

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) Code Citation: 35 Ill. Adm. Code 725
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
725.171	Amendment
725.987	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 725 are a single segment of the docket R19-3 rulemaking that also affects 35 Ill. Adm. Code 720 through 724. 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 725 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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AUG 17 2018

STATE OF ILLINOIS  
Pollution Control Board

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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 any 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>
725.101	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.104	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.112	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.113	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.114	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.116	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.119	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.171	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.172	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.173	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.175	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.176	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.177	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.190	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.192	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.193	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.210	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.212	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.213	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.217	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.218	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.219	Amendment	42 Ill. Reg. 12003; June 29, 2018

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725.221	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.240	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.241	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.242	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.243	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.244	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.245	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.247	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.274	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.290	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.291	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.292	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.293	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.295	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.296	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.297	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.298	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.301	Repealed	42 Ill. Reg. 12003; June 29, 2018
725.302	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.321	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.322	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.324	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.325	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.326	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.328	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.350	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.353	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.354	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.355	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.358	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.359	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.376	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.378	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.380	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.401	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.402	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.403	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.404	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.410	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.412	Amendment	42 Ill. Reg. 12003; June 29, 2018

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725.414	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.416	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.440	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.470	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.500	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.530	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.540	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.541	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.543	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.930	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.931	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.932	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.933	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.934	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.935	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.950	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.951	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.953	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.954	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.955	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.956	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.957	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.958	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.960	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.961	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.962	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.963	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.964	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.980	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.981	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.982	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.983	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.984	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.986	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.988	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.989	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.990	Amendment	42 Ill. Reg. 12003; June 29, 2018
724.1101	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.1102	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.1200	Amendment	42 Ill. Reg. 12003; June 29, 2018

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725.1201	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.1202	Amendment	42 Ill. Reg. 12003; June 29, 2018
725.Appendix F	Amendment	42 Ill. Reg. 12003; 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 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  
Illinois Pollution Control Board  
100 W. Randolph, 11-500  
Chicago IL 60601

312/814-6924  
e-mail: 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

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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 725  
7 INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS  
8 WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES  
9

10 SUBPART A: GENERAL PROVISIONS  
11

- 12 Section  
13 725.101 Purpose, Scope, and Applicability  
14 725.102 Electronic Reporting  
15 725.104 Imminent Hazard Action  
16

17 SUBPART B: GENERAL FACILITY STANDARDS  
18

- 19 Section  
20 725.110 Applicability  
21 725.111 USEPA Identification Number  
22 725.112 Required Notices  
23 725.113 General Waste Analysis  
24 725.114 Security  
25 725.115 General Inspection Requirements  
26 725.116 Personnel Training  
27 725.117 General Requirements for Ignitable, Reactive, or Incompatible Wastes  
28 725.118 Location Standards  
29 725.119 Construction Quality Assurance Program  
30

31 SUBPART C: PREPAREDNESS AND PREVENTION  
32

- 33 Section  
34 725.130 Applicability  
35 725.131 Maintenance and Operation of Facility  
36 725.132 Required Equipment  
37 725.133 Testing and Maintenance of Equipment  
38 725.134 Access to Communications or Alarm System  
39 725.135 Required Aisle Space  
40 725.137 Arrangements with Local Authorities  
41

42 SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES  
43

44	Section	
45	725.150	Applicability
46	725.151	Purpose and Implementation of Contingency Plan
47	725.152	Content of Contingency Plan
48	725.153	Copies of Contingency Plan
49	725.154	Amendment of Contingency Plan
50	725.155	Emergency Coordinator
51	725.156	Emergency Procedures

52

53           SUBPART E: MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

54

55	Section	
56	725.170	Applicability
57	725.171	Use of Manifest System
58	725.172	Manifest Discrepancies
59	725.173	Operating Record
60	725.174	Availability, Retention, and Disposition of Records
61	725.175	Annual Report
62	725.176	Unmanifested Waste Report
63	725.177	Additional Reports

64

65                           SUBPART F: GROUNDWATER MONITORING

66

67	Section	
68	725.190	Applicability
69	725.191	Groundwater Monitoring System
70	725.192	Sampling and Analysis
71	725.193	Preparation, Evaluation, and Response
72	725.194	Recordkeeping and Reporting

73

74                           SUBPART G: CLOSURE AND POST-CLOSURE CARE

75

76	Section	
77	725.210	Applicability
78	725.211	Closure Performance Standard
79	725.212	Closure Plan; Amendment of Plan
80	725.213	Closure; Time Allowed for Closure
81	725.214	Disposal or Decontamination of Equipment, Structures, and Soils
82	725.215	Certification of Closure
83	725.216	Survey Plat
84	725.217	Post-Closure Care and Use of Property
85	725.218	Post-Closure Care Plan; Amendment of Plan
86	725.219	Post-Closure Notices

87 725.220 Certification of Completion of Post-Closure Care  
88 725.221 Alternative Post-Closure Care Requirements

89

90

SUBPART H: FINANCIAL REQUIREMENTS

91

92 Section

93 725.240 Applicability

94 725.241 Definitions of Terms as Used in this Subpart H

95 725.242 Cost Estimate for Closure

96 725.243 Financial Assurance for Closure

97 725.244 Cost Estimate for Post-Closure Care

98 725.245 Financial Assurance for Post-Closure Monitoring and Maintenance

99 725.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-Closure  
100 Care

101 725.247

Liability Requirements

102 725.248

Incapacity of Owners or Operators, Guarantors, or Financial Institutions

103 725.251

Promulgation of Forms (Repealed)

104

105

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

106

107 Section

108 725.270 Applicability

109 725.271 Condition of Containers

110 725.272 Compatibility of Waste with Containers

111 725.273 Management of Containers

112 725.274 Inspections

113 725.276 Special Requirements for Ignitable or Reactive Wastes

114 725.277 Special Requirements for Incompatible Wastes

115 725.278 Air Emission Standards

116

117

SUBPART J: TANK SYSTEMS

118

119 Section

120 725.290 Applicability

121 725.291 Assessment of Existing Tank System Integrity

122 725.292 Design and Installation of New Tank Systems or Components

123 725.293 Containment and Detection of Releases

124 725.294 General Operating Requirements

125 725.295 Inspections

126 725.296 Response to Leaks or Spills and Disposition of Tank Systems

127 725.297 Closure and Post-Closure Care

128 725.298 Special Requirements for Ignitable or Reactive Wastes

129 725.299 Special Requirements for Incompatible Wastes

- 130 725.300 Waste Analysis and Trial Tests
- 131 725.301 Generators of 100 to 1,000 Kilograms of Hazardous Waste Per Month
- 132 725.302 Air Emission Standards

133

134

SUBPART K: SURFACE IMPOUNDMENTS

135

136 Section

- 137 725.320 Applicability
- 138 725.321 Design and Operating Requirements
- 139 725.322 Action Leakage Rate
- 140 725.323 Containment System
- 141 725.324 Response Actions
- 142 725.325 Waste Analysis and Trial Tests
- 143 725.326 Monitoring and Inspections
- 144 725.328 Closure and Post-Closure Care
- 145 725.329 Special Requirements for Ignitable or Reactive Wastes
- 146 725.330 Special Requirements for Incompatible Wastes
- 147 725.331 Air Emission Standards

148

149

SUBPART L: WASTE PILES

150

151 Section

- 152 725.350 Applicability
- 153 725.351 Protection from Wind
- 154 725.352 Waste Analysis
- 155 725.353 Containment
- 156 725.354 Design and Operating Requirements
- 157 725.355 Action Leakage Rates
- 158 725.356 Special Requirements for Ignitable or Reactive Wastes
- 159 725.357 Special Requirements for Incompatible Wastes
- 160 725.358 Closure and Post-Closure Care
- 161 725.359 Response Actions
- 162 725.360 Monitoring and Inspections

163

164

SUBPART M: LAND TREATMENT

165

166 Section

- 167 725.370 Applicability
- 168 725.372 General Operating Requirements
- 169 725.373 Waste Analysis
- 170 725.376 Food Chain Crops
- 171 725.378 Unsaturated Zone (Zone of Aeration) Monitoring
- 172 725.379 Recordkeeping

- 173 725.380 Closure and Post-Closure Care
- 174 725.381 Special Requirements for Ignitable or Reactive Wastes
- 175 725.382 Special Requirements for Incompatible Wastes

176  
177  
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SUBPART N: LANDFILLS

- 179 Section
- 180 725.400 Applicability
- 181 725.401 Design Requirements
- 182 725.402 Action Leakage Rate
- 183 725.403 Response Actions
- 184 725.404 Monitoring and Inspections
- 185 725.409 Surveying and Recordkeeping
- 186 725.410 Closure and Post-Closure Care
- 187 725.412 Special Requirements for Ignitable or Reactive Wastes
- 188 725.413 Special Requirements for Incompatible Wastes
- 189 725.414 Special Requirements for Liquid Wastes
- 190 725.415 Special Requirements for Containers
- 191 725.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

192  
193  
194

SUBPART O: INCINERATORS

- 195
- 196 Section
- 197 725.440 Applicability
- 198 725.441 Waste Analysis
- 199 725.445 General Operating Requirements
- 200 725.447 Monitoring and Inspections
- 201 725.451 Closure
- 202 725.452 Interim Status Incinerators Burning Particular Hazardous Wastes

203  
204  
205

SUBPART P: THERMAL TREATMENT

- 206 Section
- 207 725.470 Other Thermal Treatment
- 208 725.473 General Operating Requirements
- 209 725.475 Waste Analysis
- 210 725.477 Monitoring and Inspections
- 211 725.481 Closure
- 212 725.482 Open Burning; Waste Explosives
- 213 725.483 Interim Status Thermal Treatment Devices Burning Particular Hazardous Wastes

214  
215

SUBPART Q: CHEMICAL, PHYSICAL, AND BIOLOGICAL TREATMENT

216		
217	Section	
218	725.500	Applicability
219	725.501	General Operating Requirements
220	725.502	Waste Analysis and Trial Tests
221	725.503	Inspections
222	725.504	Closure
223	725.505	Special Requirements for Ignitable or Reactive Wastes
224	725.506	Special Requirements for Incompatible Wastes

225

226 SUBPART R: UNDERGROUND INJECTION

227

228 Section

229	725.530	Applicability
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231 SUBPART W: DRIP PADS

232

233 Section

234	725.540	Applicability
235	725.541	Assessment of Existing Drip Pad Integrity
236	725.542	Design and Installation of New Drip Pads
237	725.543	Design and Operating Requirements
238	725.544	Inspections
239	725.545	Closure

240

241 SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

242

243 Section

244	725.930	Applicability
245	725.931	Definitions
246	725.932	Standards: Process Vents
247	725.933	Standards: Closed-Vent Systems and Control Devices
248	725.934	Test Methods and Procedures
249	725.935	Recordkeeping Requirements

250

251 SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

252

253 Section

254	725.950	Applicability
255	725.951	Definitions
256	725.952	Standards: Pumps in Light Liquid Service
257	725.953	Standards: Compressors
258	725.954	Standards: Pressure Relief Devices in Gas/Vapor Service

259	725.955	Standards: Sampling Connecting Systems
260	725.956	Standards: Open-Ended Valves or Lines
261	725.957	Standards: Valves in Gas/Vapor or Light Liquid Service
262	725.958	Standards: Pumps, Valves, Pressure Relief Devices, Flanges, and Other
263		Connectors
264	725.959	Standards: Delay of Repair
265	725.960	Standards: Closed-Vent Systems and Control Devices
266	725.961	Percent Leakage Alternative for Valves
267	725.962	Skip Period Alternative for Valves
268	725.963	Test Methods and Procedures
269	725.964	Recordkeeping Requirements

270

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

273   Section

274	725.980	Applicability
275	725.981	Definitions
276	725.982	Schedule for Implementation of Air Emission Standards
277	725.983	Standards: General
278	725.984	Waste Determination Procedures
279	725.985	Standards: Tanks
280	725.986	Standards: Surface Impoundments
281	725.987	Standards: Containers
282	725.988	Standards: Closed-Vent Systems and Control Devices
283	725.989	Inspection and Monitoring Requirements
284	725.990	Recordkeeping Requirements
285	725.991	Alternative Tank Emission Control Requirements (Repealed)

286

287                   SUBPART DD: CONTAINMENT BUILDINGS

288

289   Section

290	725.1100	Applicability
291	725.1101	Design and Operating Standards
292	725.1102	Closure and Post-Closure Care

293

294                   SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

295

296   Section

297	725.1200	Applicability
298	725.1201	Design and Operating Standards
299	725.1202	Closure and Post-Closure Care

300

301	725.APPENDIX A	Recordkeeping Instructions
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302	725.APPENDIX B	EPA Report Form and Instructions (Repealed)
303	725.APPENDIX C	USEPA Interim Primary Drinking Water Standards
304	725.APPENDIX D	Tests for Significance
305	725.APPENDIX E	Examples of Potentially Incompatible Wastes
306	725.APPENDIX F	Compounds with Henry's Law Constant Less Than 0.1 Y/X (at 25°C)

307  
 308 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the  
 309 Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].  
 310

311 SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and  
 312 codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg.  
 313 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 14034, effective October 12,  
 314 1983; amended in R84-9 at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10  
 315 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective  
 316 August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in  
 317 R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338,  
 318 effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15,  
 319 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at  
 320 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective  
 321 November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990;  
 322 amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at  
 323 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective  
 324 October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in  
 325 R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg.  
 326 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22,  
 327 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18  
 328 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective  
 329 November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in  
 330 R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22  
 331 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective  
 332 April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28,  
 333 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999;  
 334 amended in R99-15 at 23 Ill. Reg. 9168, effective July 26, 1999; amended in R00-5 at 24 Ill.  
 335 Reg. 1076, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9575, effective June 20,  
 336 2000; amended in R03-7 at 27 Ill. Reg. 4187, effective February 14, 2003; amended in R05-8 at  
 337 29 Ill. Reg. 6028, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6389, effective  
 338 April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3460, effective February 23,  
 339 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1031, effective December 20, 2006;  
 340 amended in R07-5/R07-14 at 32 Ill. Reg. 12566, effective July 14, 2008; amended in R09-3 at 33  
 341 Ill. Reg. 1155, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18890,  
 342 effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 18052, effective October  
 343 14, 2011; amended in R13-15 at 37 Ill. Reg. 17811, effective October 24, 2013; amended in

344 R15-1 at 39 Ill. Reg. 1746, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11830,  
345 effective August 9, 2016; amended in R19-2 at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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SUBPART E: MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

349 **Section 725.171 Use of Manifest System**

350

351 a) Receipt of manifested hazardous waste.

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

360

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

363

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

366

367 B) The owner, operator, or agent must note any discrepancies (as  
368 defined in 35 Ill. Adm. Code 724.172) on each copy of the  
369 manifest;

370

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

373

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

376

377 E) Paper manifest submission requirements are the following:

378

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

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data string file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days after the date of delivery. Submissions of copies to the e-Manifest 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. Any data or image files transmitted to the e-Manifest System operator under this subsection (a) must be submitted in data file and image file formats that are acceptable to USEPA and that are supported by USEPA's electronic reporting requirements and by 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 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 after the date of delivery. Submissions of copies to the e-Manifest 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 Avenue, NW, Washington, DC 20460.

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

- 435
- 436 1) It must sign and date each copy of the manifest or shipping paper (if the  
437 manifest has not been received) to certify that the hazardous waste  
438 covered by the manifest or shipping paper was received;
  - 439
  - 440 2) It must note any significant discrepancies, as defined in Section  
441 725.172(a), in the manifest or shipping paper (if the manifest has not been  
442 received) on each copy of the manifest or shipping paper;
  - 443

444 BOARD NOTE: The owner or operator of a facility whose procedures  
445 under Section 725.113(c) include waste analysis need not perform that  
446 analysis before signing the shipping paper and giving it to the transporter.  
447 Section 725.172(b), however, requires reporting an unreconciled  
448 discrepancy discovered during later analysis.

- 449
- 450 3) It must immediately give the rail or water (bulk shipment) transporter at  
451 least one copy of the manifest or shipping paper (if the manifest has not  
452 been received);
- 453

- 454 4) The owner or operator must send a copy of the signed and dated manifest  
455 or a signed and dated copy of the shipping paper (if the manifest has not  
456 been received within 30 days after delivery) to the generator within 30  
457 days after the delivery; and
- 458

459 BOARD NOTE: 35 Ill. Adm. Code 722.123(c) requires the generator to  
460 send three copies of the manifest to the facility when hazardous waste is  
461 sent by rail or water (bulk shipment).

- 462
- 463 5) Retain at the facility a copy of the manifest and shipping paper (if signed  
464 in lieu of the manifest at the time of delivery) for at least three years from  
465 the date of delivery.
- 466

467 c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or  
468 operator of that facility must comply with the requirements of 35 Ill. Adm. Code  
469 722.

470  
471 BOARD NOTE: The provisions of 35 Ill. Adm. Code 722.134 are applicable to  
472 the on-site accumulation of hazardous wastes by generators. Therefore, the

- 473 provisions of 35 Ill. Adm. Code 722.134 apply only to owners or operators that  
 474 are shipping hazardous waste which they generated at that facility.  
 475
- 476 d) Within three working days of the receipt of a shipment subject to Subpart H of 35  
 477 Ill. Adm. Code 722, the owner or operator of a facility must provide a copy of the  
 478 movement document bearing all required signatures to the exporter; to the Office  
 479 of Enforcement and Compliance Assurance, Office of Federal Activities,  
 480 International Compliance Assurance Division (2254A), Environmental Protection  
 481 Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; to the Bureau of  
 482 Land, Division of Land Pollution Control, Illinois Environmental Protection  
 483 Agency, P.O. Box 19276, Springfield, IL 62794-9276; and to competent  
 484 authorities of all other countries concerned. The original copy of the tracking  
 485 document must be maintained at the facility for at least three years from the date  
 486 of signature.  
 487
- 488 e) A facility must determine whether the consignment state for a shipment regulates  
 489 any additional wastes (beyond those regulated federally) as hazardous wastes  
 490 under its state hazardous waste program. A facility must also determine whether  
 491 the consignment state or generator state requires the facility to submit any copies  
 492 of the manifest to that state.  
 493
- 494 f) Legal equivalence to paper manifests. E-Manifests that are obtained, completed,  
 495 transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3), and used in  
 496 accordance with this Section in lieu of the paper manifest form are the legal  
 497 equivalent of paper manifest forms bearing handwritten signatures, and satisfy for  
 498 all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain,  
 499 complete, sign, provide, use, or retain a manifest.  
 500
- 501 1) Any requirement in 35 Ill. Adm. Code 720 through 728 for the owner or  
 502 operator of a facility to sign a manifest or manifest certification by hand,  
 503 or to obtain a handwritten signature, is satisfied by signing with or  
 504 obtaining a valid and enforceable electronic signature within the meaning  
 505 of 35 Ill. Adm. Code 722.125.  
 506
- 507 2) Any requirement in 35 Ill. Adm. Code 720 through 728 to give, provide,  
 508 send, forward, or to return to another person a copy of the manifest is  
 509 satisfied when a copy of an e-Manifest is transmitted to the other person.  
 510
- 511 3) Any requirement in 35 Ill. Adm. Code 720 through 728 for a manifest to  
 512 accompany a hazardous waste shipment is satisfied when a copy of an e-  
 513 Manifest is accessible during transportation and forwarded to the person or  
 514 persons who are scheduled to receive delivery of the hazardous waste  
 515 shipment.

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- 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.

- 559 i) Special procedures applicable to electronic signature methods undergoing tests. If  
 560 an owner or operator using an e-Manifest signs this manifest electronically using  
 561 an electronic signature method that is undergoing pilot or demonstration tests  
 562 aimed at demonstrating the practicality or legal dependability of the signature  
 563 method, the owner or operator must also sign with an ink signature the facility's  
 564 certification of receipt or discrepancies on the printed copy of the manifest  
 565 provided by the transporter. Upon executing its ink signature on this printed  
 566 copy, the owner or operator must retain this original copy among its records for at  
 567 least three years after the date of delivery of the waste.  
 568
- 569 j) Imposition of User Fee ~~user fee~~ for e-Manifest Use ~~use~~.
- 570
- 571 1) As prescribed in 40 CFR 265.1311, incorporated by reference in 35 Ill.  
 572 Adm. Code 720.111, and determined in 40 CFR 265.1312, incorporated  
 573 by reference in 35 Ill. Adm. Code 720.111, an ~~An~~ owner or operator that is  
 574 a user of the e-Manifest System must ~~may~~ be assessed a user fee by  
 575 USEPA for the submission and origination ~~or~~ processing of each e-  
 576 Manifest and paper manifest. ~~An owner or operator may also be assessed~~  
 577 ~~a user fee by USEPA for the collection and processing of paper manifest~~  
 578 ~~copies that owners or operators must submit to the e-Manifest System~~  
 579 ~~operator under subsection 725.171(a)(2)(E).~~ USEPA has stated that it  
 580 would ~~maintain and update from time to time the current schedule of e-~~  
 581 ~~Manifest System user fees and publish them to the user community, as~~  
 582 provided in 40 CFR 265.1313, incorporated by reference in 35 Ill. Adm.  
 583 Code 720.111 ~~which will be determined based on current and projected e-~~  
 584 ~~Manifest System costs and level of use of the e-Manifest System.~~ USEPA  
 585 has said that it would publish the current schedule of e-Manifest user fees  
 586 as an appendix to 40 CFR 262.  
 587
- 588 2) An owner or operator subject to user fees under this Section must make  
 589 user fee payments in accordance with the requirements of 40 CFR  
 590 265.1314, incorporated by reference in 35 Ill. Adm. Code 720.111, subject  
 591 to the informal fee dispute resolution process of 40 CFR 265.1316,  
 592 incorporated by reference in 35 Ill. Adm. Code 720.111, and subject to the  
 593 sanctions for delinquent payments under 40 CFR 265.1315, incorporated  
 594 by reference in 35 Ill. Adm. Code 720.111.  
 595
- 596 k) E-Manifest signatures. E-Manifest signatures must meet the criteria described in  
 597 35 Ill. Adm. Code 722.125.  
 598
- 599 l) Post-Receipt Manifest Data Corrections. After a facility has certified to the  
 600 receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt

601 data corrections may be submitted at any time by any interested person (i.e., any  
602 waste handler shown on the manifest or the Agency).

603  
604 1) An interested person must make all corrections to manifest data by  
605 electronic submission, either by directly entering corrected data to the web  
606 based service provided in the e-Manifest System for such corrections, or  
607 by an upload of a data file containing data corrections relating to one or  
608 more previously submitted manifests.

609  
610 2) Each correction submission must include the following information:

611  
612 A) The Manifest Tracking Number and date of receipt by the facility  
613 of the original manifests for which data are being corrected;

614  
615 B) The item numbers of the original manifest that is the subject of the  
616 submitted corrections; and

617  
618 C) For each item number with corrected data, the data previously  
619 entered and the corresponding data as corrected by the correction  
620 submission.

621  
622 3) Each correction submission shall include a statement that the person  
623 submitting the corrections certifies that, to the best of his or her  
624 knowledge or belief, the corrections that are included in the submission  
625 will cause the information reported about the previously received  
626 hazardous wastes to be true, accurate, and complete:

627  
628 A) The person must execute the certification statement with a valid  
629 electronic signature; and

630  
631 B) The person may submit a batch upload of data corrections under  
632 one certification statement.

633  
634 4) Upon receipt by the e-Manifest System of any correction submission,  
635 other interested persons shown on the manifest will be provided electronic  
636 notice of the submitter's corrections.

637  
638 5) Other interested persons shown on the manifest may respond to the  
639 submitter's corrections with comments to the submitter, or by submitting  
640 another correction to the e-Manifest System, certified by the respondent as  
641 specified in subsection (1)(3), and with notice of the corrections to other  
642 interested persons shown on the manifest.  
643

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

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

**Section 725.987 Standards: Containers**

- a) The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 725.983(b) references the use of this Section for 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 following 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 m<sup>3</sup> (26 gal) and less than or equal to 0.46 m<sup>3</sup> (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 m<sup>3</sup> (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); and
    - C) For a container having a design capacity greater than 0.46 m<sup>3</sup> (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 m<sup>3</sup> (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.

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c) Container Level 1 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); and
  - 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

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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; and
- ii) If ~~when~~ 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); and
- 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

773 the container is needed to perform routine activities other than  
774 transfer of hazardous waste. Examples of such activities include  
775 those times when a worker needs to open a port to measure the  
776 depth of or sample the material in the container, or when a worker  
777 needs to open a manhole hatch to access equipment inside the  
778 container. Following completion of the activity, the owner or  
779 operator must promptly secure the closure device in the closed  
780 position or reinstall the cover, as applicable to the container;  
781

782 D) Opening of a spring-loaded, pressure-vacuum relief valve,  
783 conservation vent, or similar type of pressure relief device that  
784 vents to the atmosphere is allowed during normal operations for  
785 the purpose of maintaining the container internal pressure in  
786 accordance with the design specifications of the container. The  
787 device must be designed to operate with no detectable organic  
788 emissions when the device is secured in the closed position. The  
789 settings at which the device opens must be established so that the  
790 device remains in the closed position whenever the internal  
791 pressure of the container is within the internal pressure operating  
792 range determined by the owner or operator based on container  
793 manufacturer recommendations, applicable regulations, fire  
794 protection and prevention codes, standard engineering codes and  
795 practices, or other requirements for the safe handling of  
796 flammable, ignitable, explosive, reactive, or hazardous materials.  
797 Examples of normal operating conditions that may require these  
798 devices to open are during those times when the internal pressure  
799 of the container exceeds the internal pressure operating range for  
800 the container as a result of loading operations or diurnal ambient  
801 temperature fluctuations; and  
802

803 E) Opening of a safety device, as defined in Section 725.981, is  
804 allowed at any time conditions require doing so to avoid an unsafe  
805 condition.  
806

807 4) The owner or operator of containers using Container Level 1 controls must  
808 inspect the containers and their covers and closure devices as follows:  
809

810 A) If a hazardous waste already is in the container at the time the  
811 owner or operator first accepts possession of the container at the  
812 facility and the container is not emptied within 24 hours after the  
813 container is accepted at the facility (i.e., it does not meet the  
814 conditions for an empty container as specified in 35 Ill. Adm. Code  
815 721.107(b)), the owner or operator must visually inspect the

816 container and its cover and closure devices to check for visible  
 817 cracks, holes, gaps, or other open spaces into the interior of the  
 818 container when the cover and closure devices are secured in the  
 819 closed position. The container visual inspection must be  
 820 conducted on or before the date on which the container is accepted  
 821 at the facility (i.e., the date when the container becomes subject to  
 822 the Subpart CC container standards). For the purposes of this  
 823 requirement, the date of acceptance is the date of signature that the  
 824 facility owner or operator enters on Item 20 of the Uniform  
 825 Hazardous Waste Manifest, ~~as set forth in the appendix to 40 CFR~~  
 826 ~~262 (Uniform Hazardous Waste Manifest and Instructions~~  
 827 ~~(USEPA Form EPA Forms 8700-22 and 8700-22A and Their~~  
 828 ~~Instructions)),~~ incorporated by reference in 35 Ill. Adm. Code  
 829 720.111(b), as required under Section 725.171. If a defect is  
 830 detected, the owner or operator must repair the defect in  
 831 accordance with the requirements of subsection (c)(4)(C);  
 832

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

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

852 5) The owner or operator must maintain at the facility a copy of the  
 853 procedure used to determine that containers with capacity of 0.46 m<sup>3</sup> (120  
 854 gal) or greater which do not meet applicable USDOT regulations, as  
 855 specified in subsection (f), are not managing hazardous waste in light  
 856 material service.  
 857

858 d) Container Level 2 Standards.

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- 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 Section 725.981, and determined in accordance with the procedure specified in subsection (g); and
  - 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 into 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:

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- 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; and
- 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); and
- 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

945 those times when a worker needs to open a port to measure the  
 946 depth of or sample the material in the container, or when a worker  
 947 needs to open a manhole hatch to access equipment inside the  
 948 container. Following completion of the activity, the owner or  
 949 operator must promptly secure the closure device in the closed  
 950 position or reinstall the cover, as applicable to the container;  
 951

952 D) Opening of a spring-loaded, pressure-vacuum relief valve,  
 953 conservation vent, or similar type of pressure relief device that  
 954 vents to the atmosphere is allowed during normal operations for  
 955 the purpose of maintaining the internal pressure of the container in  
 956 accordance with the container design specifications. The device  
 957 must be designed to operate with no detectable organic emission  
 958 when the device is secured in the closed position. The settings at  
 959 which the device opens must be established so that the device  
 960 remains in the closed position whenever the internal pressure of the  
 961 container is within the internal pressure operating range  
 962 determined by the owner or operator based on container  
 963 manufacturer recommendations, applicable regulations, fire  
 964 protection and prevention codes, standard engineering codes and  
 965 practices, or other requirements for the safe handling of  
 966 flammable, ignitable, explosive, reactive, or hazardous materials.  
 967 Examples of normal operating conditions that may require these  
 968 devices to open are during those times when the internal pressure  
 969 of the container exceeds the internal pressure operating range for  
 970 the container as a result of loading operations or diurnal ambient  
 971 temperature fluctuations; and  
 972

973 E) Opening of a safety device, as defined in Section 725.981, is  
 974 allowed at any time conditions require doing so to avoid an unsafe  
 975 condition.  
 976

977 4) The owner or operator of containers using Container Level 2 controls must  
 978 inspect the containers and their covers and closure devices as follows:  
 979

980 A) If a hazardous waste already is in the container at the time the  
 981 owner or operator first accepts possession of the container at the  
 982 facility and the container is not emptied within 24 hours after the  
 983 container is accepted at the facility (i.e., it does not meet the  
 984 conditions for an empty container as specified in 35 Ill. Adm. Code  
 985 721.107(b)), the owner or operator must visually inspect the  
 986 container and its cover and closure devices to check for visible  
 987 cracks, holes, gaps, or other open spaces into the interior of the

988 container when the cover and closure devices are secured in the  
 989 closed position. The container visual inspection must be  
 990 conducted on or before the date on which the container is accepted  
 991 at the facility (i.e., the date when the container becomes subject to  
 992 the Subpart CC container standards). For the purposes of this  
 993 requirement, the date of acceptance is the date of signature that the  
 994 facility owner or operator enters on Item 20 of the Uniform  
 995 Hazardous Waste Manifest, in the appendix to 40 CFR 262  
 996 (Uniform Hazardous Waste Manifest and Instructions (USEPA  
 997 Forms 8700-22 and 8700-22A and Their Instructions)), as required  
 998 under Section 725.171. If a defect is detected, the owner or  
 999 operator must repair the defect in accordance with the  
 1000 requirements of subsection (d)(4)(C);

1001  
 1002 B) If a container used for managing hazardous waste remains at the  
 1003 facility for a period of one year or more, the owner or operator  
 1004 must visually inspect the container and its cover and closure  
 1005 devices initially and thereafter, at least once every 12 months, to  
 1006 check for visible cracks, holes, gaps, or other open spaces into the  
 1007 interior of the container when the cover and closure devices are  
 1008 secured in the closed position. If a defect is detected, the owner or  
 1009 operator must repair the defect in accordance with the  
 1010 requirements of subsection (d)(4)(C); and

1011  
 1012 C) When a defect is detected in the container, cover, or closure  
 1013 devices, the owner or operator must make first efforts at repair of  
 1014 the defect no later than 24 hours after detection, and repair must be  
 1015 completed as soon as possible but no later than five calendar days  
 1016 after detection. If repair of a defect cannot be completed within  
 1017 five calendar days, then the hazardous waste must be removed  
 1018 from the container and the container must not be used to manage  
 1019 hazardous waste until the defect is repaired.

1020  
 1021 e) Container Level 3 Standards.

1022  
 1023 1) A container using Container Level 3 controls is one of the following:

1024  
 1025 A) A container that is vented directly through a closed-vent system to  
 1026 a control device in accordance with the requirements of subsection  
 1027 (e)(2)(B); or

1028  
 1029 B) A container that is vented inside an enclosure that is exhausted  
 1030 through a closed-vent system to a control device in accordance

1031 with the requirements of subsections (e)(2)(A) and (e)(2)(B).  
1032

1033 2) The owner or operator must meet the following requirements, as  
1034 applicable to the type of air emission control equipment selected by the  
1035 owner or operator:  
1036

1037 A) The container enclosure must be designed and operated in  
1038 accordance with the criteria for a permanent total enclosure, as  
1039 specified in "Procedure T – Criteria for and Verification of a  
1040 Permanent or Temporary Total Enclosure" under appendix B to 40  
1041 CFR 52.741 (VOM Measurement Techniques for Capture  
1042 Efficiency), incorporated by reference in 35 Ill. Adm. Code  
1043 720.111(b). The enclosure may have permanent or temporary  
1044 openings to allow worker access; passage of containers through the  
1045 enclosure by conveyor or other mechanical means; entry of  
1046 permanent mechanical or electrical equipment; or direct airflow  
1047 into the enclosure. The owner or operator must perform the  
1048 verification procedure for the enclosure, as specified in Section 5.0  
1049 of "Procedure T – Criteria for and Verification of a Permanent or  
1050 Temporary Total Enclosure" initially when the enclosure is first  
1051 installed and, thereafter, annually; and  
1052

1053 B) The closed-vent system and control device must be designed and  
1054 operated in accordance with the requirements of Section 725.988.  
1055

1056 3) Safety devices, as defined in Section 725.981, may be installed and  
1057 operated as necessary on any container, enclosure, closed-vent system, or  
1058 control device used to comply with the requirements of subsection (e)(1).  
1059

1060 4) Owners and operators using Container Level 3 controls in accordance with  
1061 the provisions of this Subpart CC must inspect and monitor the closed-  
1062 vent systems and control devices, as specified in Section 725.988.  
1063

1064 5) Owners and operators that use Container Level 3 controls in accordance  
1065 with the provisions of this Subpart CC must prepare and maintain the  
1066 records specified in Section 725.990(d).  
1067

1068 6) The transfer of hazardous waste into or out of a container using Container  
1069 Level 3 controls must be conducted in such a manner as to minimize  
1070 exposure of the hazardous waste to the atmosphere, to the extent practical  
1071 considering the physical properties of the hazardous waste and good  
1072 engineering and safety practices for handling flammable, ignitable,  
1073 explosive, reactive, or other hazardous materials. Examples of container

1074 loading procedures that USEPA considers to meet the requirements of this  
 1075 subsection (e)(6) include using any one of the following: the use of a  
 1076 submerged-fill pipe or other submerged-fill method to load liquids into the  
 1077 container; the use of a vapor-balancing system or a vapor-recovery system  
 1078 to collect and control the vapors displaced from the container during  
 1079 filling operations; or the use of a fitted opening in the top of a container  
 1080 through which the hazardous waste is filled and subsequently purging the  
 1081 transfer line before removing it from the container opening.  
 1082

1083 f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A), containers  
 1084 must be used that meet the applicable USDOT regulations on packaging  
 1085 hazardous materials for transportation as follows:  
 1086

- 1087 1) The container meets the applicable requirements specified by USDOT in  
 1088 49 CFR 178 (Specifications for Packaging), or 49 CFR 179  
 1089 (Specifications for Tank Cars), each incorporated by reference in 35 Ill.  
 1090 Adm. Code 720.111(b);  
 1091
- 1092 2) Hazardous waste is managed in the container in accordance with the  
 1093 applicable requirements specified by USDOT in subpart B of 49 CFR 107  
 1094 (Exemptions), 49 CFR 172 (Hazardous Materials Table, Special  
 1095 Provisions, Hazardous Materials Communications, Emergency Response  
 1096 Information, and Training Requirements), 49 CFR 173(Shippers – General  
 1097 Requirements for Shipments and Packages), and 49 CFR 180 (Continuing  
 1098 Qualification and Maintenance of Packagings), each incorporated by  
 1099 reference in 35 Ill. Adm. Code 720.111(b);  
 1100
- 1101 3) For the purpose of complying with this Subpart CC, no exceptions to the  
 1102 federal 49 CFR 178 or 179 regulations are allowed, except as provided for  
 1103 in subsection (f)(4); and  
 1104
- 1105 4) For a lab pack that is managed in accordance with the USDOT  
 1106 requirements of 49 CFR 178 (Specifications for Packagings) for the  
 1107 purpose of complying with this Subpart CC, an owner or operator may  
 1108 comply with the exceptions for combination packagings specified by  
 1109 USDOT in 49 CFR 173.12(b) (Exceptions for Shipments of Waste  
 1110 Materials), incorporated by reference in 35 Ill. Adm. Code 720.111(b).  
 1111

1112 g) To determine compliance with the no detectable organic emissions requirements  
 1113 of subsection (d)(1)(B), the procedure specified in Section 725.984(d) must be  
 1114 used.  
 1115

- 1116 1) Each potential leak interface (i.e., a location where organic vapor leakage

1117 could occur) on the container, its cover, and associated closure devices, as  
1118 applicable to the container, must be checked. Potential leak interfaces that  
1119 are associated with containers include, but are not limited to: the interface  
1120 of the cover rim and the container wall; the periphery of any opening on  
1121 the container or container cover and its associated closure device; and the  
1122 sealing seat interface on a spring-loaded pressure-relief valve.  
1123

1124 2) The test must be performed when the container is filled with a material  
1125 having a volatile organic concentration representative of the range of  
1126 volatile organic concentrations for the hazardous wastes expected to be  
1127 managed in this type of container. During the test, the container cover and  
1128 closure devices must be secured in the closed position.  
1129

1130 h) The procedure for determining a container to be vapor-tight using Reference  
1131 Method 27 for the purpose of complying with subsection (d)(1)(C) is as follows:  
1132

1133 1) The test must be performed in accordance with Reference Method 27;  
1134

1135 2) A pressure measurement device must be used that has a precision of  $\pm 2.5$   
1136 mm (0.10 inch) water and that is capable of measuring above the pressure  
1137 at which the container is to be tested for vapor tightness; and  
1138

1139 3) If the test results determined by Reference Method 27 indicate that the  
1140 container sustains a pressure change less than or equal to 0.75 kPa (0.11  
1141 psig) within five minutes after it is pressurized to a minimum of 4.5 kPa  
1142 (0.65 psig), then the container is determined to be vapor-tight.  
1143

1144 (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 725  
INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE  
TREATMENT, STORAGE, AND DISPOSAL FACILITIES

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(at 25°C)

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9168, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1076, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9575, effective June 20, 2000; amended in R03-7 at 27 Ill. Reg. 4187, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6028, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6389, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3460, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1031, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12566, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1155, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18890, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 18052, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17811, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1746, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg.

11830, effective August 9, 2016; amended in R19-2 at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

Section 725.171 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, by hand, each copy of the manifest;

B) The owner, operator, or agent must note any discrepancies (as defined in 35 Ill. Adm. Code 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~~<sup>after</sup> the date of delivery. Submissions of copies to the e-Manifest ~~system~~<sup>System</sup> 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~~<sup>System</sup> 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~~<sup>after</sup> the date of delivery. Submissions of copies to the e-Manifest ~~system~~<sup>System</sup> 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 Avenue, 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 certification, and signatures), the owner or operator or its agent must do each of 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 725.172(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 owner or operator of a facility whose procedures under Section 725.113(c) include waste analysis need not perform that analysis before signing the shipping paper and giving it to the transporter. Section 725.172(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: 35 Ill. Adm. Code 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 35 Ill. Adm. Code 722.134 apply only to owners or operators that are shipping hazardous waste which they generated at that facility.

d) Within three working days of 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 countries concerned. The original copy of the tracking 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 e-Manifest Use.

1) As prescribed in 40 CFR 265.1311, incorporated by reference in 35 Ill. Adm. Code 720.111, and determined in 40 CFR 265.1312, 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 265.1313, 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 265.1314, incorporated by reference in 35 Ill. Adm. Code 720.111, subject to the informal fee dispute resolution process of 40 CFR 265.1316, incorporated by reference in 35 Ill. Adm. Code 720.111, and subject to the sanctions for delinquent payments under 40 CFR 265.1315, 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.

l) 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 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:

~~1~~A) The person must execute the certification statement with a valid electronic signature; and

~~1~~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 725.987 Standards: Containers

a) The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 725.983(b) references the use of this Section for 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 following 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 m<sup>3</sup> (26 gal) and less than or equal to 0.46 m<sup>3</sup> (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 m<sup>3</sup> (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); and

C) For a container having a design capacity greater than 0.46 m<sup>3</sup> (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 m<sup>3</sup> (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.

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); and

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; and

ii) If ~~when~~ 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); and

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 container internal pressure in accordance with the design specifications of the container. 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; and

E) Opening of a safety device, as defined in Section 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(b), as required under Section 725.171. 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); and

C) When a defect is detected in 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 m<sup>3</sup> (120 gal) or greater which 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 Section 725.981, and determined in accordance with the procedure specified in subsection (g); and

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 into 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; and

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); and

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; and

E) Opening of a safety device, as defined in Section 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 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, in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (USEPA Forms 8700-22 and 8700-22A and Their Instructions)), as required under Section 725.171. 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); and

C) When a defect is detected in 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); or

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 "Procedure T - Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually; and

B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

3) Safety devices, as defined in Section 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 725.988.

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 725.990(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 federal 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4); and

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 requirements of subsection (d)(1)(B), the procedure specified in Section 725.984(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 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) The procedure for determining a container to be vapor-tight using Reference Method 27 for the purpose of complying with subsection (d)(1)(C) is as follows:

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  $\pm 2.5$  mm (0.10 inch) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness; and

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.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective  
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