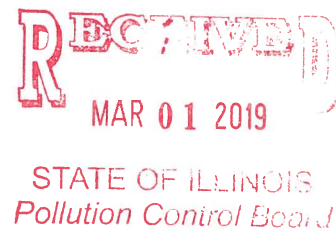


POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
724.101	Amendment
724.111	Amendment
724.190	Amendment
724.212	Amendment
724.651	Amendment
724.652	Amendment
724.654	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 724 are a single segment of the docket R19-11 rulemaking that also affects 35 Ill. Adm. Code 703, 720 through 723, 725, 727, 733, and 739. The R19-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2018: July 1, 2018 through December 31, 2018. A comprehensive description is contained in the Board's opinion and order of February 14, 2019, proposing amendments in docket R19-11, which opinion and order is available from the address below.



R19-11 further includes limited corrections and conforming revisions that the Board finds necessary to previously adopted rules. The Board includes non-substantive stylistic revisions to provisions opened for amendments--many of anticipate changes ordinarily requested by the Joint Committee on Administrative Rules (JCAR).

The following briefly summarizes the federal action in the update periods:

Conditional Exclusion of Airbag Waste from Regulation as Hazardous Waste—November 30, 2018 (83 Fed. Reg. 61552): By an interim final rule immediately effective on publication, USEPA conditionally excluded airbag waste from regulation as hazardous waste by amendments to 40 CFR 260, 261, and 262. The Board incorporates most of these USEPA revisions into corresponding 35 Ill. Adm. Code 720, 721, and 722. USEPA intended to avoid hazardous waste requirements impeding replacement of defective airbags in the Takata recall.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Specifically, the amendments to Part 724 standardize use of USEPA Form 8700-12, conform use of defined terms, correct grammar, and revise the style of topical subheadings in the text.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to docket R19-11. 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 R19-11.

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

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 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].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R19-11 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference docket R19-11:

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 pcb.illinois.gov

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 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].
- 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].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30 (2018)] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2019

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

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

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT,
STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: GENERAL FACILITY STANDARDS

Section

- 724.110 Applicability
- 724.111 USEPA Identification Number
- 724.112 Required Notices
- 724.113 General Waste Analysis
- 724.114 Security
- 724.115 General Inspection Requirements
- 724.116 Personnel Training
- 724.117 General Requirements for Ignitable, Reactive, or Incompatible Wastes
- 724.118 Location Standards
- 724.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section

- 724.130 Applicability
- 724.131 Design and Operation of Facility
- 724.132 Required Equipment
- 724.133 Testing and Maintenance of Equipment
- 724.134 Access to Communications or Alarm System
- 724.135 Required Aisle Space
- 724.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section

- 724.150 Applicability
- 724.151 Purpose and Implementation of Contingency Plan
- 724.152 Content of Contingency Plan
- 724.153 Copies of Contingency Plan
- 724.154 Amendment of Contingency Plan
- 724.155 Emergency Coordinator
- 724.156 Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section

724.170 Applicability
724.171 Use of Manifest System
724.172 Manifest Discrepancies
724.173 Operating Record
724.174 Availability, Retention, and Disposition of Records
724.175 Annual Facility Activities Report
724.176 Unmanifested Waste Report
724.177 Additional Reports

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section

724.190 Applicability
724.191 Required Programs
724.192 Groundwater Protection Standard
724.193 Hazardous Constituents
724.194 Concentration Limits
724.195 Point of Compliance
724.196 Compliance Period
724.197 General Groundwater Monitoring Requirements
724.198 Detection Monitoring Program
724.199 Compliance Monitoring Program
724.200 Corrective Action Program
724.201 Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE CARE

Section

724.210 Applicability
724.211 Closure Performance Standard
724.212 Closure Plan; Amendment of Plan
724.213 Closure; Time Allowed for Closure
724.214 Disposal or Decontamination of Equipment, Structures, and
Soils
724.215 Certification of Closure
724.216 Survey Plat
724.217 Post-Closure Care and Use of Property
724.218 Post-Closure Care Plan; Amendment of Plan
724.219 Post-Closure Notices
724.220 Certification of Completion of Post-Closure Care

SUBPART H: FINANCIAL REQUIREMENTS

Section

724.240 Applicability
724.241 Definitions of Terms as Used in This Subpart
724.242 Cost Estimate for Closure
724.243 Financial Assurance for Closure

724.244 Cost Estimate for Post-Closure Care
724.245 Financial Assurance for Post-Closure Care
724.246 Use of a Mechanism for Financial Assurance of Both Closure
and Post-Closure Care
724.247 Liability Requirements
724.248 Incapacity of Owners or Operators, Guarantors, or Financial
Institutions
724.251 Wording of the Instruments

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section

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724.271 Condition of Containers
724.272 Compatibility of Waste with Container
724.273 Management of Containers
724.274 Inspections
724.275 Containment
724.276 Special Requirements for Ignitable or Reactive Waste
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724.279 Air Emission Standards

SUBPART J: TANK SYSTEMS

Section

724.290 Applicability
724.291 Assessment of Existing Tank System Integrity
724.292 Design and Installation of New Tank Systems or Components
724.293 Containment and Detection of Releases
724.294 General Operating Requirements
724.295 Inspections
724.296 Response to Leaks or Spills and Disposition of Leaking or
Unfit-for-Use Tank Systems
724.297 Closure and Post-Closure Care
724.298 Special Requirements for Ignitable or Reactive Waste
724.299 Special Requirements for Incompatible Wastes
724.300 Air Emission Standards

SUBPART K: SURFACE IMPOUNDMENTS

Section

724.320 Applicability
724.321 Design and Operating Requirements
724.322 Action Leakage Rate
724.323 Response Actions
724.326 Monitoring and Inspection
724.327 Emergency Repairs; Contingency Plans
724.328 Closure and Post-Closure Care
724.329 Special Requirements for Ignitable or Reactive Waste
724.330 Special Requirements for Incompatible Wastes

- 724.331 Special Requirements for Hazardous Wastes F020, F021, F022,
F023, F026, and F027
724.332 Air Emission Standards

SUBPART L: WASTE PILES

Section

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

SUBPART M: LAND TREATMENT

Section

- 724.370 Applicability
724.371 Treatment Program
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724.373 Design and Operating Requirements
724.376 Food-Chain Crops
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724.381 Special Requirements for Ignitable or Reactive Waste
724.382 Special Requirements for Incompatible Wastes
724.383 Special Requirements for Hazardous Wastes F020, F021, F022,
F023, F026, and F027

SUBPART N: LANDFILLS

Section

- 724.400 Applicability
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724.402 Action Leakage Rate
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724.404 Response Actions
724.409 Surveying and Recordkeeping
724.410 Closure and Post-Closure Care
724.412 Special Requirements for Ignitable or Reactive Waste
724.413 Special Requirements for Incompatible Wastes
724.414 Special Requirements for Bulk and Containerized Liquids
724.415 Special Requirements for Containers
724.416 Disposal of Small Containers of Hazardous Waste in Overpacked
Drums (Lab Packs)
724.417 Special Requirements for Hazardous Wastes F020, F021, F022,
F023, F026, and F027

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Section

724.440 Applicability
724.441 Waste Analysis
724.442 Principal Organic Hazardous Constituents (POHCs)
724.443 Performance Standards
724.444 Hazardous Waste Incinerator Permits
724.445 Operating Requirements
724.447 Monitoring and Inspections
724.451 Closure

SUBPART S: SPECIAL PROVISIONS FOR CLEANUP

Section

724.650 Applicability of Corrective Action Management Unit
Regulations
724.651 Grandfathered Corrective Action Management Units
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Landfills

SUBPART W: DRIP PADS

Section

724.670 Applicability
724.671 Assessment of Existing Drip Pad Integrity
724.672 Design and Installation of New Drip Pads
724.673 Design and Operating Requirements
724.674 Inspections
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SUBPART X: MISCELLANEOUS UNITS

Section

724.700 Applicability
724.701 Environmental Performance Standards
724.702 Monitoring, Analysis, Inspection, Response, Reporting, and
Corrective Action
724.703 Post-Closure Care

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section

724.930 Applicability
724.931 Definitions
724.932 Standards: Process Vents
724.933 Standards: Closed-Vent Systems and Control Devices
724.934 Test Methods and Procedures

724.935 Recordkeeping Requirements
724.936 Reporting Requirements

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section

724.950 Applicability
724.951 Definitions
724.952 Standards: Pumps in Light Liquid Service
724.953 Standards: Compressors
724.954 Standards: Pressure Relief Devices in Gas/Vapor Service
724.955 Standards: Sampling Connecting Systems
724.956 Standards: Open-ended Valves or Lines
724.957 Standards: Valves in Gas/Vapor or Light Liquid Service
724.958 Standards: Pumps, Valves, Pressure Relief Devices, and Other
Connectors
724.959 Standards: Delay of Repair
724.960 Standards: Closed-Vent Systems and Control Devices
724.961 Alternative Percentage Standard for Valves
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SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,
SURFACE IMPOUNDMENTS, AND CONTAINERS

Section

724.980 Applicability
724.981 Definitions
724.982 Standards: General
724.983 Waste Determination Procedures
724.984 Standards: Tanks
724.985 Standards: Surface Impoundments
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724.987 Standards: Closed-Vent Systems and Control Devices
724.988 Inspection and Monitoring Requirements
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724.990 Reporting Requirements
724.991 Alternative Control Requirements for Tanks (Repealed)

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SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

Section

724.1200 Applicability
724.1201 Design and Operating Standards

724.1202 Closure and Post-Closure Care

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

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

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9833, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5115, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6635, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3725, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6009, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6365, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3196, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 893, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12365, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1106, effective December 30, 2008; amended in R09-16/R10-4 at 34

Ill. Reg. 18873, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17965, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17773, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1724, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11726, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22614, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 601, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 724.101 Purpose, Scope, and Applicability

- a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste.
- b) The standards in this Part apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- c) This Part applies to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued pursuant to the federal Marine Protection, Research and Sanctuaries Act (33 USC 1401 et seq.) only to the extent they are included in a RCRA permit by rule granted to such a person pursuant to 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.

BOARD NOTE: This Part does apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

- d) This Part applies to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency pursuant to Section 12(g) of the Environmental Protection Act only to the extent they are required by Subpart F of 35 Ill. Adm. Code 704.

BOARD NOTE: This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground.

- e) This Part applies to the owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person pursuant to 35 Ill. Adm. Code 703.141.
- f) This subsection (f) corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with USEPA rules.

- g) This Part does not apply to the following:

1) The owner or operator of a facility permitted by the Agency pursuant to Section 21 of the Environmental Protection Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation pursuant to this Part by 35 Ill. Adm. Code 722.114.

BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit pursuant to 35 Ill. Adm. Code 807.210.

2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the extent that requirements of this Part are referred to in Subpart C, F, G, or H of 35 Ill. Adm. Code 726 or 35 Ill. Adm. Code 739).

3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.

4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.

5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.

6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in Table T to 35 Ill. Adm. Code 728) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b).

7) This subsection (g)(7) corresponds with 40 CFR 264.1(g)(7), reserved by USEPA. This statement maintains structural consistency with USEPA rules.

8) Immediate Response

A) Except as provided in subsection (g)(8)(B), a person engaged in treatment or containment activities during immediate response to any of the following situations:

i) A discharge of a hazardous waste;

ii) An imminent and substantial threat of a discharge of hazardous waste;

iii) A discharge of a material that becomes a hazardous waste when discharged; or

iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military

munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.

B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D.

C) Any person that is covered by subsection (g)(8)(A) and that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.

D) In the case of an explosives or munitions emergency response, if a federal, State, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to adequately protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

9) A transporter storing manifested shipments of hazardous waste in containers meeting 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.

10) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.

11) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation pursuant to 35 Ill. Adm. Code 733 when handling the following universal wastes:

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

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

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

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

h) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.

i) 35 Ill. Adm. Code 726.505 identifies when this Part applies to the storage of military munitions classified as solid waste pursuant to 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 728, and 738.

j) Subparts B, C, and D and Section 724.201 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, Subparts B, C, and D, and Section 724.201 do apply to the facility subject to the traditional RCRA permit.) Instead of Subparts B, C, and D, the owner or operator of a remediation waste management site must comply with the following requirements:

1) The owner or operator must obtain a USEPA identification number by applying to the Agency ~~USEPA Region 5~~ using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12), as described in Section 724.111;

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format:

www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generator-s-transporters-and-treatment-storage-and.

2) The owner or operator must obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information that must be known to treat, store, or dispose of the waste according to this Part and 35 Ill. Adm. Code 728, and the owner or operator must keep the analysis accurate and up to date;

3) The owner or operator must prevent people who are unaware of the danger from entering the site, and the owner or operator must minimize the possibility for unauthorized people or livestock entering onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate the following to the Agency:

A) That physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock that may enter the active portion of the remediation waste management site; and

B) That disturbance of the waste or equipment by people or livestock that enter onto the active portion of the remediation waste management site will not cause a violation of the requirements of this Part;

4) The owner or operator must inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing or may lead to a release of hazardous waste constituents to the environment or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and the owner or operator must remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner or operator must immediately take remedial action;

5) The owner or operator must provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with this Part, and on how to respond effectively to emergencies;

6) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and the owner or operator must prevent threats to human health and the environment from ignitable, reactive, and incompatible waste;

7) For remediation waste management sites subject to regulation under Subparts I through O and Subpart X, the owner or operator must design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can meet the requirements of Section 724.118(b);

8) The owner or operator must not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;

9) The owner or operator must develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with Sections 724.321(c) and (d), 724.351(c) and (d), and 724.401(c) and (d) at the remediation waste management site, according to Section 724.119;

10) The owner or operator must develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire,

explosion, or release of hazardous waste or hazardous waste constituents occurs that could threaten human health or the environment;

11) The owner or operator must designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan;

12) The owner or operator must develop, maintain, and implement a plan to meet the requirements in subsections (j)(2) through (j)(6) and (j)(9) through (j)(10); and

13) The owner or operator must maintain records documenting compliance with subsections (j)(1) through (j)(12).

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART B: GENERAL FACILITY STANDARDS

Section 724.111 USEPA Identification Number

Every facility owner or operator must apply to the Agency ~~USEPA Region 5~~ for a USEPA identification number using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12). ~~The facility owner or operator must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762), and submit a completed copy of the form to the Bureau of Land, in addition to notification to USEPA Region 5.~~

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format:

www.epa.gov/?hwgenerators/?instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section 724.190 Applicability

a) Types of Units

1) Except as provided in subsection (b), the regulations in this Subpart F apply to owners and operators of facilities that treat, store or dispose of hazardous waste. The owner or operator must satisfy the requirements identified in subsection (a)(2) for all wastes (or constituents thereof) contained in solid waste management units at the facility regardless of the time at which waste was placed in such units.

2) All solid waste management units must comply with the requirements in Section 724.201. A surface impoundment, waste pile, land treatment unit, or landfill that receives hazardous waste after July 26, 1982 (referred to in this Subpart F as a "regulated unit") must comply with Sections 724.191 through 724.200, in lieu of Section 724.201, for purposes of detecting, characterizing, and responding to releases to the uppermost aquifer. The financial responsibility requirements of Section 724.201 apply to regulated units.

b) The owner or operator's regulated unit or units are not subject to regulation for releases into the uppermost aquifer under this Subpart F if the following is true:

1) The owner or operator is exempted pursuant to Section 724.101; or

2) The owner or operator operates a unit that the Agency finds:

A) Is an engineered structure.

B) Does not receive or contain liquid waste or waste containing free liquids.

C) Is designed and operated to exclude liquid, precipitation, and other run-on~~runon~~ and run-off~~runoff~~.

D) Has both inner and outer layers of containment enclosing the waste.

E) Has a leak detection system built into each containment layer.

F) The owner or operator will provide continuing operation and maintenance of these leak detection systems during the active life of the unit and the closure and post-closure care periods.

G) To a reasonable degree of certainty, will not allow hazardous constituents to migrate beyond the outer containment layer prior to the end of the post-closure care period; or

3) The Agency finds, pursuant to Section 724.380(d), that the treatment zone of a land treatment unit that qualifies as a regulated unit does not contain levels of hazardous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of Section 724.378 has not shown a

statistically significant increase in hazardous constituents below the treatment zone during the operating life of the unit. An exemption pursuant to this subsection (b) can only relieve an owner or operator of responsibility to meet the requirements of this Subpart F during the post-closure care period; or

4) The Agency finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including the closure period) and the post-closure care period specified pursuant to Section 724.217. This demonstration must be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator must base any predictions made pursuant to this subsection (b) on assumptions that maximize the rate of liquid migration; or

5) The owner or operator designs and operates a pile in compliance with Section 724.350(c).

c) The regulations under this Subpart F apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the following is true of the applicability of the regulations in this Subpart F:

1) Do not apply if all waste, waste residues, contaminated containment system components, and contaminated subsoils are removed or decontaminated at closure;

2) Apply during the post-closure care period pursuant to Section 724.217 if the owner or operator is conducting a detection monitoring program pursuant to Section 724.198; or

3) Apply during the compliance period pursuant to Section 724.196 if the owner or operator is conducting a compliance monitoring program pursuant to Section 724.199 or a corrective action program pursuant to Section 724.200.

d) This Subpart F applies to miscellaneous units if necessary to comply with Sections 724.701 through 724.703.

e) The regulations of this Subpart F apply to all owners and operators subject to 35 Ill. Adm. Code 703.161, when the Agency issues a post-closure care permit or other enforceable document that contains alternative requirements for the facility, as provided in 35 Ill. Adm. Code 703.161. When alternative requirements apply to a facility, a reference in this Subpart F to "in the permit" must mean "in the enforceable document".

f) A permit or enforceable document can contain alternative requirements for groundwater monitoring and corrective action for releases to groundwater applicable to a regulated unit that replace all or part of the requirements of 35 Ill. Adm. Code 724.191 through

724.200, as provided pursuant to 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:

- 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and
- 2) It is not necessary to apply the groundwater monitoring and corrective action requirements of 35 Ill. Adm. Code 724.191 through 724.200 because alternative requirements will adequately protect human health and the environment.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART G: CLOSURE AND POST-CLOSURE CARE

Section 724.212 Closure Plan; Amendment of Plan

a) Written Plan Required ~~plan required.~~

1) The owner or operator of a hazardous waste management facility must have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous waste at partial or final closure are required by Sections 724.328(c)(1)(A) and 724.358(c)(1)(A) to have contingent closure plans. The plan must be submitted with the permit application, in accordance with 35 Ill. Adm. Code 703.183, and approved by the Agency as part of the permit issuance proceeding pursuant to 35 Ill. Adm. Code 705. In accordance with 35 Ill. Adm. Code 703.241, the approved closure plan will become a condition of any RCRA permit.

2) The Agency's approval of the plan must ensure that the approved closure plan is consistent with Sections 724.211 through 724.215 and the applicable requirements of Sections 724.190 et seq., 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, 724.701, and 724.1102. Until final closure is completed and certified in accordance with Section 724.215, a copy of the approved plan and approved revisions must be furnished to the Agency upon request, including requests by mail.

b) Content of Plan ~~plan~~. The plan must identify steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan must include, at least the following:

- 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 724.211;
- 2) A description of how final closure of the facility will be conducted in accordance with Section 724.211. The description must identify the maximum extent of the operations that will be unclosed during the active life of the facility;

3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing, or disposing of all hazardous wastes, and identification of the types of off-site hazardous waste management units to be used, if applicable;

4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard;

5) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on~~-runon~~ and run-off ~~runoff~~-control;

6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities that will allow tracking of the progress of partial and final closure (For example, in the case of a landfill unit, estimates of the time required to treat and dispose of all hazardous waste inventory and of the time required to place a final cover must be included.);

7) For facilities that use trust funds to establish financial assurance pursuant to Section 724.243 or 724.245 and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure; and

8) For a facility where alternative requirements are established at a regulated unit pursuant to Section 724.190(f), 724.210(c), or 724.240(d), as provided pursuant to 35 Ill. Adm. Code 703.161, either the alternative requirements applying to the regulated unit or a reference to the enforceable document containing those alternative requirements.

c) Amendment of the Plan~~-plan~~. The owner or operator must submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the applicable procedures in 35 Ill. Adm. Code 702, 703, and 705. The written notification or request must include a copy of the amended closure plan for review or approval by the Agency.

1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the closure plan at any time prior to notification of partial or final closure of the facility.

2) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever any of the following occurs:

A) Changes in operating plans or facility design affect the closure plan;

B) There is a change in the expected year of closure, if applicable;

C) In conducting partial or final closure activities, unexpected events require modification of the approved closure plan; or

D) The owner or operator requests the establishment of alternative requirements, as provided pursuant to 35 Ill. Adm. Code 703.161, to a regulated unit pursuant to Section 724.190(f), 724.210(c), or 724.240(d).

3) The owner or operator must submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in the facility design or operation, or no later than 60 days after an unexpected event has occurred that has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan pursuant to Section 724.328(c)(1)(A) or 724.358(c)(1)(A), must submit an amended closure plan to the Agency no later than 60 days after the date the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to Section 724.410, or no later than 30 days after that date if the determination is made during partial or final closure. The Agency must approve, disapprove or modify this amended plan in accordance with the procedures in 35 Ill. Adm. Code 702, 703, and 705. In accordance with 35 Ill. Adm. Code 702.160 and 703.241, the approved closure plan will become a condition of any RCRA permit issued.

4) The Agency may request modifications to the plan under the conditions described in Section 724.212(c)(2). The owner or operator must submit the modified plan within 60 days after the Agency's request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Agency must be approved in accordance with the procedures in 35 Ill. Adm. Code 702, 703, and 705.

d) Notification of Partial Closure ~~partial closure~~ and Final Closure ~~final closure~~.

1) The owner or operator must notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit or final closure of a facility with such a unit. The owner or operator must notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed. The owner or operator must notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.

2) The date when the owner or operator "expects to begin closure" must be either of the following:

A) No later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator has taken and will continue to take all steps to adequately prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency must approve an extension to this one-year limit; or

B) For units meeting the requirements of Section 724.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the final known volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to adequately prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency must approve an extension to this one-year limit.

3) If the facility's permit is terminated, or if the facility is otherwise ordered by judicial decree or Board order to cease receiving hazardous wastes or to close, then this subsection (d) does not apply. However, the owner or operator must close the facility in accordance with the deadlines established in Section 724.213.

e) Removal of Wastes ~~wastes~~ and Decontamination ~~decontamination~~ or Dismantling ~~dismantling~~ of Equipment ~~equipment~~. Nothing in this

Section must preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART S: SPECIAL PROVISIONS FOR CLEANUP

Section 724.651 Grandfathered Corrective Action Management Units

a) To implement remedies pursuant to Section 724.201 or RCRA section 3008(h), or to implement remedies at a permitted facility that is not subject to Section 724.201, the Agency may designate an area at the facility as a corrective action management unit in accordance with the requirements of this Section. "Corrective action management unit" or "CAMU" means an area within a facility that is used only for managing remediation wastes for implementing corrective action or cleanup at that facility. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.

1) Placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes.

2) Consolidation or placement of remediation wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.

b) Designation of a CAMU

1) The Agency may designate a regulated unit (as defined in Section 724.190(a)(2)) as a CAMU, or it may incorporate a regulated unit into a CAMU, if the following is true:

A) The regulated unit is closed or closing, meaning it has begun the closure process pursuant to Section 724.213 or 35 Ill. Adm. Code 725.213; and

B) Inclusion of the regulated unit will enhance implementation of effective, protective, and reliable remedial actions for the facility.

2) The requirements of Subparts F, G, and H and the unit-specific requirements of this Part or the 35 Ill. Adm. Code 725 requirements that applied to that regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.

c) The Agency must designate a CAMU in accordance with the following factors:

- 1) The CAMU must facilitate the implementation of reliable, effective, protective, and cost-effective remedies;
 - 2) Waste management activities associated with the CAMU must not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;
 - 3) The CAMU must include uncontaminated areas of the facility only if including such areas for the purpose of managing remediation waste is more protective than managing such wastes at contaminated areas of the facility;
 - 4) Areas within the CAMU where wastes remain in place after its closure must be managed and contained so as to minimize future releases to the extent practicable;
 - 5) The CAMU must expedite the timing of remedial activity implementation, when appropriate and practicable;
 - 6) The CAMU must enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and
 - 7) The CAMU must, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.
- d) The owner or operator must provide sufficient information to enable the Agency to designate a CAMU in accordance with the standards of this Section.
 - e) The Agency must specify in the permit the requirements applicable to a CAMU, including the following:
 - 1) The areal configuration of the CAMU.
 - 2) Requirements for remediation waste management, including the specification of applicable design, operation, and closure requirements.
 - 3) Requirements for groundwater monitoring that are sufficient to do the following:
 - A) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in groundwater from sources located within the CAMU; and
 - B) Detect and subsequently characterize releases of hazardous constituents to groundwater that may occur from areas of the CAMU in which wastes will remain in place after closure of the CAMU.

4) Closure and Post-Closure Care Requirements

A) Closure of a CAMU must do the following:

- i) Minimize the need for further maintenance; and
- ii) Control, minimize, or eliminate, to the extent necessary to adequately protect human health and the environment, for areas where wastes remain in place, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off~~runoff~~, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere.

B) Requirements for closure of a CAMU must include the following, as appropriate:

- i) Requirements for excavation, removal, treatment, or containment of wastes;
- ii) For areas in which wastes will remain after closure of the CAMU, requirements for the capping of such areas; and
- iii) Requirements for the removal and decontamination of equipment, devices, and structures used in remediation waste management activities within the CAMU.

C) In establishing specific closure requirements for a CAMU pursuant to this subsection (e), the Agency must consider the following factors:

- i) The characteristics of the CAMU;
- ii) The volume of wastes that remain in place after closure;
- iii) The potential for releases from the CAMU;
- iv) The physical and chemical characteristics of the waste;
- v) The hydrological and other relevant environmental conditions at the facility that may influence the migration of any potential or actual releases; and
- vi) The potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.

D) Post-closure care requirements as necessary to adequately protect human health and the environment, including, for areas where wastes will remain in place, monitoring and maintenance activities and the frequency with which such activities must be performed to ensure the integrity of any cap, final cover, or other containment system.

f) The Agency must document the rationale for designating the CAMU and must make such documentation available to the public.

g) Incorporation of a CAMU into an existing permit must be approved by the Agency according to the procedures for Agency-initiated permit modifications pursuant to 35 Ill. Adm. Code 703.270 through 703.273 or according to the permit modification procedures of 35 Ill. Adm. Code 703.283.

h) The designation of a CAMU does not change the Agency's existing authority to address cleanup levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 724.652 Corrective Action Management Units

a) To implement remedies pursuant to Section 724.201 or RCRA section 3008(h), or to implement remedies at a permitted facility that is not subject to Section 724.201, the Agency may designate an area at the facility as a corrective action management unit pursuant to the requirements in this Section. "Corrective action management unit" or "CAMU" means an area within a facility that is used only for managing CAMU-eligible wastes for implementing corrective action or cleanup at that facility. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.

1) "CAMU-eligible waste" means the following:

A) All solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris, that are managed for implementing cleanup. As-generated wastes (either hazardous or non-hazardous) from ongoing industrial operations at a site are not CAMU-eligible wastes.

B) Wastes that would otherwise meet the description in subsection (a)(1)(A) are not CAMU-eligible waste where the following is true:

i) The wastes are hazardous waste found during cleanup in intact or substantially intact containers, tanks, or other non-land-based units found above ground, unless the wastes are first placed in the tanks, containers, or non-land-based units as part of cleanup, or the containers or tanks are excavated during the course of cleanup; or

ii) The Agency makes the determination in subsection (a)(2) to prohibit the wastes from management in a CAMU.

C) Notwithstanding subsection (a)(1)(A), where appropriate, as-generated non-hazardous waste may be placed in a CAMU where such

waste is being used to facilitate treatment or the performance of the CAMU.

2) The Agency must prohibit the placement of waste in a CAMU where the Agency determines that the wastes have not been managed in compliance with applicable land disposal treatment standards of 35 Ill. Adm. Code 728, applicable unit design requirements of this Part or 35 Ill. Adm. Code 725, or other applicable requirements of this Subtitle G, and that the non-compliance likely contributed to the release of the waste.

3) Prohibition against Placing Liquids ~~placing liquids~~ in a CAMU.

A) The placement of bulk or noncontainerized liquid hazardous waste or free liquids contained in hazardous waste (whether or not sorbents have been added) in any CAMU is prohibited except where placement of such wastes facilitates the remedy selected for the waste.

B) The requirements in Section 724.414(c) for placement of containers holding free liquids in landfills apply to placement in a CAMU, except where placement facilitates the remedy selected for the waste.

C) The placement of any liquid that is not a hazardous waste in a CAMU is prohibited unless such placement facilitates the remedy selected for the waste or a demonstration is made pursuant to Section 724.414(e).

D) The absence or presence of free liquids in either a containerized or a bulk waste must be determined in accordance with Section 724.414(b). Sorbents used to treat free liquids in a CAMU must meet the requirements of Section 724.414(d).

4) Placement of CAMU-eligible wastes into or within a CAMU does not constitute land disposal of hazardous waste.

5) Consolidation or placement of CAMU-eligible wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.

b) Establishing a CAMU

1) The Agency must designate a regulated unit (as defined in Section 724.190(a)(2)) as a CAMU or must incorporate a regulated unit into a CAMU, if it determines that the following is true of a regulated unit:

A) The regulated unit is closed or closing, meaning it has begun the closure process pursuant to Section 724.213 or 35 Ill. Adm. Code 725.213; and

B) Inclusion of the regulated unit will enhance implementation of effective, protective, and reliable remedial actions for the facility.

2) The Subpart F, G, and H requirements and the unit-specific requirements of this Part or 35 Ill. Adm. Code 265 that applied to the regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.

c) The Agency must designate a CAMU that will be used for storage or treatment only in accordance with subsection (f). The Agency must designate any other CAMU in accordance with the following requirements:

1) The CAMU must facilitate the implementation of reliable, effective, protective, and cost-effective remedies;

2) Waste management activities associated with the CAMU must not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;

3) The CAMU must include uncontaminated areas of the facility, only if including such areas for the purpose of managing CAMU-eligible waste is more protective than management of such wastes at contaminated areas of the facility;

4) Areas within the CAMU, where wastes remain in place after closure of the CAMU, must be managed and contained so as to minimize future releases, to the extent practicable;

5) The CAMU must expedite the timing of remedial activity implementation, when appropriate and practicable;

6) The CAMU must enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and

7) The CAMU must, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.

d) The owner or operator must provide sufficient information to enable the Agency to designate a CAMU in accordance with the criteria in this Section. This must include, unless not reasonably available, information on the following:

1) The origin of the waste and how it was subsequently managed (including a description of the timing and circumstances surrounding the disposal or release);

2) Whether the waste was listed or identified as hazardous at the time of disposal or release; and

3) Whether the disposal or release of the waste occurred before or after the land disposal requirements of 35 Ill. Adm. Code 728 were in effect for the waste listing or characteristic.

e) The Agency must specify, in the permit or order, requirements for the CAMU to include the following:

1) The areal configuration of the CAMU.

2) Except as provided in subsection (g), requirements for CAMU-eligible waste management to include the specification of applicable design, operation, treatment, and closure requirements.

3) Minimum Design Requirements: a CAMU, except as provided in subsection (f), into which wastes are placed must be designed in accordance with the following:

A) Unless the Agency approves alternative requirements pursuant to subsection (e)(3)(B), a CAMU that consists of new, replacement, or laterally expanded units must include a composite liner and a leachate collection system that is designed and constructed to maintain less than a 30-cm depth of leachate over the liner. For purposes of this Section, "composite liner" means a system consisting of two components; the upper component must consist of a minimum 30-mil flexible membrane liner (FML), and the lower component must consist of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec. FML components consisting of high density polyethylene (HDPE) must be at least 60 mil thick. The FML component must be installed in direct and uniform contact with the compacted soil component;

B) Alternative Requirements. The Agency must approve alternative requirements if it determines that either of the following is true:

i) The Agency determines that alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents into the groundwater or surface water at least as effectively as the liner and leachate collection systems in subsection (e)(3)(A); or

ii) The CAMU is to be established in an area with existing significant levels of contamination, and the Agency determines that an alternative design, including a design that does not include a liner, would prevent migration from the unit that would exceed long-term remedial goals.

4) Minimum Treatment Requirements. Unless the wastes will be placed in a CAMU for storage or treatment only in accordance with subsection (f), CAMU-eligible wastes that, absent this Section, would be subject to the treatment requirements of 35 Ill. Adm. Code 728, and that the Agency determines contain principal hazardous constituents must be treated to the standards specified in subsection (e)(4)(C).

A) Principal hazardous constituents are those constituents that the Agency determines pose a risk to human health and the environment substantially higher than the cleanup levels or goals at the site.

i) In general, the Agency must designate as principal hazardous constituents those contaminants specified in subsection (e) (4) (H).

BOARD NOTE: The Board has codified 40 CFR 264.552(e) (4) (i) (A) (1) and (e) (4) (i) (A) (2) as subsections (e) (4) (H) (i) and (e) (4) (H) (ii) in order to comply with Illinois Administrative Code codification requirements.

ii) The Agency must also designate constituents as principal hazardous constituents, where appropriate, when risks to human health and the environment posed by the potential migration of constituents in wastes to groundwater are substantially higher than cleanup levels or goals at the site. When making such a designation, the Agency must consider such factors as constituent concentrations, and fate and transport characteristics under site conditions.

iii) The Agency must also designate other constituents as principal hazardous constituents that the Agency determines pose a risk to human health and the environment substantially higher than that posed by the cleanup levels or goals at the site.

B) In determining which constituents are "principal hazardous constituents", the Agency must consider all constituents that, absent this Section, would be subject to the treatment requirements in 35 Ill. Adm. Code 728.

C) Waste that the Agency determines contains principal hazardous constituents must meet treatment standards determined in accordance with subsection (e) (4) (D) or (e) (4) (E).

D) Treatment Standards for Wastes Placed in a CAMU

i) For non-metals, treatment must achieve 90 percent reduction in total principal hazardous constituent concentrations, except as provided by subsection (e) (4) (D) (iii).

ii) For metals, treatment must achieve 90 percent reduction in principal hazardous constituent concentrations as measured in leachate from the treated waste or media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by subsection (e) (4) (D) (iii).

iii) When treatment of any principal hazardous constituent to a 90 percent reduction standard would result in a concentration less than 10 times the Universal Treatment Standard for that constituent, treatment to achieve constituent concentrations less than 10 times the Universal Treatment Standard is not required. Universal Treatment Standards are identified in Table U to 35 Ill. Adm. Code 728.

iv) For waste exhibiting the hazardous characteristic of ignitability, corrosivity, or reactivity, the waste must also be treated to eliminate these characteristics.

v) For debris, the debris must be treated in accordance with 35 Ill. Adm. Code 728.145, or by methods or to levels established pursuant to subsections (e) (4) (D) (i) through (e) (4) (D) (iv) or subsection (e) (4) (E), whichever the Agency determines is appropriate.

vi) Alternatives to TCLP. For metal bearing wastes for which metals removal treatment is not used, the Agency must specify a leaching test other than Method 1311 (Toxicity Characteristic Leaching Procedure), in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a) to measure treatment effectiveness, provided the Agency determines that an alternative leach testing protocol is appropriate for use, and that the alternative more accurately reflects conditions at the site that affect leaching.

E) Adjusted Standards. The Board will grant an adjusted standard pursuant to Section 28.1 of the Act to adjust the treatment level or method in subsection (e) (4) (D) to a higher or lower level, based on one or more of the following factors, as appropriate, if the owner or operator demonstrates that the adjusted level or method would adequately protect human health and the environment, based on consideration of the following:

i) The technical impracticability of treatment to the levels or by the methods in subsection (e) (4) (D);

ii) The levels or methods in subsection (e) (4) (D) would result in concentrations of principal hazardous constituents (PHCs) that are significantly above or below cleanup standards applicable to the site (established either site-specifically, or promulgated pursuant to State or federal law);

iii) The views of the affected local community on the treatment levels or methods in subsection (e) (4) (D), as applied at the site, and, for treatment levels, the treatment methods necessary to achieve these levels;

iv) The short-term risks presented by the on-site treatment method necessary to achieve the levels or treatment methods in subsection (e) (4) (D);

v) The long-term protection offered by the engineering design of the CAMU and related engineering controls under the circumstances set forth in subsection (e) (4) (I).

BOARD NOTE: The Board has codified 40 CFR 264.552 (e) (4) (v) (E) (1) through (e) (4) (v) (E) (5) as subsections (e) (4) (I) (i) through (e) (4) (I) (v)

in order to comply with Illinois Administrative Code codification requirements.

F) The treatment required by the treatment standards must be completed prior to, or within a reasonable time after, placement in the CAMU.

G) For the purpose of determining whether wastes placed in a CAMU have met site-specific treatment standards, the Agency must specify a subset of the principal hazardous constituents in the waste as analytical surrogates for determining whether treatment standards have been met for other principal hazardous constituents if it determines that the specification is appropriate based on the degree of difficulty of treatment and analysis of constituents with similar treatment properties.

H) Principal hazardous constituents that the Agency must designate are the following:

i) Carcinogens that pose a potential direct risk from ingestion or inhalation at the site at or above 10^{-3} ; and

ii) Non-carcinogens that pose a potential direct risk from ingestion or inhalation at the site an order of magnitude or greater over their reference dose.

I) Circumstances relating to the long-term protection offered by engineering design of the CAMU and related engineering controls are the following:

i) Where the treatment standards in subsection (e)(4)(D) are substantially met and the principal hazardous constituents in the waste or residuals are of very low mobility;

ii) Where cost-effective treatment has been used and the CAMU meets the Subtitle C liner and leachate collection requirements for new land disposal units at Section 724.401(c) and (d);

iii) Where, after review of appropriate treatment technologies, the Board determines that cost-effective treatment is not reasonably available, and the CAMU meets the Subtitle C liner and leachate collection requirements for new land disposal units at Section 724.401(c) and (d);

iv) Where cost-effective treatment has been used and the principal hazardous constituents in the treated wastes are of very low mobility; or

v) Where, after review of appropriate treatment technologies, the Board determines that cost-effective treatment is not reasonably available, the principal hazardous constituents in the wastes are of very low mobility, and either the CAMU meets or exceeds the liner

standards for new, replacement, or a laterally expanded CAMU in subsections (e) (3) (A) and (e) (3) (B) or the CAMU provides substantially equivalent or greater protection.

5) Except as provided in subsection (f), requirements for groundwater monitoring and corrective action that are sufficient to do the following:

A) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in groundwater from sources located within the CAMU;

B) Detect and subsequently characterize releases of hazardous constituents to groundwater that may occur from areas of the CAMU in which wastes will remain in place after closure of the CAMU; and

C) Require notification to the Agency and corrective action as necessary to adequately protect human health and the environment for releases to groundwater from the CAMU.

6) Except as provided in subsection (f), closure and post-closure requirements, as follows:

A) Closure of corrective action management units must do the following:

i) It must minimize the need for further maintenance; and

ii) It must control, minimize, or eliminate, to the extent necessary to adequately protect human health and the environment, for areas where wastes remain in place, post-closure escape of hazardous wastes, hazardous constituents, leachate, contaminated run-off~~runoff~~, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere.

B) Requirements for closure of a CAMU must include the following, as appropriate and as deemed necessary by the Agency for a given CAMU:

i) Requirements for excavation, removal, treatment or containment of wastes; and

ii) Requirements for removal and decontamination of equipment, devices, and structures used in CAMU-eligible waste management activities within the CAMU.

C) In establishing specific closure requirements for a CAMU pursuant to this subsection (e), the Agency must consider the following factors:

i) CAMU characteristics;

ii) Volume of wastes that remain in place after closure;

- iii) Potential for releases from the CAMU;
- iv) Physical and chemical characteristics of the waste;
- v) Hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential or actual releases; and
- vi) Potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.

D) Cap Requirements

i) At final closure of the CAMU, for areas in which wastes will remain with constituent concentrations at or above remedial levels or goals applicable to the site after closure of the CAMU, the owner or operator must cover the CAMU with a final cover designed and constructed to meet the performance criteria listed in subsection (e)(6)(F), except as provided in subsection (e)(6)(D)(ii):

BOARD NOTE: The Board has codified 40 CFR 264.552(e)(6)(iv)(A)(1) through (e)(6)(iv)(A)(5) as subsections (e)(6)(F)(i) through (e)(6)(F)(v) in order to comply with Illinois Administrative Code codification requirements.

ii) The Agency must apply cap requirements that deviate from those prescribed in subsection (e)(6)(D)(i) if it determines that the modifications are needed to facilitate treatment or the performance of the CAMU (e.g., to promote biodegradation).

E) Post-closure requirements as necessary to adequately protect human health and the environment, to include, for areas where wastes will remain in place, monitoring and maintenance activities, and the frequency with which such activities must be performed to ensure the integrity of any cap, final cover, or other containment system.

F) The final cover design and performance criteria are as follows:

i) The final cover must provide long-term minimization of migration of liquids through the closed unit;

ii) The final cover must function with minimum maintenance;

iii) The final cover must promote drainage and minimize erosion or abrasion of the cover;

iv) The final cover must accommodate settling and subsidence so that the cover's integrity is maintained; and

v) The final cover must have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

f) A CAMU used for storage or treatment only is a CAMU in which wastes will not remain after closure. Such a CAMU must be designated in accordance with all of the requirements of this Section, except as follows:

1) A CAMU that is used for storage or treatment only and that operates in accordance with the time limits established in the staging pile regulations at Section 724.654(d)(1)(C), (h), and (i) is subject to the requirements for staging piles at Section 724.654(d)(1)(A) and (d)(1)(B), (d)(2), (e), (f), (j), and (k) in lieu of the performance standards and requirements for a CAMU in subsections (c) and (e)(3) through (e)(6).

2) A CAMU that is used for storage or treatment only and that does not operate in accordance with the time limits established in the staging pile regulations at Section 724.654(d)(1)(C), (h), and (i):

A) The owner or operator must operate in accordance with a time limit, established by the Agency, that is no longer than necessary to achieve a timely remedy selected for the waste and

B) The CAMU is subject to the requirements for staging piles at Section 724.654(d)(1)(A) and (d)(1)(B), (d)(2), (e), (f), (j), and (k) in lieu of the performance standards and requirements for a CAMU in subsections (c), (e)(4), and (e)(6).

g) A CAMU into which wastes are placed where all wastes have constituent levels at or below remedial levels or goals applicable to the site do not have to comply with the requirements for liners at subsection (e)(3)(A), caps at subsection (e)(6)(D), groundwater monitoring requirements at subsection (e)(5) or, for treatment or storage-only a CAMU, the design standards at subsection (f).

h) The Agency must provide public notice and a reasonable opportunity for public comment before designating a CAMU. Such notice must include the rationale for any proposed adjustments pursuant to subsection (e)(4)(E) to the treatment standards in subsection (e)(4)(D).

i) Notwithstanding any other provision of this Section, the Agency must impose those additional requirements that it determines are necessary to adequately protect human health and the environment.

j) Incorporation of a CAMU into an existing permit must be approved by the Agency according to the procedures for Agency-initiated permit modifications pursuant to 35 Ill. Adm. Code 703.270 through 703.273, or according to the permit modification procedures of 35 Ill. Adm. Code 703.280 through 703.283.

k) The designation of a CAMU does not change the Agency's existing authority to address cleanup levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 724.654 Staging Piles

a) Definition of a Staging Pile. A staging pile is an accumulation of solid, non-flowing remediation waste (as defined in 35 Ill. Adm. Code 720.110) that is not a containment building and which is used only during remedial operations for temporary storage at a facility. A staging pile must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the staging pile originated. Staging piles must be designated by the Agency in accordance with the requirements in this Section.

1) For the purposes of this Section, storage includes mixing, sizing, blending, or other similar physical operations as long as they are intended to prepare the wastes for subsequent management or treatment.

2) This subsection (a)(2) corresponds with 40 CFR 264.554(a)(2), which USEPA has marked as "reserved". This statement maintains structural consistency with the federal regulations.

b) Use of a Staging Pile. An owner or operator may use a staging pile to store hazardous remediation waste (or remediation waste otherwise subject to land disposal restrictions) only if an owner or operator follows the standards and design criteria the Agency has designated for that staging pile. The Agency must designate the staging pile in a permit or, at an interim status facility, in a closure plan or order (consistent with 35 Ill. Adm. Code 703.155(a)(5) and (b)(5)). The Agency must establish conditions in the permit, closure plan, or order that comply with subsections (d) through (k).

c) Information That an Owner or Operator Must Submit to Gain Designation of a Staging Pile. When seeking a staging pile designation, an owner or operator must provide the following:

1) Sufficient and accurate information to enable the Agency to impose standards and design criteria for the facility's staging pile according to subsections (d) through (k);

2) Certification by a qualified Professional Engineer of technical data, such as design drawings and specifications, and engineering studies, unless the Agency determines, based on information that an owner or operator provides, that this certification is not necessary to ensure that a staging pile will adequately protect human health and the environment; and

3) Any additional information the Agency determines is necessary to adequately protect human health and the environment.

d) Performance Criteria That a Staging Pile Must Satisfy. The Agency must establish the standards and design criteria for the staging pile in the permit, closure plan, or order.

1) The standards and design criteria must comply with the following:

A) The staging pile must facilitate a reliable, effective, and protective remedy;

B) The staging pile must be designed so as to prevent or minimize releases of hazardous wastes and hazardous constituents into the environment, and minimize or adequately control cross-media transfer, as necessary to adequately protect human health and the environment (for example, through the use of liners, covers, or run-off~~runoff~~ and run-on~~runon~~ controls, as appropriate); and

C) The staging pile must not operate for more than two years, except when the Agency grants an operating term extension pursuant to subsection (i). An owner or operator must measure the two-year limit or other operating term specified by the Agency in the permit, closure plan, or order from the first time an owner or operator places remediation waste into a staging pile. An owner or operator must maintain a record of the date when it first placed remediation waste into the staging pile for the life of the permit, closure plan, or order, or for three years, whichever is longer.

2) In setting the standards and design criteria, the Agency must consider the following factors:

A) The length of time the pile will be in operation;

B) The volumes of wastes the owner or operator intends to store in the pile;

C) The physical and chemical characteristics of the wastes to be stored in the unit;

D) The potential for releases from the unit;

E) The hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases; and

F) The potential for human and environmental exposure to potential releases from the unit.

e) Receipt of Ignitable or Reactive Remediation Waste. An owner or operator must not place ignitable or reactive remediation waste in a staging pile unless the following is true:

1) The owner or operator has treated, rendered, or mixed the remediation waste before it placed the waste in the staging pile so that the following is true of the waste:

A) The remediation waste no longer meets the definition of ignitable or reactive pursuant to 35 Ill. Adm. Code 721.121 or 721.123; and

B) The owner or operator has complied with Section 724.117(b); or

2) The owner or operator manages the remediation waste to protect it from exposure to any material or condition that may cause it to ignite or react.

f) Managing Incompatible Remediation Wastes in a Staging Pile. The term "incompatible waste" is defined in 35 Ill. Adm. Code 720.110. An owner or operator must comply with the following requirements for incompatible wastes in staging piles:

1) The owner or operator must not place incompatible remediation wastes in the same staging pile unless an owner or operator has complied with Section 724.117(b);

2) If remediation waste in a staging pile is incompatible with any waste or material stored nearby in containers, other piles, open tanks, or land disposal units (for example, surface impoundments), an owner or operator must separate the incompatible materials, or protect them from one another by using a dike, berm, wall, or other device; and

3) The owner or operator must not pile remediation waste on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to comply with Section 724.117(b).

g) Staging piles are not subject to land disposal restrictions and federal minimum technological requirements. Placing hazardous remediation wastes into a staging pile does not constitute land disposal of hazardous wastes or create a unit that is subject to the federal minimum technological requirements of section 3004(o) of RCRA, 42 USC 6924(o).

h) How Long an Owner or Operator May Operate a Staging Pile. The Agency may allow a staging pile to operate for up to two years after hazardous remediation waste is first placed into the pile. An owner or operator must use a staging pile no longer than the length of time designated by the Agency in the permit, closure plan, or order (the "operating term"), except as provided in subsection (i).

i) Receiving an Operating Extension for a Staging Pile

1) The Agency may grant one operating term extension of up to 180 days beyond the operating term limit contained in the permit, closure plan, or order (see subsection (1) for modification procedures). To

justify the need for an extension, an owner or operator must provide sufficient and accurate information to enable the Agency to determine that the following is true of continued operation of the staging pile:

A) Continued operation will not pose a threat to human health and the environment; and

B) Continued operation is necessary to ensure timely and efficient implementation of remedial actions at the facility.

2) The Agency must, as a condition of the extension, specify further standards and design criteria in the permit, closure plan, or order, as necessary, to ensure adequate protection of human health and the environment.

j) The Closure Requirement for a Staging Pile Located in a Previously Contaminated Area

1) Within 180 days after the operating term of the staging pile expires, an owner or operator must close a staging pile located in a previously contaminated area of the site by removing or decontaminating all of the following:

A) Remediation waste;

B) Contaminated containment system components; and

C) Structures and equipment contaminated with waste and leachate.

2) An owner or operator must also decontaminate contaminated subsoils in a manner and according to a schedule that the Agency determines will adequately protect human health and the environment.

3) The Agency must include the above requirements in the permit, closure plan, or order in which the staging pile is designated.

k) The Closure Requirement for a Staging Pile Located in a Previously Uncontaminated Area

1) Within 180 days after the operating term of the staging pile expires, an owner or operator must close a staging pile located in an uncontaminated area of the site according to Sections 724.358(a) and 724.211 or according to 35 Ill. Adm. Code 725.358(a) and 725.211.

2) The Agency must include the requirement of this Section stated in subsection (k)(1) in the permit, closure plan, or order in which the staging pile is designated.

1) Modifying an Existing Permit (e.g., a RAP), Closure Plan, or Order to Allow the Use of a Staging Pile

1) To modify a permit, other than a RAP, to incorporate a staging pile or staging pile operating term extension, either of the following must occur:

A) The Agency must approve the modification pursuant to the procedures for Agency-initiated permit modifications in 35 Ill. Adm. Code 703.270 through 703.273; or

B) An owner or operator must request a Class 2 modification pursuant to 35 Ill. Adm. Code 703.280 through 703.283.

2) To modify a RAP to incorporate a staging pile or staging pile operating term extension, an owner or operator must comply with the RAP modification requirements pursuant to 35 Ill. Adm. Code 703.304(a) and (b).

3) To modify a closure plan to incorporate a staging pile or staging pile operating term extension, an owner or operator must follow the applicable requirements pursuant to Section 724.212(c) or 35 Ill. Adm. Code 725.212(c).

4) To modify an order to incorporate a staging pile or staging pile operating term extension, an owner or operator must follow the terms of the order and the applicable provisions of 35 Ill. Adm. Code 703.155(a)(5) or (b)(5).

m) Public Availability of Information about a Staging Pile. The Agency must document the rationale for designating a staging pile or staging pile operating term extension and make this documentation available to the public.

(Source: Amended at 43 Ill. Reg. _____, effective

_____)

~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

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Description	35-724-Agency Proposed-(issue 9)
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164 724.354

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165 724.356

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167 724.358

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168 724.359

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175	724.371	Treatment Program
176	724.372	Treatment Demonstration
177	724.373	Design and Operating Requirements
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253	724.934	Test Methods and Procedures
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259	Section	
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267	724.957	Standards: Valves in Gas/Vapor or Light Liquid Service
268	724.958	Standards: Pumps, Valves, Pressure Relief Devices, and Other Connectors
269	724.959	Standards: Delay of Repair
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281	724.981	Definitions
282	724.982	Standards: General
283	724.983	Waste Determination Procedures
284	724.984	Standards: Tanks
285	724.985	Standards: Surface Impoundments
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296	724.1100	Applicability
297	724.1101	Design and Operating Standards
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301

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

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

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

345 2008; amended in R09-3 at 33 Ill. Reg. 1106, effective December 30, 2008; amended in R09-
 346 16/R10-4 at 34 Ill. Reg. 18873, effective November 12, 2010; amended in R11-2/R11-16 at 35
 347 Ill. Reg. 17965, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17773, effective
 348 October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1724, effective January 12, 2015; amended
 349 in R16-7 at 40 Ill. Reg. 11726, effective August 9, 2016; amended in R17-14/R17-15/R18-
 350 12/R18-31 at 42 Ill. Reg. 22614, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg.
 351 601, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. _____, effective
 352 _____.

354 SUBPART A: GENERAL PROVISIONS

356 **Section 724.101 Purpose, Scope, and Applicability**

- 357
- 358 a) The purpose of this Part is to establish minimum standards that define the
 359 acceptable management of hazardous waste.
- 360
- 361 b) The standards in this Part apply to owners and operators of all facilities that treat,
 362 store, or dispose of hazardous waste, except as specifically provided otherwise in
 363 this Part or 35 Ill. Adm. Code 721.
- 364
- 365 c) This Part applies to a person disposing of hazardous waste by means of ocean
 366 disposal subject to a permit issued pursuant to the federal Marine Protection,
 367 Research and Sanctuaries Act (33 USC 1401 et seq.) only to the extent they are
 368 included in a RCRA permit by rule granted to such a person pursuant to 35 Ill.
 369 Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of
 370 the Environmental Protection Act and 35 Ill. Adm. Code 703.121.

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372 BOARD NOTE: This Part does apply to the treatment or storage of hazardous
 373 waste before it is loaded onto an ocean vessel for incineration or disposal at sea.
 374

- 375 d) This Part applies to a person disposing of hazardous waste by means of
 376 underground injection subject to a permit issued by the Agency pursuant to
 377 Section 12(g) of the Environmental Protection Act only to the extent they are
 378 required by Subpart F of 35 Ill. Adm. Code 704.

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380 BOARD NOTE: This Part does apply to the above-ground treatment or storage
 381 of hazardous waste before it is injected underground.
 382

- 383 e) This Part applies to the owner or operator of a POTW (publicly owned treatment
 384 works) that treats, stores, or disposes of hazardous waste only to the extent
 385 included in a RCRA permit by rule granted to such a person pursuant to 35 Ill.
 386 Adm. Code 703.141.

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- f) This subsection (f) corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with USEPA rules.
- g) This Part does not apply to the following:
 - 1) The owner or operator of a facility permitted by the Agency pursuant to Section 21 of the Environmental Protection Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation pursuant to this Part by 35 Ill. Adm. Code 722.114.

BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit pursuant to 35 Ill. Adm. Code 807.210.
 - 2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the extent that requirements of this Part are referred to in Subpart C, F, G, or H of 35 Ill. Adm. Code 726 or 35 Ill. Adm. Code 739).
 - 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.
 - 4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.
 - 5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.
 - 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in Table T to 35 Ill. Adm. Code 728) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b).
 - 7) This subsection (g)(7) corresponds with 40 CFR 264.1(g)(7), reserved by USEPA. This statement maintains structural consistency with USEPA rules.

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- 8) Immediate Response
- A) Except as provided in subsection (g)(8)(B), a person engaged in treatment or containment activities during immediate response to any of the following situations:
- i) A discharge of a hazardous waste;
 - ii) An imminent and substantial threat of a discharge of hazardous waste;
 - iii) A discharge of a material that becomes a hazardous waste when discharged; or
 - iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.
- B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D.
- C) Any person that is covered by subsection (g)(8)(A) and that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.
- D) In the case of an explosives or munitions emergency response, if a federal, State, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to adequately protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

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- 9) A transporter storing manifested shipments of hazardous waste in containers meeting 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.
- 10) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.
- 11) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation pursuant to 35 Ill. Adm. Code 733 when handling the following universal wastes:
 - A) Batteries, as described in 35 Ill. Adm. Code 733.102;
 - B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
 - C) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104; and
 - D) Lamps, as described in 35 Ill. Adm. Code 733.105.
- h) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.
- i) 35 Ill. Adm. Code 726.505 identifies when this Part applies to the storage of military munitions classified as solid waste pursuant to 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 728, and 738.
- j) Subparts B, C, and D and Section 724.201 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, Subparts B, C, and D, and Section 724.201 do apply to the facility subject to the traditional RCRA permit.) Instead of Subparts B, C, and D, the owner or operator of a remediation waste management site must comply with the following requirements:

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- 1) The owner or operator must obtain a USEPA identification number by applying to the Agency~~USEPA Region 5~~ using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12), as described in Section 724.111;

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.
- 2) The owner or operator must obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information that must be known to treat, store, or dispose of the waste according to this Part and 35 Ill. Adm. Code 728, and the owner or operator must keep the analysis accurate and up to date;
- 3) The owner or operator must prevent people who are unaware of the danger from entering the site, and the owner or operator must minimize the possibility for unauthorized people or livestock entering onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate the following to the Agency:
 - A) That physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock that may enter the active portion of the remediation waste management site; and
 - B) That disturbance of the waste or equipment by people or livestock that enter onto the active portion of the remediation waste management site will not cause a violation of the requirements of this Part;
- 4) The owner or operator must inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing or may lead to a release of hazardous waste constituents to the environment or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and the owner or operator must remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner or operator must immediately take remedial action;

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- 5) The owner or operator must provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with this Part, and on how to respond effectively to emergencies;
- 6) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and the owner or operator must prevent threats to human health and the environment from ignitable, reactive, and incompatible waste;
- 7) For remediation waste management sites subject to regulation under Subparts I through O and Subpart X, the owner or operator must design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can meet the requirements of Section 724.118(b);
- 8) The owner or operator must not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;
- 9) The owner or operator must develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with Sections 724.321(c) and (d), 724.351(c) and (d), and 724.401(c) and (d) at the remediation waste management site, according to Section 724.119;
- 10) The owner or operator must develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents occurs that could threaten human health or the environment;
- 11) The owner or operator must designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency

603 by reaching the facility quickly), to coordinate all emergency response
604 measures. This emergency coordinator must be thoroughly familiar with
605 all aspects of the facility's contingency plan, all operations and activities at
606 the facility, the location and characteristics of waste handled, the location
607 of all records within the facility, and the facility layout. In addition, this
608 person must have the authority to commit the resources needed to carry
609 out the contingency plan;

611 12) The owner or operator must develop, maintain, and implement a plan to
612 meet the requirements in subsections (j)(2) through (j)(6) and (j)(9)
613 through (j)(10); and

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615 13) The owner or operator must maintain records documenting compliance
616 with subsections (j)(1) through (j)(12).

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618 (Source: Amended at 43 Ill. Reg. _____, effective _____)

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620 SUBPART B: GENERAL FACILITY STANDARDS

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622 **Section 724.111 USEPA Identification Number**

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624 Every facility owner or operator must apply to ~~the Agency~~USEPA Region 5 for a USEPA
625 identification number using Notification of RCRA Subtitle C Activities (Site Identification
626 Form) (USEPA Form 8700-12). ~~The facility owner or operator must obtain a copy of the form~~
627 ~~from the Agency, Bureau of Land (217-782-6762), and submit a completed copy of the form to~~
628 ~~the Bureau of Land, in addition to notification to USEPA Region 5.~~

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630 BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-
631 782-6762). It is also available on-line for download in PDF file format: [www.epa.gov/](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and)
632 [hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and)
633 [storage-and.](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and)

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635 (Source: Amended at 43 Ill. Reg. _____, effective _____)

636
637 SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

638
639 **Section 724.190 Applicability**

640
641 a) Types of Units

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643 1) Except as provided in subsection (b), the regulations in this Subpart F
644 apply to owners and operators of facilities that treat, store or dispose of
645 hazardous waste. The owner or operator must satisfy the requirements

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identified in subsection (a)(2) for all wastes (or constituents thereof) contained in solid waste management units at the facility regardless of the time at which waste was placed in such units.

2) All solid waste management units must comply with the requirements in Section 724.201. A surface impoundment, waste pile, land treatment unit, or landfill that receives hazardous waste after July 26, 1982 (referred to in this Subpart F as a "regulated unit") must comply with Sections 724.191 through 724.200, in lieu of Section 724.201, for purposes of detecting, characterizing, and responding to releases to the uppermost aquifer. The financial responsibility requirements of Section 724.201 apply to regulated units.

b) The owner or operator's regulated unit or units are not subject to regulation for releases into the uppermost aquifer under this Subpart F if the following is true:

1) The owner or operator is exempted pursuant to Section 724.101; or

2) The owner or operator operates a unit that the Agency finds:

A) Is an engineered structure.

B) Does not receive or contain liquid waste or waste containing free liquids.

C) Is designed and operated to exclude liquid, precipitation, and other ~~run-on~~ and ~~run-off~~.

D) Has both inner and outer layers of containment enclosing the waste.

E) Has a leak detection system built into each containment layer.

F) The owner or operator will provide continuing operation and maintenance of these leak detection systems during the active life of the unit and the closure and post-closure care periods.

G) To a reasonable degree of certainty, will not allow hazardous constituents to migrate beyond the outer containment layer prior to the end of the post-closure care period; or

3) The Agency finds, pursuant to Section 724.380(d), that the treatment zone of a land treatment unit that qualifies as a regulated unit does not contain

- 689 levels of hazardous constituents that are above background levels of those
 690 constituents by an amount that is statistically significant, and if an
 691 unsaturated zone monitoring program meeting the requirements of Section
 692 724.378 has not shown a statistically significant increase in hazardous
 693 constituents below the treatment zone during the operating life of the unit.
 694 An exemption pursuant to this subsection (b) can only relieve an owner or
 695 operator of responsibility to meet the requirements of this Subpart F
 696 during the post-closure care period; or
 697
- 698 4) The Agency finds that there is no potential for migration of liquid from a
 699 regulated unit to the uppermost aquifer during the active life of the
 700 regulated unit (including the closure period) and the post-closure care
 701 period specified pursuant to Section 724.217. This demonstration must be
 702 certified by a qualified geologist or geotechnical engineer. In order to
 703 provide an adequate margin of safety in the prediction of potential
 704 migration of liquid, the owner or operator must base any predictions made
 705 pursuant to this subsection (b) on assumptions that maximize the rate of
 706 liquid migration; or
 707
- 708 5) The owner or operator designs and operates a pile in compliance with
 709 Section 724.350(c).
 710
- 711 c) The regulations under this Subpart F apply during the active life of the regulated
 712 unit (including the closure period). After closure of the regulated unit, the
 713 following is true of the applicability of the regulations in this Subpart F:
 714
- 715 1) Do not apply if all waste, waste residues, contaminated containment
 716 system components, and contaminated subsoils are removed or
 717 decontaminated at closure;
 718
- 719 2) Apply during the post-closure care period pursuant to Section 724.217 if
 720 the owner or operator is conducting a detection monitoring program
 721 pursuant to Section 724.198; or
 722
- 723 3) Apply during the compliance period pursuant to Section 724.196 if the
 724 owner or operator is conducting a compliance monitoring program
 725 pursuant to Section 724.199 or a corrective action program pursuant to
 726 Section 724.200.
 727
- 728 d) This Subpart F applies to miscellaneous units if necessary to comply with
 729 Sections 724.701 through 724.703.
 730
- 731 e) The regulations of this Subpart F apply to all owners and operators subject to 35

732 Ill. Adm. Code 703.161, when the Agency issues a post-closure care permit or
 733 other enforceable document that contains alternative requirements for the facility,
 734 as provided in 35 Ill. Adm. Code 703.161. When alternative requirements apply to
 735 a facility, a reference in this Subpart F to "in the permit" must mean "in the
 736 enforceable document".
 737

- 738 f) A permit or enforceable document can contain alternative requirements for
 739 groundwater monitoring and corrective action for releases to groundwater
 740 applicable to a regulated unit that replace all or part of the requirements of 35 Ill.
 741 Adm. Code 724.191 through 724.200, as provided pursuant to 35 Ill. Adm. Code
 742 703.161, where the Board or Agency determines the following:
 743
- 744 1) The regulated unit is situated among solid waste management units (or
 745 areas of concern), a release has occurred, and both the regulated unit and
 746 one or more solid waste management units (or areas of concern) are likely
 747 to have contributed to the release; and
 748
 - 749 2) It is not necessary to apply the groundwater monitoring and corrective
 750 action requirements of 35 Ill. Adm. Code 724.191 through 724.200
 751 because alternative requirements will adequately protect human health and
 752 the environment.
 753

754 (Source: Amended at 43 Ill. Reg. _____, effective _____)
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756 SUBPART G: CLOSURE AND POST-CLOSURE CARE
 757

758 **Section 724.212 Closure Plan; Amendment of Plan**
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- 760 a) ~~Written Plan Required~~~~plan required.~~
 761
- 762 1) The owner or operator of a hazardous waste management facility must
 763 have a written closure plan. In addition, certain surface impoundments
 764 and waste piles from which the owner or operator intends to remove or
 765 decontaminate the hazardous waste at partial or final closure are required
 766 by Sections 724.328(c)(1)(A) and 724.358(c)(1)(A) to have contingent
 767 closure plans. The plan must be submitted with the permit application, in
 768 accordance with 35 Ill. Adm. Code 703.183, and approved by the Agency
 769 as part of the permit issuance proceeding pursuant to 35 Ill. Adm. Code
 770 705. In accordance with 35 Ill. Adm. Code 703.241, the approved closure
 771 plan will become a condition of any RCRA permit.
 772
 - 773 2) The Agency's approval of the plan must ensure that the approved closure
 774 plan is consistent with Sections 724.211 through 724.215 and the

775 applicable requirements of Sections 724.190 et seq., 724.278, 724.297,
 776 724.328, 724.358, 724.380, 724.410, 724.451, 724.701, and 724.1102.
 777 Until final closure is completed and certified in accordance with Section
 778 724.215, a copy of the approved plan and approved revisions must be
 779 furnished to the Agency upon request, including requests by mail.
 780

781 b) Content of ~~Plan~~plan. The plan must identify steps necessary to perform partial or
 782 final closure of the facility at any point during its active life. The closure plan
 783 must include, at least the following:
 784

- 785 1) A description of how each hazardous waste management unit at the
 786 facility will be closed in accordance with Section 724.211;
 787
- 788 2) A description of how final closure of the facility will be conducted in
 789 accordance with Section 724.211. The description must identify the
 790 maximum extent of the operations that will be unclosed during the active
 791 life of the facility;
 792
- 793 3) An estimate of the maximum inventory of hazardous wastes ever on-site
 794 over the active life of the facility and a detailed description of the methods
 795 to be used during partial closures and final closure, including, but not
 796 limited to, methods for removing, transporting, treating, storing, or
 797 disposing of all hazardous wastes, and identification of the types of off-
 798 site hazardous waste management units to be used, if applicable;
 799
- 800 4) A detailed description of the steps needed to remove or decontaminate all
 801 hazardous waste residues and contaminated containment system
 802 components, equipment, structures, and soils during partial and final
 803 closure, including, but not limited to, procedures for cleaning equipment
 804 and removing contaminated soils, methods for sampling and testing
 805 surrounding soils, and criteria for determining the extent of
 806 decontamination required to satisfy the closure performance standard;
 807
- 808 5) A detailed description of other activities necessary during the closure
 809 period to ensure that all partial closures and final closure satisfy the
 810 closure performance standards, including, but not limited to, groundwater
 811 monitoring, leachate collection, and ~~run-on~~runon and ~~run-off~~runoff
 812 control;
 813
- 814 6) A schedule for closure of each hazardous waste management unit and for
 815 final closure of the facility. The schedule must include, at a minimum, the
 816 total time required to close each hazardous waste management unit and the
 817 time required for intervening closure activities that will allow tracking of

- 818 the progress of partial and final closure (For example, in the case of a
 819 landfill unit, estimates of the time required to treat and dispose of all
 820 hazardous waste inventory and of the time required to place a final cover
 821 must be included.);
 822
 823 7) For facilities that use trust funds to establish financial assurance pursuant
 824 to Section 724.243 or 724.245 and that are expected to close prior to the
 825 expiration of the permit, an estimate of the expected year of final closure;
 826 and
 827
 828 8) For a facility where alternative requirements are established at a regulated
 829 unit pursuant to Section 724.190(f), 724.210(c), or 724.240(d), as
 830 provided pursuant to 35 Ill. Adm. Code 703.161, either the alternative
 831 requirements applying to the regulated unit or a reference to the
 832 enforceable document containing those alternative requirements.
 833
 834 c) Amendment of the ~~Plan~~plan. The owner or operator must submit a written
 835 notification of or request for a permit modification to authorize a change in
 836 operating plans, facility design, or the approved closure plan in accordance with
 837 the applicable procedures in 35 Ill. Adm. Code 702, 703, and 705. The written
 838 notification or request must include a copy of the amended closure plan for
 839 review or approval by the Agency.
 840
 841 1) The owner or operator may submit a written notification or request to the
 842 Agency for a permit modification to amend the closure plan at any time
 843 prior to notification of partial or final closure of the facility.
 844
 845 2) The owner or operator must submit a written notification of or request for
 846 a permit modification to authorize a change in the approved closure plan
 847 whenever any of the following occurs:
 848
 849 A) Changes in operating plans or facility design affect the closure
 850 plan;
 851
 852 B) There is a change in the expected year of closure, if applicable;
 853
 854 C) In conducting partial or final closure activities, unexpected events
 855 require modification of the approved closure plan; or
 856
 857 D) The owner or operator requests the establishment of alternative
 858 requirements, as provided pursuant to 35 Ill. Adm. Code 703.161,
 859 to a regulated unit pursuant to Section 724.190(f), 724.210(c), or
 860 724.240(d).

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3) The owner or operator must submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in the facility design or operation, or no later than 60 days after an unexpected event has occurred that has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan pursuant to Section 724.328(c)(1)(A) or 724.358(c)(1)(A), must submit an amended closure plan to the Agency no later than 60 days after the date the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to Section 724.410, or no later than 30 days after that date if the determination is made during partial or final closure. The Agency must approve, disapprove or modify this amended plan in accordance with the procedures in 35 Ill. Adm. Code 702, 703, and 705. In accordance with 35 Ill. Adm. Code 702.160 and 703.241, the approved closure plan will become a condition of any RCRA permit issued.

4) The Agency may request modifications to the plan under the conditions described in Section 724.212(c)(2). The owner or operator must submit the modified plan within 60 days after the Agency's request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Agency must be approved in accordance with the procedures in 35 Ill. Adm. Code 702, 703, and 705.

d) Notification of ~~Partial Closure~~partial closure and ~~Final Closure~~final closure.

1) The owner or operator must notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit or final closure of a facility with such a unit. The owner or operator must notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed. The owner or operator must notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.

2) The date when the owner or operator "expects to begin closure" must be

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either of the following:

- A) No later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator has taken and will continue to take all steps to adequately prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency must approve an extension to this one-year limit; or
 - B) For units meeting the requirements of Section 724.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the final known volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to adequately prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency must approve an extension to this one-year limit.
- 3) If the facility's permit is terminated, or if the facility is otherwise ordered by judicial decree or Board order to cease receiving hazardous wastes or to close, then this subsection (d) does not apply. However, the owner or operator must close the facility in accordance with the deadlines established in Section 724.213.
- e) Removal of ~~Wastes~~wastes and ~~Decontamination~~decontamination or ~~Dismantling~~dismantling of ~~Equipment~~equipment. Nothing in this Section must preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

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(Source: Amended at 43 Ill. Reg. _____, effective _____)

SUBPART S: SPECIAL PROVISIONS FOR CLEANUP

Section 724.651 Grandfathered Corrective Action Management Units

- a) To implement remedies pursuant to Section 724.201 or RCRA section 3008(h), or to implement remedies at a permitted facility that is not subject to Section 724.201, the Agency may designate an area at the facility as a corrective action management unit in accordance with the requirements of this Section. "Corrective action management unit" or "CAMU" means an area within a facility that is used only for managing remediation wastes for implementing corrective action or cleanup at that facility. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.
 - 1) Placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes.
 - 2) Consolidation or placement of remediation wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.
- b) Designation of a CAMU
 - 1) The Agency may designate a regulated unit (as defined in Section 724.190(a)(2)) as a CAMU, or it may incorporate a regulated unit into a CAMU, if the following is true:
 - A) The regulated unit is closed or closing, meaning it has begun the closure process pursuant to Section 724.213 or 35 Ill. Adm. Code 725.213; and
 - B) Inclusion of the regulated unit will enhance implementation of effective, protective, and reliable remedial actions for the facility.
 - 2) The requirements of Subparts F, G, and H and the unit-specific requirements of this Part or the 35 Ill. Adm. Code 725 requirements that applied to that regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.

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- c) The Agency must designate a CAMU in accordance with the following factors:
 - 1) The CAMU must facilitate the implementation of reliable, effective, protective, and cost-effective remedies;
 - 2) Waste management activities associated with the CAMU must not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;
 - 3) The CAMU must include uncontaminated areas of the facility only if including such areas for the purpose of managing remediation waste is more protective than managing such wastes at contaminated areas of the facility;
 - 4) Areas within the CAMU where wastes remain in place after its closure must be managed and contained so as to minimize future releases to the extent practicable;
 - 5) The CAMU must expedite the timing of remedial activity implementation, when appropriate and practicable;
 - 6) The CAMU must enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and
 - 7) The CAMU must, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.
- d) The owner or operator must provide sufficient information to enable the Agency to designate a CAMU in accordance with the standards of this Section.
- e) The Agency must specify in the permit the requirements applicable to a CAMU, including the following:
 - 1) The areal configuration of the CAMU.
 - 2) Requirements for remediation waste management, including the specification of applicable design, operation, and closure requirements.
 - 3) Requirements for groundwater monitoring that are sufficient to do the following:

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- A) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in groundwater from sources located within the CAMU; and
 - B) Detect and subsequently characterize releases of hazardous constituents to groundwater that may occur from areas of the CAMU in which wastes will remain in place after closure of the CAMU.
- 4) Closure and Post-Closure Care Requirements
- A) Closure of a CAMU must do the following:
 - i) Minimize the need for further maintenance; and
 - ii) Control, minimize, or eliminate, to the extent necessary to adequately protect human health and the environment, for areas where wastes remain in place, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated ~~run-off~~ runoff, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere.
 - B) Requirements for closure of a CAMU must include the following, as appropriate:
 - i) Requirements for excavation, removal, treatment, or containment of wastes;
 - ii) For areas in which wastes will remain after closure of the CAMU, requirements for the capping of such areas; and
 - iii) Requirements for the removal and decontamination of equipment, devices, and structures used in remediation waste management activities within the CAMU.
 - C) In establishing specific closure requirements for a CAMU pursuant to this subsection (e), the Agency must consider the following factors:
 - i) The characteristics of the CAMU;

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- ii) The volume of wastes that remain in place after closure;
 - iii) The potential for releases from the CAMU;
 - iv) The physical and chemical characteristics of the waste;
 - v) The hydrological and other relevant environmental conditions at the facility that may influence the migration of any potential or actual releases; and
 - vi) The potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.
- D) Post-closure care requirements as necessary to adequately protect human health and the environment, including, for areas where wastes will remain in place, monitoring and maintenance activities and the frequency with which such activities must be performed to ensure the integrity of any cap, final cover, or other containment system.
- f) The Agency must document the rationale for designating the CAMU and must make such documentation available to the public.
 - g) Incorporation of a CAMU into an existing permit must be approved by the Agency according to the procedures for Agency-initiated permit modifications pursuant to 35 Ill. Adm. Code 703.270 through 703.273 or according to the permit modification procedures of 35 Ill. Adm. Code 703.283.
 - h) The designation of a CAMU does not change the Agency's existing authority to address cleanup levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 724.652 Corrective Action Management Units

- a) To implement remedies pursuant to Section 724.201 or RCRA section 3008(h), or to implement remedies at a permitted facility that is not subject to Section 724.201, the Agency may designate an area at the facility as a corrective action management unit pursuant to the requirements in this Section. "Corrective action management unit" or "CAMU" means an area within a facility that is used only for managing CAMU-eligible wastes for implementing corrective action or

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cleanup at that facility. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.

- 1) "CAMU-eligible waste" means the following:
 - A) All solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris, that are managed for implementing cleanup. As-generated wastes (either hazardous or non-hazardous) from ongoing industrial operations at a site are not CAMU-eligible wastes.
 - B) Wastes that would otherwise meet the description in subsection (a)(1)(A) are not CAMU-eligible waste where the following is true:
 - i) The wastes are hazardous waste found during cleanup in intact or substantially intact containers, tanks, or other non-land-based units found above ground, unless the wastes are first placed in the tanks, containers, or non-land-based units as part of cleanup, or the containers or tanks are excavated during the course of cleanup; or
 - ii) The Agency makes the determination in subsection (a)(2) to prohibit the wastes from management in a CAMU.
 - C) Notwithstanding subsection (a)(1)(A), where appropriate, as-generated non-hazardous waste may be placed in a CAMU where such waste is being used to facilitate treatment or the performance of the CAMU.
- 2) The Agency must prohibit the placement of waste in a CAMU where the Agency determines that the wastes have not been managed in compliance with applicable land disposal treatment standards of 35 Ill. Adm. Code 728, applicable unit design requirements of this Part or 35 Ill. Adm. Code 725, or other applicable requirements of this Subtitle G, and that the non-compliance likely contributed to the release of the waste.
- 3) Prohibition against Placing Liquids~~placing liquids~~ in a CAMU:
 - A) The placement of bulk or noncontainerized liquid hazardous waste or free liquids contained in hazardous waste (whether or not sorbents have been added) in any CAMU is prohibited except

- 1162 where placement of such wastes facilitates the remedy selected for
 1163 the waste.
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 1165 B) The requirements in Section 724.414(c) for placement of
 1166 containers holding free liquids in landfills apply to placement in a
 1167 CAMU, except where placement facilitates the remedy selected for
 1168 the waste.
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 1170 C) The placement of any liquid that is not a hazardous waste in a
 1171 CAMU is prohibited unless such placement facilitates the remedy
 1172 selected for the waste or a demonstration is made pursuant to
 1173 Section 724.414(e).
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 1175 D) The absence or presence of free liquids in either a containerized or
 1176 a bulk waste must be determined in accordance with Section
 1177 724.414(b). Sorbents used to treat free liquids in a CAMU must
 1178 meet the requirements of Section 724.414(d).
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 1180 4) Placement of CAMU-eligible wastes into or within a CAMU does not
 1181 constitute land disposal of hazardous waste.
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 1183 5) Consolidation or placement of CAMU-eligible wastes into or within a
 1184 CAMU does not constitute creation of a unit subject to minimum
 1185 technology requirements.
 1186
 1187 b) Establishing a CAMU
 1188
 1189 1) The Agency must designate a regulated unit (as defined in Section
 1190 724.190(a)(2)) as a CAMU or must incorporate a regulated unit into a
 1191 CAMU, if it determines that the following is true of a regulated unit:
 1192
 1193 A) The regulated unit is closed or closing, meaning it has begun the
 1194 closure process pursuant to Section 724.213 or 35 Ill. Adm. Code
 1195 725.213; and
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 1197 B) Inclusion of the regulated unit will enhance implementation of
 1198 effective, protective, and reliable remedial actions for the facility.
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 1200 2) The Subpart F, G, and H requirements and the unit-specific requirements
 1201 of this Part or 35 Ill. Adm. Code 265 that applied to the regulated unit will
 1202 continue to apply to that portion of the CAMU after incorporation into the
 1203 CAMU.
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- c) The Agency must designate a CAMU that will be used for storage or treatment only in accordance with subsection (f). The Agency must designate any other CAMU in accordance with the following requirements:
 - 1) The CAMU must facilitate the implementation of reliable, effective, protective, and cost-effective remedies;
 - 2) Waste management activities associated with the CAMU must not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;
 - 3) The CAMU must include uncontaminated areas of the facility, only if including such areas for the purpose of managing CAMU-eligible waste is more protective than management of such wastes at contaminated areas of the facility;
 - 4) Areas within the CAMU, where wastes remain in place after closure of the CAMU, must be managed and contained so as to minimize future releases, to the extent practicable;
 - 5) The CAMU must expedite the timing of remedial activity implementation, when appropriate and practicable;
 - 6) The CAMU must enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and
 - 7) The CAMU must, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.

- d) The owner or operator must provide sufficient information to enable the Agency to designate a CAMU in accordance with the criteria in this Section. This must include, unless not reasonably available, information on the following:
 - 1) The origin of the waste and how it was subsequently managed (including a description of the timing and circumstances surrounding the disposal or release);
 - 2) Whether the waste was listed or identified as hazardous at the time of disposal or release; and

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- 3) Whether the disposal or release of the waste occurred before or after the land disposal requirements of 35 Ill. Adm. Code 728 were in effect for the waste listing or characteristic.
 - e) The Agency must specify, in the permit or order, requirements for the CAMU to include the following:
 - 1) The areal configuration of the CAMU.
 - 2) Except as provided in subsection (g), requirements for CAMU-eligible waste management to include the specification of applicable design, operation, treatment, and closure requirements.
 - 3) Minimum Design Requirements: a CAMU, except as provided in subsection (f), into which wastes are placed must be designed in accordance with the following:
 - A) Unless the Agency approves alternative requirements pursuant to subsection (e)(3)(B), a CAMU that consists of new, replacement, or laterally expanded units must include a composite liner and a leachate collection system that is designed and constructed to maintain less than a 30-cm depth of leachate over the liner. For purposes of this Section, "composite liner" means a system consisting of two components; the upper component must consist of a minimum 30-mil flexible membrane liner (FML), and the lower component must consist of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec. FML components consisting of high density polyethylene (HDPE) must be at least 60 mil thick. The FML component must be installed in direct and uniform contact with the compacted soil component;
 - B) Alternative Requirements. The Agency must approve alternative requirements if it determines that either of the following is true:
 - i) The Agency determines that alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents into the groundwater or surface water at least as effectively as the liner and leachate collection systems in subsection (e)(3)(A); or
 - ii) The CAMU is to be established in an area with existing

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significant levels of contamination, and the Agency determines that an alternative design, including a design that does not include a liner, would prevent migration from the unit that would exceed long-term remedial goals.

4) Minimum Treatment Requirements. Unless the wastes will be placed in a CAMU for storage or treatment only in accordance with subsection (f), CAMU-eligible wastes that, absent this Section, would be subject to the treatment requirements of 35 Ill. Adm. Code 728, and that the Agency determines contain principal hazardous constituents must be treated to the standards specified in subsection (e)(4)(C).

A) Principal hazardous constituents are those constituents that the Agency determines pose a risk to human health and the environment substantially higher than the cleanup levels or goals at the site.

i) In general, the Agency must designate as principal hazardous constituents those contaminants specified in subsection (e)(4)(H).

BOARD NOTE: The Board has codified 40 CFR 264.552(e)(4)(i)(A)(1) and (e)(4)(i)(A)(2) as subsections (e)(4)(H)(i) and (e)(4)(H)(ii) in order to comply with Illinois Administrative Code codification requirements.

ii) The Agency must also designate constituents as principal hazardous constituents, where appropriate, when risks to human health and the environment posed by the potential migration of constituents in wastes to groundwater are substantially higher than cleanup levels or goals at the site. When making such a designation, the Agency must consider such factors as constituent concentrations, and fate and transport characteristics under site conditions.

iii) The Agency must also designate other constituents as principal hazardous constituents that the Agency determines pose a risk to human health and the environment substantially higher than that posed by the cleanup levels or goals at the site.

B) In determining which constituents are "principal hazardous constituents", the Agency must consider all constituents that,

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absent this Section, would be subject to the treatment requirements in 35 Ill. Adm. Code 728.

- C) Waste that the Agency determines contains principal hazardous constituents must meet treatment standards determined in accordance with subsection (e)(4)(D) or (e)(4)(E).
- D) Treatment Standards for Wastes Placed in a CAMU
 - i) For non-metals, treatment must achieve 90 percent reduction in total principal hazardous constituent concentrations, except as provided by subsection (e)(4)(D)(iii).
 - ii) For metals, treatment must achieve 90 percent reduction in principal hazardous constituent concentrations as measured in leachate from the treated waste or media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by subsection (e)(4)(D)(iii).
 - iii) When treatment of any principal hazardous constituent to a 90 percent reduction standard would result in a concentration less than 10 times the Universal Treatment Standard for that constituent, treatment to achieve constituent concentrations less than 10 times the Universal Treatment Standard is not required. Universal Treatment Standards are identified in Table U to 35 Ill. Adm. Code 728.
 - iv) For waste exhibiting the hazardous characteristic of ignitability, corrosivity, or reactivity, the waste must also be treated to eliminate these characteristics.
 - v) For debris, the debris must be treated in accordance with 35 Ill. Adm. Code 728.145, or by methods or to levels established pursuant to subsections (e)(4)(D)(i) through (e)(4)(D)(iv) or subsection (e)(4)(E), whichever the Agency determines is appropriate.
 - vi) Alternatives to TCLP. For metal bearing wastes for which metals removal treatment is not used, the Agency must

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specify a leaching test other than Method 1311 (Toxicity Characteristic Leaching Procedure), in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a) to measure treatment effectiveness, provided the Agency determines that an alternative leach testing protocol is appropriate for use, and that the alternative more accurately reflects conditions at the site that affect leaching.

E) Adjusted Standards. The Board will grant an adjusted standard pursuant to Section 28.1 of the Act to adjust the treatment level or method in subsection (e)(4)(D) to a higher or lower level, based on one or more of the following factors, as appropriate, if the owner or operator demonstrates that the adjusted level or method would adequately protect human health and the environment, based on consideration of the following:

- i) The technical impracticability of treatment to the levels or by the methods in subsection (e)(4)(D);
- ii) The levels or methods in subsection (e)(4)(D) would result in concentrations of principal hazardous constituents (PHCs) that are significantly above or below cleanup standards applicable to the site (established either site-specifically, or promulgated pursuant to State or federal law);
- iii) The views of the affected local community on the treatment levels or methods in subsection (e)(4)(D), as applied at the site, and, for treatment levels, the treatment methods necessary to achieve these levels;
- iv) The short-term risks presented by the on-site treatment method necessary to achieve the levels or treatment methods in subsection (e)(4)(D);
- v) The long-term protection offered by the engineering design of the CAMU and related engineering controls under the circumstances set forth in subsection (e)(4)(I).

BOARD NOTE: The Board has codified 40 CFR 264.552(e)(4)(v)(E)(1) through (e)(4)(v)(E)(5) as

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subsections (e)(4)(I)(i) through (e)(4)(I)(v) in order to comply with Illinois Administrative Code codification requirements.

- F) The treatment required by the treatment standards must be completed prior to, or within a reasonable time after, placement in the CAMU.

- G) For the purpose of determining whether wastes placed in a CAMU have met site-specific treatment standards, the Agency must specify a subset of the principal hazardous constituents in the waste as analytical surrogates for determining whether treatment standards have been met for other principal hazardous constituents if it determines that the specification is appropriate based on the degree of difficulty of treatment and analysis of constituents with similar treatment properties.

- H) Principal hazardous constituents that the Agency must designate are the following:
 - i) Carcinogens that pose a potential direct risk from ingestion or inhalation at the site at or above 10^{-3} ; and
 - ii) Non-carcinogens that pose a potential direct risk from ingestion or inhalation at the site an order of magnitude or greater over their reference dose.

- I) Circumstances relating to the long-term protection offered by engineering design of the CAMU and related engineering controls are the following:
 - i) Where the treatment standards in subsection (e)(4)(D) are substantially met and the principal hazardous constituents in the waste or residuals are of very low mobility;
 - ii) Where cost-effective treatment has been used and the CAMU meets the Subtitle C liner and leachate collection requirements for new land disposal units at Section 724.401(c) and (d);
 - iii) Where, after review of appropriate treatment technologies, the Board determines that cost-effective treatment is not reasonably available, and the CAMU meets the Subtitle C

- 1463 liner and leachate collection requirements for new land
 1464 disposal units at Section 724.401(c) and (d);
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 1466 iv) Where cost-effective treatment has been used and the
 1467 principal hazardous constituents in the treated wastes are of
 1468 very low mobility; or
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 1470 v) Where, after review of appropriate treatment technologies,
 1471 the Board determines that cost-effective treatment is not
 1472 reasonably available, the principal hazardous constituents
 1473 in the wastes are of very low mobility, and either the
 1474 CAMU meets or exceeds the liner standards for new,
 1475 replacement, or a laterally expanded CAMU in subsections
 1476 (e)(3)(A) and (e)(3)(B) or the CAMU provides
 1477 substantially equivalent or greater protection.
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 1479 5) Except as provided in subsection (f), requirements for groundwater
 1480 monitoring and corrective action that are sufficient to do the following:
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 1482 A) Continue to detect and to characterize the nature, extent,
 1483 concentration, direction, and movement of existing releases of
 1484 hazardous constituents in groundwater from sources located within
 1485 the CAMU;
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 1487 B) Detect and subsequently characterize releases of hazardous
 1488 constituents to groundwater that may occur from areas of the
 1489 CAMU in which wastes will remain in place after closure of the
 1490 CAMU; and
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 1492 C) Require notification to the Agency and corrective action as
 1493 necessary to adequately protect human health and the environment
 1494 for releases to groundwater from the CAMU.
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 1496 6) Except as provided in subsection (f), closure and post-closure
 1497 requirements, as follows:
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 1499 A) Closure of corrective action management units must do the
 1500 following:
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 1502 i) It must minimize the need for further maintenance; and
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 1504 ii) It must control, minimize, or eliminate, to the extent
 1505 necessary to adequately protect human health and the

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environment, for areas where wastes remain in place, post-closure escape of hazardous wastes, hazardous constituents, leachate, contaminated ~~run-off~~runoff, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere.

- B) Requirements for closure of a CAMU must include the following, as appropriate and as deemed necessary by the Agency for a given CAMU:
 - i) Requirements for excavation, removal, treatment or containment of wastes; and
 - ii) Requirements for removal and decontamination of equipment, devices, and structures used in CAMU-eligible waste management activities within the CAMU.

- C) In establishing specific closure requirements for a CAMU pursuant to this subsection (e), the Agency must consider the following factors:
 - i) CAMU characteristics;
 - ii) Volume of wastes that remain in place after closure;
 - iii) Potential for releases from the CAMU;
 - iv) Physical and chemical characteristics of the waste;
 - v) Hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential or actual releases; and
 - vi) Potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.

- D) Cap Requirements
 - i) At final closure of the CAMU, for areas in which wastes will remain with constituent concentrations at or above remedial levels or goals applicable to the site after closure of the CAMU, the owner or operator must cover the CAMU with a final cover designed and constructed to meet

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the performance criteria listed in subsection (e)(6)(F) ,
except as provided in subsection (e)(6)(D)(ii):

BOARD NOTE: The Board has codified 40 CFR
264.552(e)(6)(iv)(A)(1) through (e)(6)(iv)(A)(5) as
subsections (e)(6)(F)(i) through (e)(6)(F)(v) in order to
comply with Illinois Administrative Code codification
requirements.

ii) The Agency must apply cap requirements that deviate from
those prescribed in subsection (e)(6)(D)(i) if it determines
that the modifications are needed to facilitate treatment or
the performance of the CAMU (e.g., to promote
biodegradation).

E) Post-closure requirements as necessary to adequately protect
human health and the environment, to include, for areas where
wastes will remain in place, monitoring and maintenance activities,
and the frequency with which such activities must be performed to
ensure the integrity of any cap, final cover, or other containment
system.

F) The final cover design and performance criteria are as follows:

i) The final cover must provide long-term minimization of
migration of liquids through the closed unit;

ii) The final cover must function with minimum maintenance;

iii) The final cover must promote drainage and minimize
erosion or abrasion of the cover;

iv) The final cover must accommodate settling and subsidence
so that the cover's integrity is maintained; and

v) The final cover must have a permeability less than or equal
to the permeability of any bottom liner system or natural
subsoils present.

f) A CAMU used for storage or treatment only is a CAMU in which wastes will not
remain after closure. Such a CAMU must be designated in accordance with all of
the requirements of this Section, except as follows:

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- 1) A CAMU that is used for storage or treatment only and that operates in accordance with the time limits established in the staging pile regulations at Section 724.654(d)(1)(C), (h), and (i) is subject to the requirements for staging piles at Section 724.654(d)(1)(A) and (d)(1)(B), (d)(2), (e), (f), (j), and (k) in lieu of the performance standards and requirements for a CAMU in subsections (c) and (e)(3) through (e)(6).
 - 2) A CAMU that is used for storage or treatment only and that does not operate in accordance with the time limits established in the staging pile regulations at Section 724.654(d)(1)(C), (h), and (i):
 - A) The owner or operator must operate in accordance with a time limit, established by the Agency, that is no longer than necessary to achieve a timely remedy selected for the waste and
 - B) The CAMU is subject to the requirements for staging piles at Section 724.654(d)(1)(A) and (d)(1)(B), (d)(2), (e), (f), (j), and (k) in lieu of the performance standards and requirements for a CAMU in subsections (c), (e)(4), and (e)(6).
 - g) A CAMU into which wastes are placed where all wastes have constituent levels at or below remedial levels or goals applicable to the site do not have to comply with the requirements for liners at subsection (e)(3)(A), caps at subsection (e)(6)(D), groundwater monitoring requirements at subsection (e)(5) or, for treatment or storage-only a CAMU, the design standards at subsection (f).
 - h) The Agency must provide public notice and a reasonable opportunity for public comment before designating a CAMU. Such notice must include the rationale for any proposed adjustments pursuant to subsection (e)(4)(E) to the treatment standards in subsection (e)(4)(D).
 - i) Notwithstanding any other provision of this Section, the Agency must impose those additional requirements that it determines are necessary to adequately protect human health and the environment.
 - j) Incorporation of a CAMU into an existing permit must be approved by the Agency according to the procedures for Agency-initiated permit modifications pursuant to 35 Ill. Adm. Code 703.270 through 703.273, or according to the permit modification procedures of 35 Ill. Adm. Code 703.280 through 703.283.
 - k) The designation of a CAMU does not change the Agency's existing authority to address cleanup levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

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(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 724.654 Staging Piles

- a) Definition of a Staging Pile. A staging pile is an accumulation of solid, non-flowing remediation waste (as defined in 35 Ill. Adm. Code 720.110) that is not a containment building and which is used only during remedial operations for temporary storage at a facility. A staging pile must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the staging pile originated. Staging piles must be designated by the Agency in accordance with the requirements in this Section.
 - 1) For the purposes of this Section, storage includes mixing, sizing, blending, or other similar physical operations as long as they are intended to prepare the wastes for subsequent management or treatment.
 - 2) This subsection (a)(2) corresponds with 40 CFR 264.554(a)(2), which USEPA has marked as "reserved". This statement maintains structural consistency with the federal regulations.

- b) Use of a Staging Pile. An owner or operator may use a staging pile to store hazardous remediation waste (or remediation waste otherwise subject to land disposal restrictions) only if an owner or operator follows the standards and design criteria the Agency has designated for that staging pile. The Agency must designate the staging pile in a permit or, at an interim status facility, in a closure plan or order (consistent with 35 Ill. Adm. Code 703.155(a)(5) and (b)(5)). The Agency must establish conditions in the permit, closure plan, or order that comply with subsections (d) through (k).

- c) Information That an Owner or Operator Must Submit to Gain Designation of a Staging Pile. When seeking a staging pile designation, an owner or operator must provide the following:
 - 1) Sufficient and accurate information to enable the Agency to impose standards and design criteria for the facility's staging pile according to subsections (d) through (k);
 - 2) Certification by a qualified Professional Engineer of technical data, such as design drawings and specifications, and engineering studies, unless the Agency determines, based on information that an owner or operator provides, that this certification is not necessary to ensure that a staging pile will adequately protect human health and the environment; and

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- 3) Any additional information the Agency determines is necessary to adequately protect human health and the environment.

- d) Performance Criteria That a Staging Pile Must Satisfy. The Agency must establish the standards and design criteria for the staging pile in the permit, closure plan, or order.
 - 1) The standards and design criteria must comply with the following:
 - A) The staging pile must facilitate a reliable, effective, and protective remedy;
 - B) The staging pile must be designed so as to prevent or minimize releases of hazardous wastes and hazardous constituents into the environment, and minimize or adequately control cross-media transfer, as necessary to adequately protect human health and the environment (for example, through the use of liners, covers, or ~~run-off~~ ~~run-off~~ and ~~run-on~~ ~~run-on~~ controls, as appropriate); and
 - C) The staging pile must not operate for more than two years, except when the Agency grants an operating term extension pursuant to subsection (i). An owner or operator must measure the two-year limit or other operating term specified by the Agency in the permit, closure plan, or order from the first time an owner or operator places remediation waste into a staging pile. An owner or operator must maintain a record of the date when it first placed remediation waste into the staging pile for the life of the permit, closure plan, or order, or for three years, whichever is longer.
 - 2) In setting the standards and design criteria, the Agency must consider the following factors:
 - A) The length of time the pile will be in operation;
 - B) The volumes of wastes the owner or operator intends to store in the pile;
 - C) The physical and chemical characteristics of the wastes to be stored in the unit;
 - D) The potential for releases from the unit;

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- E) The hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases; and
 - F) The potential for human and environmental exposure to potential releases from the unit.
- e) Receipt of Ignitable or Reactive Remediation Waste. An owner or operator must not place ignitable or reactive remediation waste in a staging pile unless the following is true:
- 1) The owner or operator has treated, rendered, or mixed the remediation waste before it placed the waste in the staging pile so that the following is true of the waste:
 - A) The remediation waste no longer meets the definition of ignitable or reactive pursuant to 35 Ill. Adm. Code 721.121 or 721.123; and
 - B) The owner or operator has complied with Section 724.117(b); or
 - 2) The owner or operator manages the remediation waste to protect it from exposure to any material or condition that may cause it to ignite or react.
- f) Managing Incompatible Remediation Wastes in a Staging Pile. The term "incompatible waste" is defined in 35 Ill. Adm. Code 720.110. An owner or operator must comply with the following requirements for incompatible wastes in staging piles:
- 1) The owner or operator must not place incompatible remediation wastes in the same staging pile unless an owner or operator has complied with Section 724.117(b);
 - 2) If remediation waste in a staging pile is incompatible with any waste or material stored nearby in containers, other piles, open tanks, or land disposal units (for example, surface impoundments), an owner or operator must separate the incompatible materials, or protect them from one another by using a dike, berm, wall, or other device; and
 - 3) The owner or operator must not pile remediation waste on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to comply with Section 724.117(b).

- 1764 g) Staging piles are not subject to land disposal restrictions and federal minimum
 1765 technological requirements. Placing hazardous remediation wastes into a staging
 1766 pile does not constitute land disposal of hazardous wastes or create a unit that is
 1767 subject to the federal minimum technological requirements of section 3004(o) of
 1768 RCRA, 42 USC 6924(o).
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- 1770 h) How Long an Owner or Operator May Operate a Staging Pile. The Agency may
 1771 allow a staging pile to operate for up to two years after hazardous remediation
 1772 waste is first placed into the pile. An owner or operator must use a staging pile no
 1773 longer than the length of time designated by the Agency in the permit, closure
 1774 plan, or order (the "operating term"), except as provided in subsection (i).
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- 1776 i) Receiving an Operating Extension for a Staging Pile
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- 1778 1) The Agency may grant one operating term extension of up to 180 days
 1779 beyond the operating term limit contained in the permit, closure plan, or
 1780 order (see subsection (l) for modification procedures). To justify the need
 1781 for an extension, an owner or operator must provide sufficient and
 1782 accurate information to enable the Agency to determine that the following
 1783 is true of continued operation of the staging pile:
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- 1785 A) Continued operation will not pose a threat to human health and the
 1786 environment; and
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- 1788 B) Continued operation is necessary to ensure timely and efficient
 1789 implementation of remedial actions at the facility.
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- 1791 2) The Agency must, as a condition of the extension, specify further
 1792 standards and design criteria in the permit, closure plan, or order, as
 1793 necessary, to ensure adequate protection of human health and the
 1794 environment.
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- 1796 j) The Closure Requirement for a Staging Pile Located in a Previously
 1797 Contaminated Area
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- 1799 1) Within 180 days after the operating term of the staging pile expires, an
 1800 owner or operator must close a staging pile located in a previously
 1801 contaminated area of the site by removing or decontaminating all of the
 1802 following:
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- 1804 A) Remediation waste;
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- 1806 B) Contaminated containment system components; and

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- C) Structures and equipment contaminated with waste and leachate.
- 2) An owner or operator must also decontaminate contaminated subsoils in a manner and according to a schedule that the Agency determines will adequately protect human health and the environment.
- 3) The Agency must include the above requirements in the permit, closure plan, or order in which the staging pile is designated.
- k) The Closure Requirement for a Staging Pile Located in a Previously Uncontaminated Area
 - 1) Within 180 days after the operating term of the staging pile expires, an owner or operator must close a staging pile located in an uncontaminated area of the site according to Sections 724.358(a) and 724.211 or according to 35 Ill. Adm. Code 725.358(a) and 725.211.
 - 2) The Agency must include the requirement of this Section stated in subsection (k)(1) in the permit, closure plan, or order in which the staging pile is designated.
- l) Modifying an Existing Permit (e.g., a RAP), Closure Plan, or Order to Allow the Use of a Staging Pile
 - 1) To modify a permit, other than a RAP, to incorporate a staging pile or staging pile operating term extension, either of the following must occur:
 - A) The Agency must approve the modification pursuant to the procedures for Agency-initiated permit modifications in 35 Ill. Adm. Code 703.270 through 703.273; or
 - B) An owner or operator must request a Class 2 modification pursuant to 35 Ill. Adm. Code 703.280 through 703.283.
 - 2) To modify a RAP to incorporate a staging pile or staging pile operating term extension, an owner or operator must comply with the RAP modification requirements pursuant to 35 Ill. Adm. Code 703.304(a) and (b).
 - 3) To modify a closure plan to incorporate a staging pile or staging pile operating term extension, an owner or operator must follow the applicable requirements pursuant to Section 724.212(c) or 35 Ill. Adm. Code

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725.212(c).

- 4) To modify an order to incorporate a staging pile or staging pile operating term extension, an owner or operator must follow the terms of the order and the applicable provisions of 35 Ill. Adm. Code 703.155(a)(5) or (b)(5).
- m) Public Availability of Information about a Staging Pile. The Agency must document the rationale for designating a staging pile or staging pile operating term extension and make this documentation available to the public.

(Source: Amended at 43 Ill. Reg. _____, effective _____)