

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Facilities Operating under a RCRA Standardized Permit
- 2) Code Citation: 35 Ill. Adm. Code 727
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
727.110	Amendment
727.900	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 727 are a single segment of the docket R19-11 rulemaking that also affects 35 Ill. Adm. Code 703, 720 through 725, 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.

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Pollution Control Board

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.

Specifically, the amendments to Part 727 standardize use of USEPA Form 8700-12, removes unnecessary dates from citations to federal rules that are not incorporated by reference, correct punctuation and diction, and simplify phrasing to add clarity to previously adopted rules.

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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  
100 W. Randolph St.  
Chicago IL 60601

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

## POLLUTION CONTROL BOARD

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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](http://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].
- 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.

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- 15) Regulatory Agenda on which this rulemaking was summarized: January 2019

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

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

6 PART 727  
7 STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE  
8 FACILITIES OPERATING UNDER A RCRA STANDARDIZED PERMIT  
9

10 Section

- 11 727.100 General  
12 727.110 General Facility Standards  
13 727.130 Preparedness and Prevention  
14 727.150 Contingency Plan and Emergency Procedures  
15 727.170 Recordkeeping, Reporting, and Notifying  
16 727.190 Releases from Solid Waste Management Units  
17 727.210 Closure  
18 727.240 Financial Requirements  
19 727.270 Use and Management of Containers  
20 727.290 Tank Systems  
21 727.900 Containment Buildings  
22

23 727.APPENDIX A Financial Assurance Forms (Repealed)

24 727.ILLUSTRATION A Letter of Chief Financial Officer: Financial Assurance for  
25 Facility Closure (Repealed)

26 727.ILLUSTRATION B Letter of Chief Financial Officer: Financial Assurance for  
27 Liability Coverage (Repealed)

28 727.APPENDIX B Correlation of State and Federal Provisions

29 727.TABLE A Correlation of Federal RCRA Standardized Permit Provisions to  
30 State Provisions

31 727.TABLE B Correlation of State RCRA Standardized Permit Provisions to  
32 Federal Provisions  
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34 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the  
35 Environmental Protection Act [415 ILCS 5].  
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37 SOURCE: Adopted in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1146, effective December 20,  
38 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12829, effective July 14, 2008; amended in R13-  
39 15 at 37 Ill. Reg. 17909, effective October 24, 2013; amended in R14-1/R14-2/R14-3 at 38 Ill.  
40 Reg. 7221, effective March 13, 2014; amended in R16-7 at 40 Ill. Reg. 12011, effective August  
41 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 24055, effective November  
42 19, 2018; amended in R19-11 at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.  
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44 **Section 727.110 General Facility Standards**

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- 46 a) Applicability of This Section. This Section applies to the owner or operator of a
- 47 facility that treats or stores hazardous waste under a ~~Subpart J of 35 Ill. Adm.~~
- 48 ~~Code 703. Subpart J RCRA~~ standardized permit, except as provided in Section
- 49 727.100(a)(2).

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51 BOARD NOTE: Subsection (a) is derived from 40 CFR 267.10 ~~(2017)~~.

- 52
- 53 b) Compliance with This Section. To comply with this Section, the facility owner or
- 54 operator must obtain a USEPA identification number, and follow the
- 55 requirements of this Part for waste analysis, security, inspections, training, special
- 56 waste handling, and location standards.

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58 BOARD NOTE: Subsection (b) is derived from 40 CFR 267.11 ~~(2017)~~.

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- 60 c) Obtaining a USEPA Identification Number. The facility owner or operator must
- 61 apply to ~~the Agency USEPA Region 5~~ for a USEPA identification number using
- 62 Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA
- 63 Form 8700-12). ~~The owner or operator must obtain a copy of the form from the~~
- 64 ~~Agency, and submit a completed copy of the form to the Bureau of Land, in~~
- 65 ~~addition to notification to USEPA Region 5.~~

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67 BOARD NOTE: Subsection (c) is derived from 40 CFR 267.12 ~~(2017)~~. USEPA

68 Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It

69 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)

70 [hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and)

71 [and-treatment-storage-and.](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and)

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- 73 d) Waste Analysis Requirements

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- 75 1) Before it treats or stores any hazardous wastes, the facility owner or
- 76 operator must obtain a detailed chemical and physical analysis of a
- 77 representative sample of the wastes. At a minimum, the analysis must
- 78 contain all the information needed to treat or store the waste to comply
- 79 with this Part and 35 Ill. Adm. Code 728.

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- 81 A) The facility owner or operator may include data in the analysis that
- 82 was developed pursuant to 35 Ill. Adm. Code 721 or data
- 83 published or documented on the hazardous waste or on hazardous
- 84 waste generated from similar processes.

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- 86 B) The facility owner or operator must repeat the analysis as

87 necessary to ensure that it is accurate and up to date. At a  
88 minimum, the owner or operator must repeat the analysis if the  
89 process or operation generating the hazardous wastes has changed.  
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91 2) The facility owner or operator must develop and follow a written waste  
92 analysis plan that describes the procedures it will follow to comply with  
93 subsection (d)(1). The owner or operator must keep this plan at the  
94 facility. If the owner or operator receives wastes generated from off-site  
95 and is eligible for a RCRA standardized permit, the owner or operator also  
96 must have submitted the waste analysis plan with the Notice of Intent. At  
97 a minimum, the plan must specify all of the following:  
98

99 A) The hazardous waste parameters that the owner or operator will  
100 analyze and the rationale for selecting these parameters (that is,  
101 how analysis for these parameters will provide sufficient  
102 information on the waste's properties to comply with subsection  
103 (d)(1)).  
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105 B) The test methods the owner or operator will use to test for these  
106 parameters.  
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108 C) The sampling method the owner or operator will use to obtain a  
109 representative sample of the waste to be analyzed. The owner or  
110 operator may obtain a representative sample using either of the  
111 following methods:  
112

113 i) One of the sampling methods described in Appendix A of  
114 35 Ill. Adm. Code 721; or  
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116 ii) An equivalent sampling method.  
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118 D) How frequently the owner or operator will review or repeat the  
119 initial analysis of the waste to ensure that the analysis is accurate  
120 and up to date.  
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122 E) Where applicable, the methods the owner or operator will use to  
123 meet the additional waste analysis requirements for specific waste  
124 management methods, as specified in 35 Ill. Adm. Code 724.117,  
125 724.934(d), 724.963(d), and 724.983.  
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127 BOARD NOTE: Subsection (d) is derived from 40 CFR 267.13-(2017).  
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129 e) Security Requirements

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- 1) The facility owner or operator must prevent, and minimize the possibility for, livestock and unauthorized people from entering the active portion of its facility.
- 2) The facility must have either of the features listed in subsection (e)(2)(A) or those listed in ~~subsections~~ subsections (e)(2)(B) ~~and (e)(2)(C)~~:
  - A) A 24-hour surveillance system (for example, television monitoring or surveillance by guards or facility personnel) that continuously monitors and controls entry onto the active portion of the facility; or
  - B) Both:
    - i) An artificial or natural barrier (for example, a fence in good repair or a fence combined with a cliff) that completely surrounds the active portion of the facility; and
    - ii) ~~€~~ A means to control entry, at all times, through the gates or other entrances to the active portion of the facility (for example, an attendant, television monitors, locked entrance, or controlled roadway access to the facility).
- 3) The facility owner or operator must post a sign at each entrance to the active portion of a facility, and at other prominent locations, in sufficient numbers to be seen from any approach to this active portion. The sign must bear the legend "Danger – Unauthorized Personnel Keep Out". The legend must be in English and in any other language predominant in the area surrounding the facility (for example, French or Spanish), and must be legible from a distance of at least 25 feet. The owner or operator may use existing signs with a legend other than "Danger – Unauthorized Personnel Keep Out" if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion and entry onto the active portion can be dangerous.

BOARD NOTE: Subsection (e) is derived from 40 CFR 267.14-~~(2017)~~.

f) General Inspection Requirements

- 1) The owner or operator must inspect its facility for malfunctions and deterioration, operator errors, and discharges that may be causing, or may lead to either of the conditions listed in subsection (f)(1)(A) or (f)(1)(B).



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The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they result in harm to human health and the environment.

- A) A release of hazardous waste constituents to the environment; or
- B) A threat to human health.

2) The facility owner or operator must develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.

- A) The owner or operator must keep this schedule at the facility.
- B) The schedule must identify the equipment and devices that the owner or operator will inspect and what problems it will look for, such as malfunctions or deterioration of equipment (for example, inoperative sump pump, leaking fitting, etc.).
- C) The frequency of the owner's or operator's inspections may vary for the items on the schedule. However, the frequency should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies required in Sections 727.270(e), 727.290(d) and (f), and 727.900(d) and 35 Ill. Adm. Code 724.933, 724.952, 724.953, 724.958, and 724.983 through 724.989, ~~when~~ where applicable.

3) The facility owner or operator must remedy any deterioration or malfunction of equipment or structures that the inspection reveals in time to prevent any environmental or human health hazards. ~~When~~ Where hazard is imminent or has already occurred, the owner or operator must take immediate remedial action.

4) The facility owner or operator must record all inspections. The owner or operator must keep these records for at least three years from the date of inspection. At a minimum, the owner or operator must include the date and time of the inspection, the name of the inspector, a notation of the

216 observations made, and the date and nature of any repairs or other  
217 remedial actions.

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219 BOARD NOTE: Subsection (f) is derived from 40 CFR 267.15 ~~(2017)~~.  
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221 g) Employee Training  
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223 1) Facility personnel must successfully complete a program of classroom  
224 instruction or on-the-job training that teaches them to perform their duties  
225 in a way that ensures the facility's compliance with the requirements of  
226 this Part. The facility owner or operator must ensure that this program  
227 includes all the elements described in the documents that are required  
228 pursuant to subsection (g)(4)(C).  
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230 A) A person trained in hazardous waste management procedures must  
231 direct this program, and must teach facility personnel hazardous  
232 waste management procedures (including contingency plan  
233 implementation) relevant to their employment positions.  
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235 B) At a minimum, the training program must be designed to ensure  
236 that facility personnel are able to respond effectively to  
237 emergencies by including instruction on emergency procedures,  
238 emergency equipment, and emergency systems, including all of the  
239 following, when~~where~~ applicable:  
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241 i) Procedures for using, inspecting, repairing, and replacing  
242 facility emergency and monitoring equipment.  
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244 ii) Key parameters for automatic waste feed cut-off systems.  
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246 iii) Communications or alarm systems.  
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248 iv) Response to fires or explosions.  
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250 v) Response to groundwater contamination incidents.  
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252 vi) Shutdown of operations.  
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254 2) Facility personnel must successfully complete the program required in  
255 subsection (g)(1) within six months after the date of their employment or  
256 assignment to a facility or to a new position at a facility, whichever is  
257 later. Employees hired after the effective date of the owner's or operator's  
258 RCRA standardized permit must not work in unsupervised positions until

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they have completed the training requirements of subsection (g)(1).

- 3) Facility personnel must take part in an annual review of the initial training required in subsection (g)(1).
- 4) The facility owner or operator must maintain the following documents and records at its facility:
  - A) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;
  - B) A written job description for each position listed pursuant to subsection (g)(4)(A). This description must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position;
  - C) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed pursuant to subsection (g)(4)(A);
  - D) Records that document that facility personnel have received and completed the training or job experience required pursuant to subsections (g)(1), (g)(2), and (g)(3).
- 5) The facility owner or operator must keep training records on current personnel until its facility closes. The owner or operator must keep training records on former employees for at least three years from the date the employee last worked at its facility. Personnel training records may accompany personnel transferred within a company.

BOARD NOTE: Subsection (g) is derived from 40 CFR 267.16-(2017).

h) Requirements for Managing Ignitable, Reactive, or Incompatible Wastes

- 1) The facility owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste by following these requirements:
  - A) The owner or operator must separate these wastes and protect them from sources of ignition or reaction such as open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (for example, from heat-producing chemical reactions), and radiant heat.

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- B) While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flames to specially designated locations.
- C) "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

2) If it treats or stores ignitable or reactive waste, or mixes incompatible waste or incompatible wastes and other materials, the owner or operator must take precautions to prevent reactions that do the following:

- A) Generate extreme heat or pressure, fire or explosions, or violent reactions.
- B) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment.
- C) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions.
- D) Damage the structural integrity of the device or facility.
- E) Threaten human health and the environment in any similar way.

3) The facility owner or operator must document compliance with subsection (h)(1) or (h)(2). The owner or operator may base this documentation on references to published scientific or engineering literature, data from trial tests (for example bench scale or pilot scale tests), waste analyses (as specified in Section 727.110(d)), or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

BOARD NOTE: Subsection (h) is derived from 40 CFR 267.17-(2017).

i) Facility Location Standards

1) The facility owner or operator may not locate any portion of a new facility where hazardous waste will be treated or stored within 61 meters (200 feet) of a fault that has had displacement in Holocene time.

- A) "Fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side.

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- B) "Displacement" means the relative movement of any two sides of a fault measured in any direction.
- C) "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene to the present.

BOARD NOTE: Under the note to corresponding 40 CFR 267.18(a)(3) and 40 CFR 270.14(b)(11), a facility that is located in a political jurisdiction other than those listed in appendix VI of 40 CFR 264, incorporated by reference in 35 Ill. Adm. Code 720.111(b), is assumed to be in compliance with this requirement. No area of Illinois is listed in appendix VI of 40 CFR 264.

- 2) If an owner's or operator's facility is located within a 100-year flood plain, it must be designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a 100-year flood.
  - A) "100-year flood plain" means any land area that is subject to a one percent or greater chance of flooding in any given year from any source.
  - B) "Washout" means the movement of hazardous waste from the active portion of the facility as a result of flooding.
  - C) "100-year flood" means a flood that has a one percent chance of being equaled or exceeded in any given year.

BOARD NOTE: Subsection (i) is derived from 40 CFR 267.18-(2017).

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

**Section 727.900 Containment Buildings**

- a) Applicability of This Section. This Section applies to the owner or operator of a facility that treats or stores hazardous waste in containment buildings under a RCRA standardized permit pursuant to ~~Subpart J~~ of 35 Ill. Adm. Code 703.Subpart J, except as provided in Section 727.100(a)(2). Storage or treatment in a containment building is not land disposal, as defined in 35 Ill. Adm. Code 728.102, if the unit meets the requirements of subsections (b), (c), and (d).

BOARD NOTE: Subsection (a) is derived from 40 CFR 267.1100-(2017).

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- b) Design and Operating Standards for Containment Buildings. A containment building must comply with the design and operating standards in this subsection (b). The Agency may consider standards established by professional organizations generally recognized by the industry, such as the American Concrete Institute (ACI) or the American Society of Testing Materials (ASTM), in judging the structural integrity requirements of this subsection (b).
  - 1) The containment building must be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements (e.g., precipitation, wind, ~~run-on/run-off~~, etc.), and to assure containment of managed wastes.
  - 2) The floor and containment walls of the unit, including the secondary containment system, if required pursuant to subsection (d), must be designed and constructed of manmade materials of sufficient strength and thickness to accomplish the following:
    - A) They must support themselves, the waste contents, and any personnel and heavy equipment that operates within the unit;
    - B) They must prevent failure due to any of the following causes:
      - i) Pressure gradients, settlement, compression, or uplift;
      - ii) Physical contact with the hazardous wastes to which they are exposed;
      - iii) Climatic conditions;
      - iv) Stresses of daily operation, including the movement of heavy equipment within the unit and contact of ~~heavy~~ such equipment with containment walls; or
      - v) Collapse or other failure.
  - 3) All surfaces to be in contact with hazardous wastes must be chemically compatible with those wastes.
  - 4) The facility owner or operator must not place incompatible hazardous wastes or treatment reagents in the unit or its secondary containment system if they could cause the unit or secondary containment system to leak, corrode, or otherwise fail.
  - 5) A containment building must have a primary barrier designed to withstand

431 the movement of personnel, waste, and handling equipment in the unit  
432 during the operating life of the unit and appropriate for the physical and  
433 chemical characteristics of the waste to be managed.  
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435 6) If appropriate to the nature of the waste management operation to take  
436 place in the unit, an exception to the structural strength requirement may  
437 be made for light-weight doors and windows that meet these criteria:  
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439 A) The doors and windows provide an effective barrier against  
440 fugitive dust emissions pursuant to subsection (c)(4); and  
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442 B) The unit is designed and operated in a fashion that assures that  
443 wastes will not actually come in contact with these openings.  
444

445 7) The facility owner or operator must inspect and record in the facility's  
446 operating record, at least once every seven days, data gathered from  
447 monitoring equipment and leak detection equipment, as well as the  
448 containment building and the area immediately surrounding the  
449 containment building to detect signs of releases of hazardous waste.  
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451 8) The facility owner or operator must obtain certification by a qualified  
452 registered professional engineer that the containment building design  
453 meets the requirements of subsections (b)(1) through (b)(6), (c), and (d).  
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455 BOARD NOTE: Subsection (b) is derived from 40 CFR 267.1101-(2017).  
456

457 c) Other Requirements for Preventing Releases. The facility owner or operator must  
458 use controls and practices to ensure containment of the hazardous waste within  
459 the unit and must meet the following minimum requirements:  
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461 1) It must maintain the primary barrier to be free of significant cracks, gaps,  
462 corrosion, or other deterioration that could cause hazardous waste to be  
463 released from the primary barrier;  
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465 2) It must maintain the level of the stored or treated hazardous waste within  
466 the containment walls of the unit so that the height of any containment  
467 wall is not exceeded;  
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469 3) It must take measures to prevent personnel or by equipment used in  
470 handling the waste from tracking hazardous waste out of the unit. The  
471 owner or operator must designate an area to decontaminate equipment,  
472 and it must collect and properly manage any rinsate; and  
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- 4) It must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions (see Method 22 of appendix A to 40 CFR 60 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares), incorporated by reference in 35 Ill. Adm. Code 720.111(b)). In addition, the owner or operator must operate and maintain all associated particulate collection devices (for example, fabric filter, electrostatic precipitator, etc.) with sound air pollution control practices. The owner or operator must effectively maintain this state of no visible emissions at all times during routine operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

BOARD NOTE: Subsection (c) is derived from 40 CFR 267.1102-(2017).

- d) Additional Design and Operating Standards When Liquids Are in the Containment Building. If a containment building will be used to manage hazardous wastes containing free liquids or treated with free liquids, as determined by the paint filter test, by a visual examination, or by other appropriate means, the facility owner or operator must include the following:
  - 1) A primary barrier designed and constructed of materials to prevent the migration of hazardous constituents into the barrier (for example, a geomembrane covered by a concrete wear surface);
  - 2) A liquid collection and removal system to minimize the accumulation of liquid on the primary barrier of the containment building, as follows:
    - A) The primary barrier must be sloped to drain liquids to the associated collection system; and
    - B) The facility owner or operator must collect and remove liquids and waste to minimize hydraulic head on the containment system at the earliest practicable time;
  - 3) A secondary containment system, including a secondary barrier designed and constructed to prevent migration of hazardous constituents into the barrier, and a leak detection system capable of detecting failure of the primary barrier and collecting accumulated hazardous wastes and liquids at the earliest practical time, as follows:
    - A) The facility owner or operator may meet the requirements of the leak detection component of the secondary containment system by installing a system that meets the following minimum construction



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requirements:

- i) It is constructed with a bottom slope of one percent or more; and
  - ii) It is constructed of a granular drainage material with a hydraulic conductivity of  $1 \times 10^{-2}$  cm/sec or more and a thickness of 12 inches (30.5 cm) or more, or constructed of synthetic or geonet drainage materials with a transmissivity of  $3 \times 10^{-5}$  m<sup>2</sup>sec or more;
- B) If the facility owner or operator will be conducting treatment in the building, it must design the area in which the treatment will be conducted to prevent the release of liquids, wet materials, or liquid aerosols to other portions of the building; and
- C) The facility owner or operator must construct the secondary containment system using materials that are chemically resistant to the waste and liquids managed in the containment building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used in the containment building.

BOARD NOTE: Subsection (d) is derived from 40 CFR 267.1103-(2017).

- e) Alternatives to Secondary Containment Requirements. Notwithstanding any other provision of this Section, the Agency must, in writing, allow the use of alternatives to the requirements for secondary containment for a permitted containment building where the Agency has determined that the facility owner or operator has adequately demonstrated both of the following:
- 1) The only free liquids in the unit are limited amounts of dust suppression liquids required to meet occupational health and safety requirements; and
  - 2) The containment of managed wastes and dust suppression liquids can be assured without a secondary containment system.

BOARD NOTE: Subsection (e) is derived from 40 CFR 267.1104-(2017).

- f) Requirements ~~When~~ Where the Containment Building Contains Areas Both ~~With~~ with and ~~Without~~ without Secondary Containment. For a containment building that contains both areas that have secondary containment and areas that do not have secondary containment, the facility owner or operator must fulfill the

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following requirements:

- 1) It must design and operate each area in accordance with the requirements enumerated in subsections (b) through (d);
- 2) It must take measures to prevent the release of liquids or wet materials into areas without secondary containment; and
- 3) It must maintain in the facility's operating log a written description of the operating procedures used to maintain the integrity of areas without secondary containment.

BOARD NOTE: Subsection (f) is derived from 40 CFR 267.1105-(2017).

g) Requirements in the Event of a Release. Throughout the active life of the containment building, if the facility owner or operator detects a condition that could lead to or has caused a release of hazardous waste, it must repair the condition promptly, in accordance with the following procedures.

- 1) Upon detection of a condition that has ~~led~~lead to a release of hazardous waste (for example, upon detection of leakage from the primary barrier), the owner or operator must undertake each of the following actions:
  - A) It must enter a record of the discovery in the facility operating record;
  - B) It must immediately remove the portion of the containment building affected by the condition from service;
  - C) It must determine what steps it will need to take to repair the containment building, to remove any leakage from the secondary collection system, and to establish a schedule for accomplishing the cleanup and repairs; and
  - D) Within seven days after the discovery of the condition, it must notify the Agency of the condition, and within 14 working days, provide a written notice to the Agency with a description of the steps taken to repair the containment building, and the schedule for accomplishing the work.
- 2) The Agency must review the information submitted, ~~determinemake a~~ ~~determination regarding~~ whether the containment building must be removed from service completely or partially until repairs and cleanup are

603 complete, and notify the owner or operator of the determination and the  
604 underlying rationale in writing.

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606 3) Upon completing all repairs and cleanup, the facility owner or operator  
607 must notify the Agency in writing and provide a verification, signed by a  
608 qualified, registered professional engineer, that the repairs and cleanup  
609 have been completed according to the written plan submitted in  
610 accordance with subsection (g)(1)(D).

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612 BOARD NOTE: Subsection (g) is derived from 40 CFR 267.1106-(2017).

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614 h) A Containment Building That Can Be Considered Secondary Containment. A  
615 containment building can serve as an acceptable secondary containment system  
616 for tanks placed within the building if both of the following conditions are  
617 fulfilled:

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619 1) The containment building can serve as an external liner system for a tank  
620 if it meets the requirements of Section 727.290(g)(2); and

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622 2) The containment building also meets the requirements of ~~Section~~Sections  
623 727.290(f)(1), (f)(2)(A), and (f)(2)(B).

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625 BOARD NOTE: Subsection (h) is derived from 40 CFR 267.1107-(2017).

626  
627 i) Requirements When the Owner or Operator Stops Operating the Containment  
628 Building. When the facility owner or operator close a containment building, it  
629 must remove or decontaminate all waste residues, contaminated containment  
630 system components (liners, etc.), contaminated subsoils, and structures and  
631 equipment contaminated with waste and leachate and manage them as hazardous  
632 waste unless 35 Ill. Adm. Code 721.103(d) applies. The closure plan, closure  
633 activities, cost estimates for closure, and financial responsibility for containment  
634 buildings must meet all of the requirements specified in Sections 727.210 and  
635 727.240.

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637 BOARD NOTE: Subsection (i) is derived from 40 CFR 267.1108-(2017).

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639 (Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

PART 727  
STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE FACILITIES  
OPERATING UNDER A RCRA STANDARDIZED PERMIT

Section

- 727.100 General
- 727.110 General Facility Standards
- 727.130 Preparedness and Prevention
- 727.150 Contingency Plan and Emergency Procedures
- 727.170 Recordkeeping, Reporting, and Notifying
- 727.190 Releases from Solid Waste Management Units
- 727.210 Closure
- 727.240 Financial Requirements
- 727.270 Use and Management of Containers
- 727.290 Tank Systems
- 727.900 Containment Buildings

- 727.APPENDIX A Financial Assurance Forms (Repealed)
- 727.ILLUSTRATION A Letter of Chief Financial Officer: Financial Assurance for Facility Closure (Repealed)
- 727.ILLUSTRATION B Letter of Chief Financial Officer: Financial Assurance for Liability Coverage ( Repealed)
- 727.APPENDIX B Correlation of State and Federal Provisions
- 727.TABLE A Correlation of Federal RCRA Standardized Permit Provisions to State Provisions
- 727.TABLE B Correlation of State RCRA Standardized Permit Provisions to Federal Provisions

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 R06-16/R06-17/R06-18 at 31 Ill. Reg. 1146, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12829, effective July 14, 2008; amended in R13-15 at 37 Ill. Reg. 17909, effective October 24, 2013; amended in R14-1/~~R14-2~~/~~R14-3~~ at 38 Ill. Reg. 7221, effective March 13, 2014; amended in R16-7 at 40 Ill. Reg. 12011, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 24055, effective November 19, 2018; amended in R19-11 at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 727.110 General Facility Standards

a) Applicability of This Section. This Section applies to the owner or operator of a facility that treats or stores hazardous waste under a ~~Subpart J~~ of 35 Ill. Adm. Code ~~703~~703.~~Subpart J~~ RCRA standardized permit, except as provided in Section 727.100(a)(2).

BOARD NOTE: Subsection (a) is derived from 40 CFR ~~267.10 (2017)~~.267.10.

b) Compliance with This Section. To comply with this Section, the facility owner or operator must obtain a USEPA identification number, and follow the requirements of this Part for waste analysis, security, inspections, training, special waste handling, and location standards.

BOARD NOTE: Subsection (b) is derived from 40 CFR ~~267.11 (2017)~~.267.11.

c) Obtaining a USEPA Identification Number. The 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 owner or operator must obtain a copy of the form from the Agency, and submit a completed copy of the form to the Bureau of Land, in addition to notification to USEPA Region 5.~~

BOARD NOTE: Subsection (c) is derived from 40 CFR ~~267.12 (2017)~~.267.12. 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](http://www.epa.gov/?hwgenerators/?instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and).

d) Waste Analysis Requirements

1) Before it treats or stores any hazardous wastes, the facility owner or operator must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information needed to treat or store the waste to comply with this Part and 35 Ill. Adm. Code 728.

A) The facility owner or operator may include data in the analysis that was developed pursuant to 35 Ill. Adm. Code 721 or data published or documented on the hazardous waste or on hazardous waste generated from similar processes.

B) The facility owner or operator must repeat the analysis as necessary to ensure that it is accurate and up to date. At a minimum, the owner or operator must repeat the analysis if the process or operation generating the hazardous wastes has changed.

2) The facility owner or operator must develop and follow a written waste analysis plan that describes the procedures it will follow to comply with subsection (d) (1). The owner or operator must keep this plan at the facility. If the owner or operator receives wastes generated from off-site and is eligible for a RCRA standardized permit, the owner or operator also must have submitted the waste analysis plan with the Notice of Intent. At a minimum, the plan must specify all of the following:

A) The hazardous waste parameters that the owner or operator will analyze and the rationale for selecting these parameters (that is, how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (d)(1)).

B) The test methods the owner or operator will use to test for these parameters.

C) The sampling method the owner or operator will use to obtain a representative sample of the waste to be analyzed. The owner or operator may obtain a representative sample using either of the following methods:

i) One of the sampling methods described in Appendix A of 35 Ill. Adm. Code 721; or

ii) An equivalent sampling method.

D) How frequently the owner or operator will review or repeat the initial analysis of the waste to ensure that the analysis is accurate and up to date.

E) Where applicable, the methods the owner or operator will use to meet the additional waste analysis requirements for specific waste management methods, as specified in 35 Ill. Adm. Code 724.117, 724.934(d), 724.963(d), and 724.983.

BOARD NOTE: Subsection (d) is derived from 40 CFR ~~267.13 (2017)~~. 267.13.

e) Security Requirements

1) The facility owner or operator must prevent, and minimize the possibility for, livestock and unauthorized people from entering the active portion of its facility.

2) The facility must have either of the features listed in subsection (e)(2)(A) or those listed in ~~subsections~~ subsection (e)(2)(B) ~~and~~ ~~(e)(2)(C)~~.

A) A 24-hour surveillance system (for example, television monitoring or surveillance by guards or facility personnel) that continuously monitors and controls entry onto the active portion of the facility; or

B) Both:

i) An artificial or natural barrier (for example, a fence in good repair or a fence combined with a cliff) that completely surrounds the active portion of the facility; and

Eii) A means to control entry, at all times, through the gates or other entrances to the active portion of the facility (for example, an

attendant, television monitors, locked entrance, or controlled roadway access to the facility).

3) The facility owner or operator must post a sign at each entrance to the active portion of a facility, and at other prominent locations, in sufficient numbers to be seen from any approach to this active portion. The sign must bear the legend "Danger - Unauthorized Personnel Keep Out". The legend must be in English and in any other language predominant in the area surrounding the facility (for example, French or Spanish), and must be legible from a distance of at least 25 feet. The owner or operator may use existing signs with a legend other than "Danger - Unauthorized Personnel Keep Out" if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion and entry onto the active portion can be dangerous.

BOARD NOTE: Subsection (e) is derived from 40 CFR ~~267.14 (2017)~~.267.14.

f) General Inspection Requirements

1) The owner or operator must inspect its facility for malfunctions and deterioration, operator errors, and discharges that may be causing, or may lead to either of the conditions listed in subsection (f) (1) (A) or (f) (1) (B). The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they result in harm to human health and the environment.

A) A release of hazardous waste constituents to the environment; or

B) A threat to human health.

2) The facility owner or operator must develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.

A) The owner or operator must keep this schedule at the facility.

B) The schedule must identify the equipment and devices that the owner or operator will inspect and what problems it will look for, such as malfunctions or deterioration of equipment (for example, inoperative sump pump, leaking fitting, etc.).

C) The frequency of the owner's or operator's inspections may vary for the items on the schedule. However, the frequency should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies required in Sections 727.270(e), 727.290(d) and (f), and 727.900(d) and 35 Ill. Adm. Code 724.933,

724.952, 724.953, 724.958, and 724.983 through 724.989, ~~where~~when applicable.

3) The facility owner or operator must remedy any deterioration or malfunction of equipment or structures that the inspection reveals in time to prevent any environmental or human health hazards. ~~Where~~When hazard is imminent or has already occurred, the owner or operator must take immediate remedial action.

4) The facility owner or operator must record all inspections. The owner or operator must keep these records for at least three years from the date of inspection. At a minimum, the owner or operator must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

BOARD NOTE: Subsection (f) is derived from 40 CFR ~~267.15-(2017)~~.267.15.

g) Employee Training

1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this Part. The facility owner or operator must ensure that this program includes all the elements described in the documents that are required pursuant to subsection (g) (4) (C).

A) A person trained in hazardous waste management procedures must direct this program, and must teach facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to their employment positions.

B) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by including instruction on emergency procedures, emergency equipment, and emergency systems, including all of the following, ~~where~~when applicable:

i) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment.

ii) Key parameters for automatic waste feed cut-off systems.

iii) Communications or alarm systems.

iv) Response to fires or explosions.

v) Response to groundwater contamination incidents.

vi) Shutdown of operations.

2) Facility personnel must successfully complete the program required in subsection (g) (1) within six months after the date of their



employment or assignment to a facility or to a new position at a facility, whichever is later. Employees hired after the effective date of the owner's or operator's RCRA standardized permit must not work in unsupervised positions until they have completed the training requirements of subsection (g) (1).

3) Facility personnel must take part in an annual review of the initial training required in subsection (g) (1).

4) The facility owner or operator must maintain the following documents and records at its facility:

A) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;

B) A written job description for each position listed pursuant to subsection (g) (4) (A). This description must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position;

C) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed pursuant to subsection (g) (4) (A);

D) Records that document that facility personnel have received and completed the training or job experience required pursuant to subsections (g) (1), (g) (2), and (g) (3).

5) The facility owner or operator must keep training records on current personnel until its facility closes. The owner or operator must keep training records on former employees for at least three years from the date the employee last worked at its facility. Personnel training records may accompany personnel transferred within a company.

BOARD NOTE: Subsection (g) is derived from 40 CFR ~~267.16 (2017)~~. 267.16.

h) Requirements for Managing Ignitable, Reactive, or Incompatible Wastes

1) The facility owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste by following these requirements:

A) The owner or operator must separate these wastes and protect them from sources of ignition or reaction such as open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (for example, from heat-producing chemical reactions), and radiant heat.

B) While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flames to specially designated locations.

C) "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

2) If it treats or stores ignitable or reactive waste, or mixes incompatible waste or incompatible wastes and other materials, the owner or operator must take precautions to prevent reactions that do the following:

A) Generate extreme heat or pressure, fire or explosions, or violent reactions.

B) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment.

C) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions.

D) Damage the structural integrity of the device or facility.

E) Threaten human health and the environment in any similar way.

3) The facility owner or operator must document compliance with subsection (h)(1) or (h)(2). The owner or operator may base this documentation on references to published scientific or engineering literature, data from trial tests (for example bench scale or pilot scale tests), waste analyses (as specified in Section 727.110(d)), or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

BOARD NOTE: Subsection (h) is derived from 40 CFR ~~267.17-(2017)~~.267.17.

i) Facility Location Standards

1) The facility owner or operator may not locate any portion of a new facility where hazardous waste will be treated or stored within 61 meters (200 feet) of a fault that has had displacement in Holocene time.

A) "Fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side.

B) "Displacement" means the relative movement of any two sides of a fault measured in any direction.

C) "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene to the present.

BOARD NOTE: Under the note to corresponding 40 CFR 267.18(a)(3) and 40 CFR 270.14(b)(11), a facility that is ~~located~~ in a political

jurisdiction other than those listed in appendix VI of 40 CFR 264, incorporated by reference in 35 Ill. Adm. Code 720.111(b), is assumed to be in compliance with this requirement. No area of Illinois is listed in appendix VI of 40 CFR 264.

2) If an owner's or operator's facility is located within a 100-year flood plain, it must be designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a 100-year flood.

A) "100-year flood plain" means any land area that is subject to a one percent or greater chance of flooding in any given year from any source.

B) "Washout" means the movement of hazardous waste from the active portion of the facility as a result of flooding.

C) "100-year flood" means a flood that has a one percent chance of being equaled or exceeded in any given year.

BOARD NOTE: Subsection (i) is derived from 40 CFR ~~267.18 (2017)~~. 267.18.

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

#### Section 727.900 Containment Buildings

a) Applicability of This Section. This Section applies to the owner or operator of a facility that treats or stores hazardous waste in containment buildings under a RCRA standardized permit pursuant to ~~Subpart J of~~ 35 Ill. Adm. Code ~~703,703~~. Subpart J. except as provided in Section 727.100(a)(2). Storage or treatment in a containment building is not land disposal, as defined in 35 Ill. Adm. Code 728.102, if the unit meets the requirements of subsections (b), (c), and (d).

BOARD NOTE: Subsection (a) is derived from 40 CFR ~~267.1100 (2017)~~. 267.1100.

b) Design and Operating Standards for Containment Buildings. A containment building must comply with the design and operating standards in this subsection (b). The Agency may consider standards established by professional organizations generally recognized by the industry, such as the American Concrete Institute (ACI) or the American Society of Testing Materials (ASTM), in judging the structural integrity requirements of this subsection (b).

1) The containment building must be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements (e.g., precipitation, wind, run-on-~~runoff~~, etc.), and to assure containment of managed wastes.

2) The floor and containment walls of the unit, including the secondary containment system, if required pursuant to subsection (d),

must be designed and constructed of manmade materials of sufficient strength and thickness to accomplish the following:

- A) They must support themselves, the waste contents, and any personnel and heavy equipment that operates within the unit;
- B) They must prevent failure due to any of the following causes:
  - i) Pressure gradients, settlement, compression, or uplift;
  - ii) Physical contact with the hazardous wastes to which they are exposed;
  - iii) Climatic conditions;
  - iv) Stresses of daily operation, including the movement of heavy equipment within the unit and contact of ~~such~~heavy equipment with containment walls; or
  - v) Collapse or other failure.
- 3) All surfaces to be in contact with hazardous wastes must be chemically compatible with those wastes.
- 4) The facility owner or operator must not place incompatible hazardous wastes or treatment reagents in the unit or its secondary containment system if they could cause the unit or secondary containment system to leak, corrode, or otherwise fail.
- 5) A containment building must have a primary barrier designed to withstand the movement of personnel, waste, and handling equipment in the unit during the operating life of the unit and appropriate for the physical and chemical characteristics of the waste to be managed.
- 6) If appropriate to the nature of the waste management operation to take place in the unit, an exception to the structural strength requirement may be made for light-weight doors and windows that meet these criteria:
  - A) The doors and windows provide an effective barrier against fugitive dust emissions pursuant to subsection (c) (4); and
  - B) The unit is designed and operated in a fashion that assures that wastes will not actually come in contact with these openings.
- 7) The facility owner or operator must inspect and record in the facility's operating record, at least once every seven days, data gathered from monitoring equipment and leak detection equipment, as well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste.

8) The facility owner or operator must obtain certification by a qualified registered professional engineer that the containment building design meets the requirements of subsections (b)(1) through (b)(6), (c), and (d).

BOARD NOTE: Subsection (b) is derived from 40 CFR ~~267.1101-~~  
~~(2017)-267.1101.~~

c) Other Requirements for Preventing Releases. The facility owner or operator must use controls and practices to ensure containment of the hazardous waste within the unit and must meet the following minimum requirements:

- 1) It must maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;
- 2) It must maintain the level of the stored or treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded;
- 3) It must take measures to prevent personnel or by equipment used in handling the waste from tracking hazardous waste out of the unit. The owner or operator must designate an area to decontaminate equipment, and it must collect and properly manage any rinsate; and
- 4) It must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions (see Method 22 of appendix A to 40 CFR 60 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares), incorporated by reference in 35 Ill. Adm. Code 720.111(b)). In addition, the owner or operator must operate and maintain all associated particulate collection devices (for example, fabric filter, electrostatic precipitator, etc.) with sound air pollution control practices. The owner or operator must effectively maintain this state of no visible emissions at all times during routine operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

BOARD NOTE: Subsection (c) is derived from 40 CFR ~~267.1102-~~  
~~(2017)-267.1102.~~

d) Additional Design and Operating Standards When Liquids Are in the Containment Building. If a containment building will be used to manage hazardous wastes containing free liquids or treated with free liquids, as determined by the paint filter test, by a visual examination, or by other appropriate means, the facility owner or operator must include the following:

- 1) A primary barrier designed and constructed of materials to prevent the migration of hazardous constituents into the barrier (for example, a geomembrane covered by a concrete wear surface);

2) A liquid collection and removal system to minimize the accumulation of liquid on the primary barrier of the containment building, as follows:

A) The primary barrier must be sloped to drain liquids to the associated collection system; and

B) The facility owner or operator must collect and remove liquids and waste to minimize hydraulic head on the containment system at the earliest practicable time;

3) A secondary containment system, including a secondary barrier designed and constructed to prevent migration of hazardous constituents into the barrier, and a leak detection system capable of detecting failure of the primary barrier and collecting accumulated hazardous wastes and liquids at the earliest practical time, as follows:

A) The facility owner or operator may meet the requirements of the leak detection component of the secondary containment system by installing a system that meets the following minimum construction requirements:

i) It is constructed with a bottom slope of one percent or more; and

ii) It is constructed of a granular drainage material with a hydraulic conductivity of  $1 \times 10^{-2}$  cm/sec or more and a thickness of 12 inches (30.5 cm) or more, or constructed of synthetic or geonet drainage materials with a transmissivity of  $3 \times 10^{-5}$  m<sup>2</sup>/sec or more;

B) If the facility owner or operator will be conducting treatment in the building, it must design the area in which the treatment will be conducted to prevent the release of liquids, wet materials, or liquid aerosols to other portions of the building; and

C) The facility owner or operator must construct the secondary containment system using materials that are chemically resistant to the waste and liquids managed in the containment building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used in the containment building.

BOARD NOTE: Subsection (d) is derived from 40 CFR ~~267.1103-~~  
~~(2017)-267.1103.~~

e) Alternatives to Secondary Containment Requirements.

Notwithstanding any other provision of this Section, the Agency must, in writing, allow the use of alternatives to the requirements for secondary containment for a permitted containment building where the Agency has determined that the facility owner or operator has adequately demonstrated both of the following:

1) The only free liquids in the unit are limited amounts of dust suppression liquids required to meet occupational health and safety requirements~~7.~~ and

2) The containment of managed wastes and dust suppression liquids can be assured without a secondary containment system.

BOARD NOTE: Subsection (e) is derived from 40 CFR ~~267.1104-~~  
~~(2017)-267.1104.~~

f) Requirements ~~Where~~When the Containment Building Contains Areas Both ~~with~~With and ~~without~~Without Secondary Containment. For a containment building that contains both areas that have secondary containment and areas that do not have secondary containment, the facility owner or operator must fulfill the following requirements:

1) It must design and operate each area in accordance with the requirements enumerated in subsections (b) through (d);

2) It must take measures to prevent the release of liquids or wet materials into areas without secondary containment; and

3) It must maintain in the facility's operating log a written description of the operating procedures used to maintain the integrity of areas without secondary containment.

BOARD NOTE: Subsection (f) is derived from 40 CFR ~~267.1105-~~  
~~(2017)-267.1105.~~

g) Requirements in the Event of a Release. Throughout the active life of the containment building, if the facility owner or operator detects a condition that could lead to or has caused a release of hazardous waste, it must repair the condition promptly, in accordance with the following procedures.

1) Upon detection of a condition that has led~~lead~~ to a release of hazardous waste (for example, upon detection of leakage from the primary barrier), the owner or operator must undertake each of the following actions:

A) It must enter a record of the discovery in the facility operating record;

B) It must immediately remove the portion of the containment building affected by the condition from service;

C) It must determine what steps it will need to take to repair the containment building, to remove any leakage from the secondary collection system, and to establish a schedule for accomplishing the cleanup and repairs; and

D) Within seven days after the discovery of the condition, it must notify the Agency of the condition, and within 14 working days, provide a written notice to the Agency with a description of the steps taken to repair the containment building, and the schedule for accomplishing the work.

2) The Agency must review the information submitted, determine ~~make a determination regarding~~ whether the containment building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing.

3) Upon completing all repairs and cleanup, the facility owner or operator must notify the Agency in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with subsection (g) (1) (D).

BOARD NOTE: Subsection (g) is derived from 40 CFR ~~267.1106-~~  
~~(2017)-267.1106.~~

h) A Containment Building That Can Be Considered Secondary Containment. A containment building can serve as an acceptable secondary containment system for tanks placed within the building if both of the following conditions are fulfilled:

1) The containment building can serve as an external liner system for a tank if it meets the requirements of Section 727.290(g) (2); and

2) The containment building also meets the requirements of ~~Sections~~Section 727.290(f) (1), (f) (2) (A), and (f) (2) (B).

BOARD NOTE: Subsection (h) is derived from 40 CFR ~~267.1107-~~  
~~(2017)-267.1107.~~

i) Requirements When the Owner or Operator Stops Operating the Containment Building. When the facility owner or operator close a containment building, it must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate and manage them as hazardous waste unless 35 Ill. Adm. Code 721.103(d) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for containment buildings must meet all of the requirements specified in Sections 727.210 and 727.240.

BOARD NOTE: Subsection (i) is derived from 40 CFR ~~267.1108-~~  
~~(2017)-267.1108.~~

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

ILLINOIS REGISTER



POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENTS  
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