amendment of Contingency Plan
50	724.155	Emergency Coordinator
51	724.156	Emergency Procedures

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53 SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

54

55	Section	
56	724.170	Applicability
57	724.171	Use of Manifest System
58	724.172	Manifest Discrepancies
59	724.173	Operating Record
60	724.174	Availability, Retention, and Disposition of Records
61	724.175	Annual Facility Activities Report
62	724.176	Unmanifested Waste Report
63	724.177	Additional Reports

64

65 SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

66

67	Section	
68	724.190	Applicability
69	724.191	Required Programs
70	724.192	Groundwater Protection Standard
71	724.193	Hazardous Constituents
72	724.194	Concentration Limits
73	724.195	Point of Compliance
74	724.196	Compliance Period
75	724.197	General Groundwater Monitoring Requirements
76	724.198	Detection Monitoring Program
77	724.199	Compliance Monitoring Program
78	724.200	Corrective Action Program
79	724.201	Corrective Action for Solid Waste Management Units

80

81 SUBPART G: CLOSURE AND POST-CLOSURE CARE

82

83	Section	
84	724.210	Applicability
85	724.211	Closure Performance Standard
86	724.212	Closure Plan; Amendment of Plan

87	724.213	Closure; Time Allowed For Closure
88	724.214	Disposal or Decontamination of Equipment, Structures, and Soils
89	724.215	Certification of Closure
90	724.216	Survey Plat
91	724.217	Post-Closure Care and Use of Property
92	724.218	Post-Closure Care Plan; Amendment of Plan
93	724.219	Post-Closure Notices
94	724.220	Certification of Completion of Post-Closure Care

95

96

SUBPART H: FINANCIAL REQUIREMENTS

97

98 Section

99	724.240	Applicability
100	724.241	Definitions of Terms as Used in This Subpart
101	724.242	Cost Estimate for Closure
102	724.243	Financial Assurance for Closure
103	724.244	Cost Estimate for Post-Closure Care
104	724.245	Financial Assurance for Post-Closure Care
105	724.246	Use of a Mechanism for Financial Assurance of Both Closure and Post-Closure Care
106		Care
107	724.247	Liability Requirements
108	724.248	Incapacity of Owners or Operators, Guarantors, or Financial Institutions
109	724.251	Wording of the Instruments

110

111

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

112

113 Section

114	724.270	Applicability
115	724.271	Condition of Containers
116	724.272	Compatibility of Waste with Container
117	724.273	Management of Containers
118	724.274	Inspections
119	724.275	Containment
120	724.276	Special Requirements for Ignitable or Reactive Waste
121	724.277	Special Requirements for Incompatible Wastes
122	724.278	Closure
123	724.279	Air Emission Standards

124

125

SUBPART J: TANK SYSTEMS

126

127 Section

128	724.290	Applicability
129	724.291	Assessment of Existing Tank System Integrity

130	724.292	Design and Installation of New Tank Systems or Components
131	724.293	Containment and Detection of Releases
132	724.294	General Operating Requirements
133	724.295	Inspections
134	724.296	Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank Systems
135		
136	724.297	Closure and Post-Closure Care
137	724.298	Special Requirements for Ignitable or Reactive Waste
138	724.299	Special Requirements for Incompatible Wastes
139	724.300	Air Emission Standards

140

141 SUBPART K: SURFACE IMPOUNDMENTS

142

143 Section

144	724.320	Applicability
145	724.321	Design and Operating Requirements
146	724.322	Action Leakage Rate
147	724.323	Response Actions
148	724.326	Monitoring and Inspection
149	724.327	Emergency Repairs; Contingency Plans
150	724.328	Closure and Post-Closure Care
151	724.329	Special Requirements for Ignitable or Reactive Waste
152	724.330	Special Requirements for Incompatible Wastes
153	724.331	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027
154		
155	724.332	Air Emission Standards

156

157 SUBPART L: WASTE PILES

158

159 Section

160	724.350	Applicability
161	724.351	Design and Operating Requirements
162	724.352	Action Leakage Rate
163	724.353	Response Action Plan
164	724.354	Monitoring and Inspection
165	724.356	Special Requirements for Ignitable or Reactive Waste
166	724.357	Special Requirements for Incompatible Wastes
167	724.358	Closure and Post-Closure Care
168	724.359	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027
169		

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171 SUBPART M: LAND TREATMENT

172

173	Section	
174	724.370	Applicability
175	724.371	Treatment Program
176	724.372	Treatment Demonstration
177	724.373	Design and Operating Requirements
178	724.376	Food-Chain Crops
179	724.378	Unsaturated Zone Monitoring
180	724.379	Recordkeeping
181	724.380	Closure and Post-Closure Care
182	724.381	Special Requirements for Ignitable or Reactive Waste
183	724.382	Special Requirements for Incompatible Wastes
184	724.383	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and
185		F027

SUBPART N: LANDFILLS

188		
189	Section	
190	724.400	Applicability
191	724.401	Design and Operating Requirements
192	724.402	Action Leakage Rate
193	724.403	Monitoring and Inspection
194	724.404	Response Actions
195	724.409	Surveying and Recordkeeping
196	724.410	Closure and Post-Closure Care
197	724.412	Special Requirements for Ignitable or Reactive Waste
198	724.413	Special Requirements for Incompatible Wastes
199	724.414	Special Requirements for Bulk and Containerized Liquids
200	724.415	Special Requirements for Containers
201	724.416	Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab
202		Packs)
203	724.417	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and
204		F027

SUBPART O: INCINERATORS

205		
206		
207		
208	Section	
209	724.440	Applicability
210	724.441	Waste Analysis
211	724.442	Principal Organic Hazardous Constituents (POHCs)
212	724.443	Performance Standards
213	724.444	Hazardous Waste Incinerator Permits
214	724.445	Operating Requirements
215	724.447	Monitoring and Inspections

216	724.451	Closure
217		
218		SUBPART S: SPECIAL PROVISIONS FOR CLEANUP
219		
220		Section
221	724.650	Applicability of Corrective Action Management Unit Regulations
222	724.651	Grandfathered Corrective Action Management Units
223	724.652	Corrective Action Management Units
224	724.653	Temporary Units
225	724.654	Staging Piles
226	724.655	Disposal of CAMU-Eligible Wastes in Permitted Hazardous Waste Landfills
227		
228		SUBPART W: DRIP PADS
229		
230		Section
231	724.670	Applicability
232	724.671	Assessment of Existing Drip Pad Integrity
233	724.672	Design and Installation of New Drip Pads
234	724.673	Design and Operating Requirements
235	724.674	Inspections
236	724.675	Closure
237		
238		SUBPART X: MISCELLANEOUS UNITS
239		
240		Section
241	724.700	Applicability
242	724.701	Environmental Performance Standards
243	724.702	Monitoring, Analysis, Inspection, Response, Reporting, and Corrective Action
244	724.703	Post-Closure Care
245		
246		SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS
247		
248		Section
249	724.930	Applicability
250	724.931	Definitions
251	724.932	Standards: Process Vents
252	724.933	Standards: Closed-Vent Systems and Control Devices
253	724.934	Test Methods and Procedures
254	724.935	Recordkeeping Requirements
255	724.936	Reporting Requirements
256		
257		SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS
258		

259	Section	
260	724.950	Applicability
261	724.951	Definitions
262	724.952	Standards: Pumps in Light Liquid Service
263	724.953	Standards: Compressors
264	724.954	Standards: Pressure Relief Devices in Gas/Vapor Service
265	724.955	Standards: Sampling Connecting Systems
266	724.956	Standards: Open-ended Valves or Lines
267	724.957	Standards: Valves in Gas/Vapor or Light Liquid Service
268	724.958	Standards: Pumps, Valves, Pressure Relief Devices, and Other Connectors
269	724.959	Standards: Delay of Repair
270	724.960	Standards: Closed-Vent Systems and Control Devices
271	724.961	Alternative Percentage Standard for Valves
272	724.962	Skip Period Alternative for Valves
273	724.963	Test Methods and Procedures
274	724.964	Recordkeeping Requirements
275	724.965	Reporting Requirements

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277 SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,
278 SURFACE IMPOUNDMENTS, AND CONTAINERS

279	Section	
280	724.980	Applicability
281	724.981	Definitions
282	724.982	Standards: General
283	724.983	Waste Determination Procedures
284	724.984	Standards: Tanks
285	724.985	Standards: Surface Impoundments
286	724.986	Standards: Containers
287	724.987	Standards: Closed-Vent Systems and Control Devices
288	724.988	Inspection and Monitoring Requirements
289	724.989	Recordkeeping Requirements
290	724.990	Reporting Requirements
291	724.991	Alternative Control Requirements for Tanks (Repealed)

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293 SUBPART DD: CONTAINMENT BUILDINGS

294		
295	Section	
296	724.1100	Applicability
297	724.1101	Design and Operating Standards
298	724.1102	Closure and Post-Closure Care

299

300 SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

301

302 Section
 303 724.1200 Applicability
 304 724.1201 Design and Operating Standards
 305 724.1202 Closure and Post-Closure Care
 306
 307 724.APPENDIX A Recordkeeping Instructions
 308 724.APPENDIX B EPA Report Form and Instructions (Repealed)
 309 724.APPENDIX D Cochran's Approximation to the Behrens-Fisher Student's T-Test
 310 724.APPENDIX E Examples of Potentially Incompatible Waste
 311 724.APPENDIX I Groundwater Monitoring List
 312

313 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the
 314 Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].
 315

316 SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14059, effective October 12, 1983; amended in
 317 R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136,
 318 effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986;
 319 amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill.
 320 Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August
 321 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in
 322 R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458,
 323 effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13,
 324 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at
 325 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654,
 326 effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991;
 327 amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg.
 328 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26,
 329 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-
 330 16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487,
 331 effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994;
 332 amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill.
 333 Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636,
 334 effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998;
 335 amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended
 336 in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at
 337 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective
 338 January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9833, effective June 20, 2000; expedited
 339 correction at 25 Ill. Reg. 5115, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26
 340 Ill. Reg. 6635, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3725, effective
 341 February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6009, effective April 13, 2005; amended in
 342 R05-2 at 29 Ill. Reg. 6365, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill.
 343 Reg. 3196, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 893,
 344 effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12365, effective July 14,

345 2008; amended in R09-3 at 33 Ill. Reg. 1106, effective December 30, 2008; amended in R09-
 346 16/R10-4 at 34 Ill. Reg. 18873, effective November 12, 2010; amended in R11-2/R11-16 at 35
 347 Ill. Reg. 17965, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17773, effective
 348 October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1724, effective January 12, 2015; amended
 349 in R16-7 at 40 Ill. Reg. 11726, effective August 9, 2016; amended in R19-2 at 42 Ill. Reg.
 350 _____, effective _____.

351

352 SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

353

354 **Section 724.171 Use of Manifest System**

355

356 a) Receipt of Manifested Hazardous Waste.

357

358 1) If a facility receives hazardous waste accompanied by a manifest, the
 359 owner, operator, or its agent must sign and date the manifest, as indicated
 360 in subsection (a)(2), to certify that the hazardous waste covered by the
 361 manifest was received, that the hazardous waste was received except as
 362 noted in the discrepancy space of the manifest, or that the hazardous waste
 363 was rejected as noted in the manifest discrepancy space.

364

365 2) If a facility receives a hazardous waste shipment accompanied by a
 366 manifest, the owner, operator, or its agent must do the following:

367

368 A) The owner, operator, or agent must sign and date, ~~by hand,~~ each
 369 copy of the manifest;

370

371 B) The owner, operator, or agent must note any discrepancies (as
 372 defined in Section 724.172) on each copy of the manifest;

373

374 C) The owner, operator, or agent must immediately give the
 375 transporter at least one copy of the manifest;

376

377 D) The owner, operator, or agent must send a copy (Page 3) of the
 378 manifest to the generator within 30 days after delivery;

379

380 E) Paper manifest submission requirements are the following:

381

382 i) ~~The~~ Within 30 days after delivery, the owner, operator, or
 383 agent must send the top copy (Page 1) of ~~any paper~~the
 384 manifest and any paper continuation sheet to the e-Manifest
 385 System for purposes of data entry and processing, ~~or in.~~ In
 386 lieu of ~~submitting the~~mailing this paper copy to the e-
 387 Manifest System operator, the owner or operator may

388 transmit to the e-Manifest System operator an image file of
 389 Page 1 of the manifest and any continuation sheet, or both a
 390 data string file and the image file corresponding to Page 1
 391 of the manifest and any continuation sheet, within 30 days
 392 after the date of delivery. Submissions of copies to the e-
 393 Manifest System must be made at the mailing address or
 394 electronic mail/submission address specified at the e-
 395 Manifest program website's directory of services.
 396 Beginning on June 30, 2021, USEPA will not accept
 397 mailed paper manifests from facilities for processing in the
 398 e-Manifest System. Any data or image files transmitted to
 399 USEPA under this subsection (a) must be submitted in data
 400 file and image file formats that are acceptable to USEPA
 401 and that are supported by USEPA's electronic reporting
 402 requirements and by the e-Manifest System; and

403
 404 ii) Options for Compliance on June 30, 2021. Beginning on
 405 June 30, 2021, the requirement to submit the top copy
 406 (Page 1) of the paper manifest and any paper continuation
 407 sheet to the e-Manifest System for purposes of data entry
 408 and processing may be met by the owner or operator only
 409 by transmitting to the USEPA system an image file of Page
 410 1 of the manifest and any continuation sheet, or by
 411 transmitting to the USEPA system both a data file and the
 412 image file corresponding to Page 1 of the manifest and any
 413 continuation sheet, within 30 days after the date of
 414 delivery. Submissions of copies to the e-Manifest System
 415 shall be made to the electronic mail/submission address
 416 specified at the e-Manifest program website's directory of
 417 services. Beginning on June 30, 2021, USEPA will not
 418 accept mailed paper manifests from facilities for processing
 419 in e-Manifest; and

420
 421 F) The owner, operator, or agent must retain at the facility a copy of
 422 each manifest for at least three years after the date of delivery.

423
 424 3) If a facility receives hazardous waste imported from a foreign source, the
 425 receiving facility must mail a copy of the manifest and documentation
 426 confirming USEPA's consent to the import of hazardous waste to the
 427 following address within 30 days after delivery: Office of Enforcement
 428 and Compliance Assurance, Office of Federal Activities, International
 429 Compliance Assurance Division (2254A), U.S. Environmental Protection
 430 Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460.

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

- 1) It must sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;
- 2) It must note any significant discrepancies (as defined in Section 724.172(a)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

BOARD NOTE: The Board does not intend that the owner or operator of a facility whose procedures under Section 724.113(c) include waste analysis must perform that analysis before signing the shipping paper and giving it to the transporter. Section 724.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

- 3) It must immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);
- 4) The owner or operator must send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator within 30 days after the delivery; and

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

- 5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722.

BOARD NOTE: The provisions of 35 Ill. Adm. Code 722.134 are

474 applicable to the on-site accumulation of hazardous wastes by generators.
 475 Therefore, the provisions of Section 722.134 only apply to owners or
 476 operators that are shipping hazardous waste that they generated at that
 477 facility.
 478

479 d) Within three working days after the receipt of a shipment subject to Subpart H of
 480 35 Ill. Adm. Code 722, the owner or operator of a facility must provide a copy of
 481 the movement document bearing all required signatures to the exporter; to the
 482 Office of Enforcement and Compliance Assurance, Office of Federal Activities,
 483 International Compliance Assurance Division (2254A), Environmental Protection
 484 Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; to the Bureau of
 485 Land, Division of Land Pollution Control, Illinois Environmental Protection
 486 Agency, P.O. Box 19276, Springfield, IL 62794-9276; and to competent
 487 authorities of all other concerned countries. The original copy of the movement
 488 document must be maintained at the facility for at least three years from the date
 489 of signature.
 490

491 e) A facility must determine whether the consignment state for a shipment regulates
 492 any additional wastes (beyond those regulated federally) as hazardous wastes
 493 under its state hazardous waste program. A facility must also determine whether
 494 the consignment state or generator state requires the facility to submit any copies
 495 of the manifest to that state.
 496

497 f) Legal Equivalence to Paper Manifests. E-Manifests that are obtained, completed,
 498 transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3), and used in
 499 accordance with this Section in lieu of the paper manifest form are the legal
 500 equivalent of paper manifest forms bearing handwritten signatures, and satisfy for
 501 all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain,
 502 complete, sign, provide, use, or retain a manifest.
 503

504 1) Any requirement in 35 Ill. Adm. Code 720 through 728 for the owner or
 505 operator of a facility to sign a manifest or manifest certification by hand,
 506 or to obtain a handwritten signature, is satisfied by signing with or
 507 obtaining a valid and enforceable electronic signature within the meaning
 508 of 35 Ill. Adm. Code 722.125.
 509

510 2) Any requirement in 35 Ill. Adm. Code 720 through 728 to give, provide,
 511 send, forward, or to return to another person a copy of the manifest is
 512 satisfied when a copy of an e-Manifest is transmitted to the other person.
 513

514 3) Any requirement in 35 Ill. Adm. Code 720 through 728 for a manifest to
 515 accompany a hazardous waste shipment is satisfied when a copy of an e-
 516 Manifest is accessible during transportation and forwarded to the person or

- 517 persons who are scheduled to receive delivery of the hazardous waste
 518 shipment.
 519
- 520 4) Any requirement in 35 Ill. Adm. Code 720 through 728 for an owner or
 521 operator to keep or retain a copy of each manifest is satisfied by the
 522 retention of the facility's e-Manifest copies in its account on the e-
 523 Manifest System, provided that such copies are readily available for
 524 viewing and production if requested by any USEPA or Agency inspector.
 525
- 526 5) No owner or operator may be held liable for the inability to produce an e-
 527 Manifest for inspection under this Section if the owner or operator can
 528 demonstrate that the inability to produce the e-Manifest is due exclusively
 529 to a technical difficulty with the e-Manifest System for which the owner or
 530 operator bears no responsibility.
 531
- 532 g) An owner or operator may participate in the e-Manifest System either by
 533 accessing the e-Manifest System from the owner's or operator's electronic
 534 equipment, or by accessing the e-Manifest System from portable equipment
 535 brought to the owner's or operator's site by the transporter that delivers the waste
 536 shipment to the facility.
 537
- 538 h) Special Procedures Applicable to Replacement Manifests. If a facility receives
 539 hazardous waste that is accompanied by a paper replacement manifest for a
 540 manifest that was originated electronically, the following procedures apply to the
 541 delivery of the hazardous waste by the final transporter:
 542
- 543 1) Upon delivery of the hazardous waste to the designated facility, the owner
 544 or operator must sign and date each copy of the paper replacement
 545 manifest by hand in Item 20 (Designated Facility Certification of Receipt)
 546 and note any discrepancies in Item 18 (Discrepancy Indication Space) of
 547 the paper replacement manifest;
 548
- 549 2) The owner or operator of the facility must give back to the final
 550 transporter one copy of the paper replacement manifest;
 551
- 552 3) Within 30 days after delivery of the hazardous waste to the designated
 553 facility, the owner or operator of the facility must send one signed and
 554 dated copy of the paper replacement manifest to the generator and send an
 555 additional signed and dated copy of the paper replacement manifest to the
 556 e-Manifest System; and
 557

- 558 4) The owner or operator of the facility must retain at the facility one copy of
 559 the paper replacement manifest for at least three years after the date of
 560 delivery.
 561
- 562 i) Special procedures applicable to electronic signature methods undergoing tests. If
 563 an owner or operator using an e-Manifest signs this manifest electronically using
 564 an electronic signature method that is undergoing pilot or demonstration tests
 565 aimed at demonstrating the practicality or legal dependability of the signature
 566 method, the owner or operator must also sign with an ink signature the facility's
 567 certification of receipt or discrepancies on the printed copy of the manifest
 568 provided by the transporter. Upon executing its ink signature on this printed
 569 copy, the owner or operator must retain this original copy among its records for at
 570 least three years after the date of delivery of the waste.
 571
- 572 j) Imposition of User Fee for Electronic Manifest Submission~~se Manifest use~~.
 573
- 574 1) As prescribed in 40 CFR 264.1311, incorporated by reference in 35 Ill.
 575 Adm. Code 720.111, and determined in 40 CFR 264.1312, incorporated
 576 by reference in 35 Ill. Adm. Code 720.111, an~~An~~ owner or operator that
 577 is a user of the e-Manifest System ~~must~~may be assessed a user fee by
 578 USEPA for the submission and origination~~or processing~~ of each e-
 579 Manifest and paper manifest. ~~An owner or operator may also be assessed~~
 580 ~~a user fee by USEPA for the collection and processing of paper manifest~~
 581 ~~copies that owners or operators must submit to the e-Manifest System~~
 582 ~~operator under subsection (a)(2)(E).~~ USEPA has stated that it would
 583 maintain and update from time to time the current schedule of e-Manifest
 584 System user fees and publish them to the user community, as provided in
 585 40 CFR 264.1313, incorporated by reference in 35 Ill. Adm. Code
 586 720.111 which will be determined based on current and projected e-
 587 Manifest System costs and level of use of the e-Manifest System. USEPA
 588 has said that it would publish the current schedule of e-Manifest user fees
 589 as an appendix to 40 CFR 262.
 590
- 591 2) An owner or operator subject to user fees under this Section must make
 592 user fee payments in accordance with the requirements of 40 CFR
 593 264.1314, incorporated by reference in 35 Ill. Adm. Code 720.111, subject
 594 to the informal fee dispute resolution process of 40 CFR 264.1316,
 595 incorporated by reference in 35 Ill. Adm. Code 720.111, and subject to the
 596 sanctions for delinquent payments under 40 CFR 264.1315, incorporated
 597 by reference in 35 Ill. Adm. Code 720.111.
 598
- 599 k) E-Manifest Signatures. E-Manifest signatures must meet the criteria described in
 600 35 Ill. Adm. Code 722.125.

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- 1) Post-Receipt Manifest Data Corrections. After a facility has certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (i.e., any waste handler shown on the manifest or the Agency).
 - 1) An interested person must make all corrections to manifest data by electronic submission, either by directly entering corrected data to the web based service provided in the e-Manifest System for such corrections, or by an upload of a data file containing data corrections relating to one or more previously submitted manifests.
 - 2) Each correction submission must include the following information:
 - A) The Manifest Tracking Number and date of receipt by the facility of the original manifests for which data are being corrected;
 - B) The item numbers of the original manifest that is the subject of the submitted corrections; and
 - C) For each item number with corrected data, the data previously entered and the corresponding data as corrected by the correction submission.
 - 3) Each correction submission shall include a statement that the person submitting the corrections certifies that, to the best of his or her knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete:
 - A) The person must execute the certification statement with a valid electronic signature; and
 - B) The person may submit a batch upload of data corrections under one certification statement.
 - 4) Upon receipt by the e-Manifest System of any correction submission, other interested persons shown on the manifest will be provided electronic notice of the submitter's corrections.
 - 5) Other interested persons shown on the manifest may respond to the submitter's corrections with comments to the submitter, or by submitting another correction to the e-Manifest System, certified by the respondent as

644 specified in subsection (1)(3), and with notice of the corrections to other
645 interested persons shown on the manifest.

646 (Source: Amended at 42 Ill. Reg. _____, effective _____)
647

648
649 SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,
650 SURFACE IMPOUNDMENTS, AND CONTAINERS
651

652 **Section 724.986 Standards: Containers**
653

- 654 a) The provisions of this Section apply to the control of air pollutant emissions from
655 containers for which Section 724.982(b) references the use of this Section for
656 such air emission control.
657
- 658 b) General Requirements.
- 659 1) The owner or operator must control air pollutant emissions from each
660 container subject to this Section in accordance with the following
661 requirements, as applicable to the container, except when the special
662 provisions for waste stabilization processes specified in subsection (b)(2)
663 apply to the container.
664
- 665 A) For a container having a design capacity greater than 0.1 m³ (26
666 gal) and less than or equal to 0.46 m³ (120 gal), the owner or
667 operator must control air pollutant emissions from the container in
668 accordance with the Container Level 1 standards specified in
669 subsection (c).
670
- 671 B) For a container having a design capacity greater than 0.46 m³ (120
672 gal) that is not in light material service, the owner or operator must
673 control air pollutant emissions from the container in accordance
674 with the Container Level 1 standards specified in subsection (c).
675
- 676 C) For a container having a design capacity greater than 0.46 m³ (120
677 gal) that is in light material service, the owner or operator must
678 control air pollutant emissions from the container in accordance
679 with the Container Level 2 standards specified in subsection (d).
680
- 681 2) When a container having a design capacity greater than 0.1 m³ (26 gal) is
682 used for treatment of a hazardous waste by a waste stabilization process,
683 the owner or operator must control air pollutant emissions from the
684 container in accordance with the Container Level 3 standards specified in
685 subsection (e) of this Section at those times during the waste stabilization
686

687 process when the hazardous waste in the container is exposed to the
 688 atmosphere.
 689

690 c) Container Level 1 standards.

691
 692 1) A container using Container Level 1 controls is one of the following:

693 A) A container that meets the applicable USDOT regulations on
 694 packaging hazardous materials for transportation, as specified in
 695 subsection (f).
 696

697 B) A container equipped with a cover and closure devices that form a
 698 continuous barrier over the container openings so that when the
 699 cover and closure devices are secured in the closed position there
 700 are no visible holes, gaps, or other open spaces into the interior of
 701 the container. The cover may be a separate cover installed on the
 702 container (e.g., a lid on a drum or a suitably secured tarp on a roll-
 703 off box) or may be an integral part of the container structural
 704 design (e.g., a "portable tank" or bulk cargo container equipped
 705 with a screw-type cap).
 706

707 C) An open-top container in which an organic-vapor suppressing
 708 barrier is placed on or over the hazardous waste in the container so
 709 that no hazardous waste is exposed to the atmosphere. One
 710 example of such a barrier is application of a suitable organic-vapor
 711 suppressing foam.
 712

713
 714 2) A container used to meet the requirements of subsection (c)(1)(B) or
 715 (c)(1)(C) must be equipped with covers and closure devices, as applicable
 716 to the container, that are composed of suitable materials to minimize
 717 exposure of the hazardous waste to the atmosphere and to maintain the
 718 equipment integrity for as long as it is in service. Factors to be considered
 719 in selecting the materials of construction and designing the cover and
 720 closure devices must include the following: the organic vapor
 721 permeability; the effects of contact with the hazardous waste or its vapor
 722 managed in the container; the effects of outdoor exposure of the closure
 723 device or cover material to wind, moisture, and sunlight; and the operating
 724 practices for which the container is intended to be used.
 725

726 3) Whenever a hazardous waste is in a container using Container Level 1
 727 controls, the owner or operator must install all covers and closure devices
 728 for the container, as applicable to the container, and secure and maintain
 729 each closure device in the closed position, except as follows:

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- A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container, as follows:
 - i) If the container is filled to the intended final level in one continuous operation, the owner or operator must promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.
 - ii) If discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container, as follows:
 - i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).
 - ii) If discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever

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condition occurs first.

- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.
 - D) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.
 - E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
- 4) The owner or operator of containers using Container Level 1 controls must inspect the containers and their covers and closure devices, as follows:
- A) If a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the

816 container is accepted at the facility (i.e., it does not meet the
 817 conditions for an empty container, as specified in 35 Ill. Adm.
 818 Code 721.107(b)), the owner or operator must visually inspect the
 819 container and its cover and closure devices to check for visible
 820 cracks, holes, gaps, or other open spaces into the interior of the
 821 container when the cover and closure devices are secured in the
 822 closed position. The container visual inspection must be
 823 conducted on or before the date on which the container is accepted
 824 at the facility (i.e., the date when the container becomes subject to
 825 the Subpart CC container standards). For the purposes of this
 826 requirement, the date of acceptance is the date of signature that the
 827 facility owner or operator enters on Item 20 of the Uniform
 828 Hazardous Waste Manifest, ~~as set forth in the appendix to 40 CFR~~
 829 ~~262 (Uniform Hazardous Waste Manifest and Instructions (EPA~~
 830 ~~Forms 8700-22 and 8700-22A and Their Instructions)),~~
 831 ~~incorporated by reference in 35 Ill. Adm. Code 720.111(b)~~
 832 ~~(USEPA FormForms 8700-22 and 8700-22A), incorporated by~~
 833 ~~reference in 35 Ill. Adm. Code 720.111, as required under Section~~
 834 ~~724.171. If a defect is detected, the owner or operator must repair~~
 835 ~~the defect in accordance with the requirements of subsection~~
 836 ~~(c)(4)(C).~~

837
 838 B) If a container used for managing hazardous waste remains at the
 839 facility for a period of one year or more, the owner or operator
 840 must visually inspect the container and its cover and closure
 841 devices initially and thereafter, at least once every 12 months, to
 842 check for visible cracks, holes, gaps, or other open spaces into the
 843 interior of the container when the cover and closure devices are
 844 secured in the closed position. If a defect is detected, the owner or
 845 operator must repair the defect in accordance with the
 846 requirements of subsection (c)(4)(C).

847
 848 C) When a defect is detected for the container, cover, or closure
 849 devices, the owner or operator must make first efforts at repair of
 850 the defect no later than 24 hours after detection and repair must be
 851 completed as soon as possible but no later than five calendar days
 852 after detection. If repair of a defect cannot be completed within
 853 five calendar days, then the hazardous waste must be removed
 854 from the container and the container must not be used to manage
 855 hazardous waste until the defect is repaired.

856
 857 5) The owner or operator must maintain at the facility a copy of the
 858 procedure used to determine that containers with capacity of 0.46 m³ (120

859 gal) or greater that do not meet applicable USDOT regulations, as
 860 specified in subsection (f), are not managing hazardous waste in light
 861 material service.
 862

863 d) Container Level 2 Standards.
 864

865 1) A container using Container Level 2 controls is one of the following:
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867 A) A container that meets the applicable USDOT regulations on
 868 packaging hazardous materials for transportation, as specified in
 869 subsection (f).
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871 B) A container that operates with no detectable organic emissions, as
 872 defined in 35 Ill. Adm. Code 725.981, and determined in
 873 accordance with the procedure specified in subsection (g).
 874

875 C) A container that has been demonstrated within the preceding 12
 876 months to be vapor-tight by using Reference Method 27
 877 (Determination of Vapor Tightness of Gasoline Delivery Tank
 878 Using Pressure-Vacuum Test) in appendix A to 40 CFR 60 (Test
 879 Methods), incorporated by reference in 35 Ill. Adm. Code
 880 720.111(b), in accordance with the procedure specified in
 881 subsection (h).
 882

883 2) Transfer of hazardous waste in or out of a container using Container Level
 884 2 controls must be conducted in such a manner as to minimize exposure of
 885 the hazardous waste to the atmosphere, to the extent practical, considering
 886 the physical properties of the hazardous waste and good engineering and
 887 safety practices for handling flammable, ignitable, explosive, reactive, or
 888 other hazardous materials. Examples of container loading procedures that
 889 the USEPA considers to meet the requirements of this subsection (d)(2)
 890 include using any one of the following: a submerged-fill pipe or other
 891 submerged-fill method to load liquids into the container; a vapor-
 892 balancing system or a vapor-recovery system to collect and control the
 893 vapors displaced from the container during filling operations; or a fitted
 894 opening in the top of a container through which the hazardous waste is
 895 filled and subsequently purging the transfer line before removing it from
 896 the container opening.
 897

898 3) Whenever a hazardous waste is in a container using Container Level 2
 899 controls, the owner or operator must install all covers and closure devices
 900 for the container, and secure and maintain each closure device in the
 901 closed position, except as follows:

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- A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container, as follows:
 - i) If the container is filled to the intended final level in one continuous operation, the owner or operator must promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.
 - ii) If discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon whichever of the following conditions occurs first: the container, being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container.

- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container, as follows:
 - i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).
 - ii) If discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever

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condition occurs first.

- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

- D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

- E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 2 controls must inspect the containers and their covers and closure devices, as follows:

- A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24

988 hours after the container is accepted at the facility (i.e., it does not
 989 meet the conditions for an empty container as specified in 35 Ill.
 990 Adm. Code 721.107(b)), the owner or operator must visually
 991 inspect the container and its cover and closure devices to check for
 992 visible cracks, holes, gaps, or other open spaces into the interior of
 993 the container when the cover and closure devices are secured in the
 994 closed position. The container visual inspection must be
 995 conducted on or before the date on which the container is accepted
 996 at the facility (i.e., the date when the container becomes subject to
 997 the Subpart CC container standards). For the purposes of this
 998 requirement, the date of acceptance is the date of signature that the
 999 facility owner or operator enters on Item 20 of the Uniform
 1000 Hazardous Waste Manifest, ~~in the appendix to 40 CFR 262~~
 1001 ~~(Uniform Hazardous Waste Manifest and Instructions (USEPA~~
 1002 ~~Form Forms 8700-22 and 8700-22A and Their Instructions))~~,
 1003 incorporated by reference in 35 Ill. Adm. Code 722.111, as
 1004 required under Section 724.171. If a defect is detected, the owner
 1005 or operator must repair the defect in accordance with the
 1006 requirements of subsection (d)(4)(C).
 1007

1008 B) If a container used for managing hazardous waste remains at the
 1009 facility for a period of one year or more, the owner or operator
 1010 must visually inspect the container and its cover and closure
 1011 devices initially and thereafter, at least once every 12 months, to
 1012 check for visible cracks, holes, gaps, or other open spaces into the
 1013 interior of the container when the cover and closure devices are
 1014 secured in the closed position. If a defect is detected, the owner or
 1015 operator must repair the defect in accordance with the
 1016 requirements of subsection (d)(4)(C).
 1017

1018 C) When a defect is detected for the container, cover, or closure
 1019 devices, the owner or operator must make first efforts at repair of
 1020 the defect no later than 24 hours after detection, and repair must be
 1021 completed as soon as possible but no later than five calendar days
 1022 after detection. If repair of a defect cannot be completed within
 1023 five calendar days, then the hazardous waste must be removed
 1024 from the container and the container must not be used to manage
 1025 hazardous waste until the defect is repaired.
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1027 e) Container Level 3 Standards.

1028 1) A container using Container Level 3 controls is one of the following:
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- A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B).
 - B) A container that is vented inside an enclosure that is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B).
- 2) The owner or operator must meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:
- A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b). The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator must perform the verification procedure for the enclosure, as specified in Section 5.0 to "Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.
 - B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.
- 3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1).
- 4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart CC must inspect and monitor the closed-vent systems and control devices, as specified in Section 724.987.
- 5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart CC must prepare and maintain the records specified in Section 724.989(d).

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- 6) The transfer of hazardous waste into or out of a container using Container Level 3 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA considers to meet the requirements of this subsection (e)(6) include using any one of the following: the use of a submerged-fill pipe or other submerged-fill method to load liquids into the container; the use of a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or the use of a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.
- 1090 f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A), containers
 1091 must be used that meet the applicable USDOT regulations on packaging
 1092 hazardous materials for transportation, as follows:
 1093
- 1094 1) The container meets the applicable requirements specified by USDOT in
 1095 49 CFR 178 (Specifications for Packaging), or 49 CFR 179
 1096 (Specifications for Tank Cars), each incorporated by reference in 35 Ill.
 1097 Adm. Code 720.111(b).
 1098
- 1099 2) Hazardous waste is managed in the container in accordance with the
 1100 applicable requirements specified by USDOT in subpart B of 49 CFR 107
 1101 (Exemptions), 49 CFR 172 (Hazardous Materials Table, Special
 1102 Provisions, Hazardous Materials Communications, Emergency Response
 1103 Information, and Training Requirements), 49 CFR 173 (Shippers –
 1104 General Requirements for Shipments and Packages), and 49 CFR 180
 1105 (Continuing Qualification and Maintenance of Packagings), each
 1106 incorporated by reference in 35 Ill. Adm. Code 720.111(b).
 1107
- 1108 3) For the purpose of complying with this Subpart CC, no exceptions to the
 1109 49 CFR 178 or 179 regulations are allowed, except as provided for in
 1110 subsection (f)(4).
 1111
- 1112 4) For a lab pack that is managed in accordance with the USDOT
 1113 requirements of 49 CFR 178 (Specifications for Packagings), for the
 1114 purpose of complying with this Subpart CC, an owner or operator may
 1115 comply with the exceptions for combination packagings specified by
 1116 USDOT in 49 CFR 173.12(b) (Exceptions for Shipments of Waste

- 1117 Materials), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
1118
1119 g) To determine compliance with the no detectable organic emissions requirement of
1120 subsection (d)(1)(B), the procedure specified in Section 724.983(d) must be used.
1121
1122 1) Each potential leak interface (i.e., a location where organic vapor leakage
1123 could occur) on the container, its cover, and associated closure devices, as
1124 applicable to the container, must be checked. Potential leak interfaces that
1125 are associated with containers include, but are not limited to, the
1126 following: the interface of the cover rim and the container wall; the
1127 periphery of any opening on the container or container cover and its
1128 associated closure device; and the sealing seat interface on a spring-loaded
1129 pressure-relief valve.
1130
1131 2) The test must be performed when the container is filled with a material
1132 having a volatile organic concentration representative of the range of
1133 volatile organic concentrations for the hazardous wastes expected to be
1134 managed in this type of container. During the test, the container cover and
1135 closure devices must be secured in the closed position.
1136
1137 h) Procedure for determining a container to be vapor-tight using Reference Method
1138 27 for the purpose of complying with subsection (d)(1)(C).
1139
1140 1) The test must be performed in accordance with Reference Method 27.
1141
1142 2) A pressure measurement device must be used that has a precision of ± 2.5
1143 mm (0.098 in) water and that is capable of measuring above the pressure
1144 at which the container is to be tested for vapor tightness.
1145
1146 3) If the test results determined by Reference Method 27 indicate that the
1147 container sustains a pressure change less than or equal to 0.75 kPa (0.11
1148 psig) within five minutes after it is pressurized to a minimum of 4.5 kPa
1149 (0.65 psig), then the container is determined to be vapor-tight.
1150

1151 (Source: Amended at 42 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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- 724.103 Relationship to Interim Status Standards
- 724.104 Electronic Reporting

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Section

- 724.110 Applicability
- 724.111 USEPA Identification Number
- 724.112 Required Notices
- 724.113 General Waste Analysis
- 724.114 Security
- 724.115 General Inspection Requirements
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- 724.118 Location Standards
- 724.119 Construction Quality Assurance Program

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- 724.132 Required Equipment
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724.245 Financial Assurance for Post-Closure Care
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724.274 Inspections
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724.277 Special Requirements for Incompatible Wastes
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724.292 Design and Installation of New Tank Systems or Components
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Unfit-for-Use Tank Systems
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724.298 Special Requirements for Ignitable or Reactive Waste
724.299 Special Requirements for Incompatible Wastes
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Section

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724.321 Design and Operating Requirements
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724.329 Special Requirements for Ignitable or Reactive Waste
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- 724.357 Special Requirements for Incompatible Wastes
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Section

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- 724.381 Special Requirements for Ignitable or Reactive Waste
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Section

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- 724.651 Grandfathered Corrective Action Management Units
- 724.652 Corrective Action Management Units
- 724.653 Temporary Units
- 724.654 Staging Piles
- 724.655 Disposal of CAMU-Eligible Wastes in Permitted Hazardous Waste Landfills

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- 724.670 Applicability
- 724.671 Assessment of Existing Drip Pad Integrity
- 724.672 Design and Installation of New Drip Pads
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- 724.700 Applicability
- 724.701 Environmental Performance Standards
- 724.702 Monitoring, Analysis, Inspection, Response, Reporting, and Corrective Action
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- 724.930 Applicability
- 724.931 Definitions
- 724.932 Standards: Process Vents
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724.954 Standards: Pressure Relief Devices in Gas/Vapor Service
724.955 Standards: Sampling Connecting Systems
724.956 Standards: Open-ended Valves or Lines
724.957 Standards: Valves in Gas/Vapor or Light Liquid Service
724.958 Standards: Pumps, Valves, Pressure Relief Devices, and Other
Connectors
724.959 Standards: Delay of Repair
724.960 Standards: Closed-Vent Systems and Control Devices
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SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,
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724.987 Standards: Closed-Vent Systems and Control Devices
724.988 Inspection and Monitoring Requirements
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SUBPART DD: CONTAINMENT BUILDINGS

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SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

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- 724.APPENDIX A Recordkeeping Instructions
- 724.APPENDIX B EPA Report Form and Instructions (Repealed)
- 724.APPENDIX D Cochran's Approximation to the Behrens-Fisher Student's T-Test
- 724.APPENDIX E Examples of Potentially Incompatible Waste
- 724.APPENDIX I Groundwater Monitoring List

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. 18873, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17965, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17773, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1724, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11726, effective August 9, 2016; amended in R19-2 at 42 Ill. Reg. _____, effective _____.

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 724.171 Use of Manifest System

a) Receipt of Manifested Hazardous Waste.

1) If a facility receives hazardous waste accompanied by a manifest, the owner, operator, or its agent must sign and date the manifest, as indicated in subsection (a)(2), to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator, or its agent must do the following:

A) The owner, operator, or agent must sign and date each copy of the manifest;

B) The owner, operator, or agent must note any discrepancies (as defined in Section 724.172) on each copy of the manifest;

C) The owner, operator, or agent must immediately give the transporter at least one copy of the manifest;

D) The owner, operator, or agent must send a copy (Page 3) of the manifest to the generator within 30 days after delivery;

E) Paper manifest submission requirements are the following:

i) The owner, operator, or agent must send the top copy (Page 1) of any paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing, or in lieu of submitting the paper copy to the e-Manifest System operator, the owner or operator may transmit to the e-Manifest System operator an image file of Page 1 of the manifest and any continuation sheet, or both a data string file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days ~~of~~after the date of delivery. Submissions of copies to the e-Manifest ~~system~~System must be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System; and

ii) Options for Compliance on June 30, 2021. Beginning on June 30, 2021, the requirement to submit the top copy (Page 1) of the paper manifest and any paper continuation sheet to the e-Manifest ~~system~~System for purposes of data entry and processing may be met by the owner or operator only by transmitting to the USEPA system an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the USEPA system both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days ~~of~~after the date of delivery. Submissions of copies to the e-Manifest ~~system~~System shall be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA will not accept mailed paper manifests from facilities for processing in e-Manifest; and

F) The owner, operator, or agent must retain at the facility a copy of each manifest for at least three years after the date of delivery.

3) If a facility receives hazardous waste imported from a foreign source, the receiving facility must mail a copy of the manifest and documentation confirming USEPA's consent to the import of hazardous waste to the following address within 30 days after delivery: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460.

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

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

2) It must note any significant discrepancies (as defined in Section 724.172(a)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

BOARD NOTE: The Board does not intend that the owner or operator of a facility whose procedures under Section 724.113(c) include waste analysis must perform that analysis before signing the shipping paper and giving it to the transporter. Section 724.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

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

4) The owner or operator must send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the

manifest has not been received within 30 days after delivery) to the generator within 30 days after the delivery; and

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

5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722.

BOARD NOTE: The provisions of 35 Ill. Adm. Code 722.134 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of Section 722.134 only apply to owners or operators that are shipping hazardous waste that they generated at that facility.

d) Within three working days after the receipt of a shipment subject to Subpart H of 35 Ill. Adm. Code 722, the owner or operator of a facility must provide a copy of the movement document bearing all required signatures to the exporter; to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; to the Bureau of Land, Division of Land Pollution Control, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, IL 62794-9276; and to competent authorities of all other concerned countries. The original copy of the movement document must be maintained at the facility for at least three years from the date of signature.

e) A facility must determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state hazardous waste program. A facility must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to that state.

f) Legal Equivalence to Paper Manifests. E-Manifests that are obtained, completed, transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3), and used in accordance with this Section in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain, complete, sign, provide, use, or retain a manifest.

1) Any requirement in 35 Ill. Adm. Code 720 through 728 for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing

with or obtaining a valid and enforceable electronic signature within the meaning of 35 Ill. Adm. Code 722.125.

2) Any requirement in 35 Ill. Adm. Code 720 through 728 to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an e-Manifest is transmitted to the other person.

3) Any requirement in 35 Ill. Adm. Code 720 through 728 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an e-Manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the hazardous waste shipment.

4) Any requirement in 35 Ill. Adm. Code 720 through 728 for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's e-Manifest copies in its account on the e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or Agency inspector.

5) No owner or operator may be held liable for the inability to produce an e-Manifest for inspection under this Section if the owner or operator can demonstrate that the inability to produce the e-Manifest is due exclusively to a technical difficulty with the e-Manifest System for which the owner or operator bears no responsibility.

g) An owner or operator may participate in the e-Manifest System either by accessing the e-Manifest System from the owner's or operator's electronic equipment, or by accessing the e-Manifest System from portable equipment brought to the owner's or operator's site by the transporter that delivers the waste shipment to the facility.

h) Special Procedures Applicable to Replacement Manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures apply to the delivery of the hazardous waste by the final transporter:

1) Upon delivery of the hazardous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest by hand in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the paper replacement manifest;

2) The owner or operator of the facility must give back to the final transporter one copy of the paper replacement manifest;

3) Within 30 days after delivery of the hazardous waste to the designated facility, the owner or operator of the facility must send one signed and dated copy of the paper replacement manifest to the generator and send an additional signed and dated copy of the paper replacement manifest to the e-Manifest System; and

4) The owner or operator of the facility must retain at the facility one copy of the paper replacement manifest for at least three years after the date of delivery.

i) Special procedures applicable to electronic signature methods undergoing tests. If an owner or operator using an e-Manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, the owner or operator must also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator must retain this original copy among its records for at least three years after the date of delivery of the waste.

j) Imposition of User Fee for Electronic Manifest Submissions.

1) As prescribed in 40 CFR 264.1311, incorporated by reference in 35 Ill. Adm. Code 720.111, and determined in 40 CFR 264.1312, incorporated by reference in 35 Ill. Adm. Code 720.111, an owner or operator that is a user of the e-Manifest System must be assessed a user fee by USEPA for the submission and processing of each e-Manifest and paper manifest. USEPA has stated that it would update the schedule of user fees and publish them to the user community, as provided in 40 CFR 264.1313, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) An owner or operator subject to user fees under this Section must make user fee payments in accordance with the requirements of 40 CFR 264.1314, incorporated by reference in 35 Ill. Adm. Code 720.111, subject to the informal fee dispute resolution process of 40 CFR 264.1316, incorporated by reference in 35 Ill. Adm. Code 720.111, and subject to the sanctions for delinquent payments under 40 CFR 264.1315, incorporated by reference in 35 Ill. Adm. Code 720.111.

k) E-Manifest Signatures. E-Manifest signatures must meet the criteria described in 35 Ill. Adm. Code 722.125.

1) Post-Receipt Manifest Data Corrections. After a facility has certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections ~~it~~ may ~~submit~~ be submitted at any time by any interested person (i.e., any waste handler shown on the manifest or the Agency).

1) An interested person ~~use~~ must make all corrections to manifest data by electronic submission, either by directly entering corrected data to the web based service provided in the e-Manifest System for such corrections, or by an upload of a data file containing data corrections relating to one or more previously submitted manifests.

2) Each correction submission must include the following information:

A) The Manifest Tracking Number and date of receipt by the facility of the original manifests for which data are being corrected;

B) The item numbers of the original manifest that is the subject of the submitted corrections; and

C) For each item number with corrected data, the data previously entered and the corresponding data as corrected by the correction submission.

3) Each correction submission shall include a statement that the person submitting the corrections certifies that, to the best of his or her knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete:

A) The person must execute the certification statement with a valid electronic signature; and

B) The person may submit a batch upload of data corrections under one certification statement.

4) Upon receipt by the e-Manifest System of any correction submission, other interested persons shown on the manifest will be provided electronic notice of the submitter's corrections.

5) Other interested persons shown on the manifest may respond to the submitter's corrections with comments to the submitter, or by submitting another correction to the e-Manifest System, certified by the respondent as specified in subsection (1)(3), and with notice of the corrections to other interested persons shown on the manifest.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,
SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 724.986 Standards: Containers

a) The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 724.982(b) references the use of this Section for such air emission control.

b) General Requirements.

1) The owner or operator must control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in subsection (b)(2) apply to the container.

A) For a container having a design capacity greater than 0.1 m³ (26 gal) and less than or equal to 0.46 m³ (120 gal), the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c).

B) For a container having a design capacity greater than 0.46 m³ (120 gal) that is not in light material service, the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c).

C) For a container having a design capacity greater than 0.46 m³ (120 gal) that is in light material service, the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d).

2) When a container having a design capacity greater than 0.1 m³ (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.

c) Container Level 1 ~~Standards.~~ standards.

1) A container using Container Level 1 controls is one of the following:

A) A container that meets the applicable USDOT regulations on packaging hazardous materials for transportation, as specified in subsection (f).

B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).

C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container so that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.

2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to

maintain the equipment integrity for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.

3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator must install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position, except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container, as follows:

i) If the container is filled to the intended final level in one continuous operation, the owner or operator must promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) If discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container, as follows:

i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

ii) If discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 1 controls must inspect the containers and their covers and closure devices, as follows:

A) If a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container, as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator must visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest (USEPA Form 8700-22), incorporated by

reference in 35 Ill. Adm. Code 720.111, as required under Section 724.171. If a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (c) (4) (C).

B) If a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator must visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (c) (4) (C).

C) When a defect is detected for the container, cover, or closure devices, the owner or operator must make first efforts at repair of the defect no later than 24 hours after detection and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

5) The owner or operator must maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m³ (120 gal) or greater that do not meet applicable USDOT regulations, as specified in subsection (f), are not managing hazardous waste in light material service.

d) Container Level 2 Standards.

1) A container using Container Level 2 controls is one of the following:

A) A container that meets the applicable USDOT regulations on packaging hazardous materials for transportation, as specified in subsection (f).

B) A container that operates with no detectable organic emissions, as defined in 35 Ill. Adm. Code 725.981, and determined in accordance with the procedure specified in subsection (g).

C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using Reference Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), in accordance with the procedure specified in subsection (h).

2) Transfer of hazardous waste in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the

extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that the USEPA considers to meet the requirements of this subsection (d)(2) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator must install all covers and closure devices for the container, and secure and maintain each closure device in the closed position, except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container, as follows:

i) If the container is filled to the intended final level in one continuous operation, the owner or operator must promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) If discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon whichever of the following conditions occurs first: the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container, as follows:

i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

ii) If discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the

unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 2 controls must inspect the containers and their covers and closure devices, as follows:

A) ~~If~~In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator must visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards).

For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest (USEPA Form 8700-22), incorporated by reference in 35 Ill. Adm. Code 722.111, as required under Section 724.171. If a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (d)(4)(C).

B) If a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator must visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (d)(4)(C).

C) When a defect is detected for the container, cover, or closure devices, the owner or operator must make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

e) Container Level 3 Standards.

1) A container using Container Level 3 controls is one of the following:

A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B).

B) A container that is vented inside an enclosure that is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B).

2) The owner or operator must meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T - Criteria for and Verification of a Permanent or Temporary Total Enclosure" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b). The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow

into the enclosure. The owner or operator must perform the verification procedure for the enclosure, as specified in Section 5.0 ~~of to~~ "Procedure T - Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e) (1).

4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart CC must inspect and monitor the closed-vent systems and control devices, as specified in Section 724.987.

5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart CC must prepare and maintain the records specified in Section 724.989(d).

6) The transfer of hazardous waste into or out of a container using Container Level 3 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA considers to meet the requirements of this subsection (e) (6) include using any one of the following: the use of a submerged-fill pipe or other submerged-fill method to load liquids into the container; the use of a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or the use of a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

f) For the purpose of compliance with subsection (c) (1) (A) or (d) (1) (A), containers must be used that meet the applicable USDOT regulations on packaging hazardous materials for transportation, as follows:

1) The container meets the applicable requirements specified by USDOT in 49 CFR 178 (Specifications for Packaging), or 49 CFR 179 (Specifications for Tank Cars), each incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) Hazardous waste is managed in the container in accordance with the applicable requirements specified by USDOT in subpart B of 49 CFR 107 (Exemptions), 49 CFR 172 (Hazardous Materials Table, Special Provisions,

Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 49 CFR 173 (Shippers - General Requirements for Shipments and Packages), and 49 CFR 180 (Continuing Qualification and Maintenance of Packagings), each incorporated by reference in 35 Ill. Adm. Code 720.111(b).

3) For the purpose of complying with this Subpart CC, no exceptions to the 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4).

4) For a lab pack that is managed in accordance with the USDOT requirements of 49 CFR 178 (Specifications for Packagings), for the purpose of complying with this Subpart CC, an owner or operator may comply with the exceptions for combination packagings specified by USDOT in 49 CFR 173.12(b) (Exceptions for Shipments of Waste Materials), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

g) To determine compliance with the no detectable organic emissions requirement of subsection (d)(1)(B), the procedure specified in Section 724.983(d) must be used.

1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include, but are not limited to, the following: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.

2) The test must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.

h) Procedure for determining a container to be vapor-tight using Reference Method 27 for the purpose of complying with subsection (d)(1)(C).

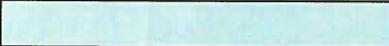
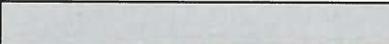
1) The test must be performed in accordance with Reference Method 27.

2) A pressure measurement device must be used that has a precision of ± 2.5 mm (0.098 in) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.

3) If the test results determined by Reference Method 27 indicate that the container sustains a pressure change less than or equal to 0.75 kPa (0.11 psig) within five minutes after it is pressurized to a minimum of 4.5 kPa (0.65 psig), then the container is determined to be vapor-tight.

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Document 2 ID	file:///I:\Input\Agency Rulemakings - Files Received\2018\August 2018\35-724-r01(issue 33).docx
Description	35-724-r01(issue 33)
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Deletions	20
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Format changed	0
Total changes	34

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) Code Citation: 35 Ill. Adm. Code 724
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
724.171	Amendment
724.986	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 724 are a single segment of the docket R19-3 rulemaking that also affects 35 Ill. Adm. Code 721 through 723 and 725. The R19-3 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during the first half of 2018: January 1, 2018 through June 30, 2018. To save space, a more detailed description of the subjects and issues involved in the docket R19-3 rulemaking appears in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of July 26, 2018, proposing amendments in docket R19-3, which opinion and order is available from the address below.

R19-3 further includes limited corrections and non-substantive stylistic revisions that the Board finds necessary. Some of these were included in the pending consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking, which appeared in the following issues of the *Illinois Register* as indicated in the answer to question 10 below.

Specifically, the amendments to Part 724 incorporate elements of the federal e-Manifest System user fees provisions and changes in the general hazardous waste manifest requirements. The Board makes several needed corrections in the text of the rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to docket R19-3. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in docket R19-3.

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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 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) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
724.101	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.103	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.110	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.112	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.113	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.114	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.115	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.116	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.117	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.118	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.119	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.132	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.133	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.156	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.171	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.172	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.173	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.175	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.176	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.190	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.191	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.193	Amendment	42 Ill. Reg. 11594; June 29, 2018

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724.196	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.197	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.198	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.199	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.200	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.201	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.213	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.216	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.217	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.218	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.219	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.241	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.242	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.243	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.245	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.247	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.270	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.274	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.275	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.279	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.290	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.291	Amendment	42 Ill. Reg. 11594; June 29, 2018
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724.295	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.296	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.297	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.298	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.300	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.321	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.323	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.327	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.328	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.332	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.350	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.351	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.353	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.358	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.372	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.373	Amendment	42 Ill. Reg. 11594; June 29, 2018

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724.376	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.378	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.380	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.382	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.401	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.404	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.410	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.412	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.413	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.414	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.416	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.440	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.443	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.444	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.445	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.650	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.651	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.652	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.653	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.654	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.655	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.670	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.671	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.673	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.675	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.701	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.930	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.931	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.932	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.933	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.934	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.935	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.950	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.951	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.952	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.953	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.954	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.955	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.956	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.957	Amendment	42 Ill. Reg. 11594; June 29, 2018

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NOTICE OF PROPOSED AMENDMENTS

724.958	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.960	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.961	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.962	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.963	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.964	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.980	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.983	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.984	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.985	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.986	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.987	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.988	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.989	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.990	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.1101	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.1102	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.1201	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.1202	Amendment	42 Ill. Reg. 11594; June 29, 2018
724.Appendix I	Amendment	42 Ill. Reg. 11594; June 29, 2018

- 11) 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 R19-3 and be addressed to:

Don A. Brown, 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 R19-3:

Michael J. McCambridge
Staff Attorney

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Illinois Pollution Control Board
100 W. Randolph, 11-500
Chicago IL 60601

312/814-6924
email: michael.mccambridge@illinois.gov

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 disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. 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)].
- 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. 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)].
- 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. 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)].

14) Regulatory Agenda on which this rulemaking was summarized: July 2018

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