### POLLUTION CONTROL BOARD

### NOTICE OF PROPOSED AMENDMENTS

1) <u>Heading of the Part</u>: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

2) Code Citation: 35 Ill. Adm. Code 725

3)	Section Numbers:	<u>Proposed Actions:</u>
	725.101	Amendment
	725.171	Amendment
	725.981	Amendment
	725.984	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27

A Complete Description of the Subjects and Issues Involved: The amendment to Part 725 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 702, 705, 720 through 724, 726, 728, 733, 810, and 811. The consolidated R20-3/R20-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendments in consolidated docket R20-3/R20-11, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-3/R20-11. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 725 incorporate segments of USEPA's Hazardous Waste Pharmaceuticals Rule and Universal Waste Aerosol Cans Rule into the Illinois hazardous waste regulations. The amendments include needed corrections in rule not directly related to USEPA amendments, including a correction to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in a document entitled "Identical-in–Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R20-3/R20-11. 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 consolidated docket R20-3/R20-11.

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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 JCAR.

- 6) <u>Published studies or reports, and sources of underlying data, used to compose this rulemaking</u>: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) <u>Does this rulemaking contain an automatic repeal date?</u> No
- 9) <u>Does this rulemaking contain incorporations by reference?</u> No
- 10) Are there any other rulemakings pending on this Part? No
- 11) <u>Statement of Statewide Policy Objective</u>: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) <u>Time, Place and Manner in which interested persons may comment on this proposed rulemaking</u>: 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 consolidated docket R20-3/R20-11 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 consolidated docket R20-3/R20-11:

Michael J. McCambridge Staff Attorney Illinois Pollution Control Board 100 W. Randolph, 11-500 Chicago IL 60601

### POLLUTION CONTROL BOARD

### NOTICE OF PROPOSED AMENDMENTS

312/814-6924 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) <u>Initial Regulatory Flexibility Analysis</u>:
  - A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
  - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
  - C) <u>Types of professional skills necessary for compliance</u>: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 14) <u>Small Business Impact Analysis</u>: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] 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 2020

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	Si	UBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS			
5					
6		PART 725			
7	INTERIN	M STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS			
8		WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES			
9					
10		SUBPART A: GENERAL PROVISIONS			
11					
12	Section				
13	725.101	Purpose, Scope, and Applicability			
14	725.102	Electronic Reporting			
15	725.104	Imminent Hazard Action			
16					
17		SUBPART B: GENERAL FACILITY STANDARDS			
18					
19	Section				
20	725.110	Applicability			
21	725.111	USEPA Identification Number			
22	725.112	Required Notices			
23	725.113	General Waste Analysis			
24	725.114	Security			
25	725.115	General Inspection Requirements			
26	725.116	Personnel Training			
27	725.117	General Requirements for Ignitable, Reactive, or Incompatible Wastes			
28	725.118	Location Standards			
29	725.119	Construction Quality Assurance Program			
30		,			
31		SUBPART C: PREPAREDNESS AND PREVENTION			
32					
33	Section				
34	725.130	Applicability			
35	725.131	Maintenance and Operation of Facility			
36	725.132	Required Equipment			
37	725.133	Testing and Maintenance of Equipment			
38	725.134	Access to Communications or Alarm System			
39	725.135	Required Aisle Space			
40	725.137	Arrangements with Local Authorities			
41		O			
42	SU	JBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES			
43					

44	Section	
45	725.150	Applicability
46	725.151	Purpose and Implementation of Contingency Plan
47	725.152	Content of Contingency Plan
48		
	725.153	Copies of Contingency Plan
49	725.154	Amendment of Contingency Plan
50	725.155	Emergency Coordinator
51	725.156	Emergency Procedures
52		
53	SUBI	PART E: MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING
54		
55	Section	
56	725.170	Applicability
57	725.171	Use of Manifest System
58	725.172	Manifest Discrepancies
59	725.173	Operating Record
60	725.174	Availability, Retention, and Disposition of Records
61	725.174	Annual Report
62		
	725.176	Unmanifested Waste Report
63	725.177	Additional Reports
64		
65		SUBPART F: GROUNDWATER MONITORING
66		
67	Section	
68	725.190	Applicability
69	725.191	Groundwater Monitoring System
70	725.192	Sampling and Analysis
71	725.193	Preparation, Evaluation, and Response
72	725.194	Recordkeeping and Reporting
73		
74		SUBPART G: CLOSURE AND POST-CLOSURE CARE
75		
76	Section	
77	725.210	Applicability
78	725.210	Closure Performance Standard
79	725.211	
		Closure Plan; Amendment of Plan
80	725.213	Closure; Time Allowed for Closure
81	725.214	Disposal or Decontamination of Equipment, Structures, and Soils
82	725.215	Certification of Closure
83	725.216	Survey Plat
84	725.217	Post-Closure Care and Use of Property
85	725.218	Post-Closure Care Plan; Amendment of Plan
86	725.219	Post-Closure Notices

87 88 89	725.220 725.221	Certification of Completion of Post-Closure Care Alternative Post-Closure Care Requirements
90 91		SUBPART H: FINANCIAL REQUIREMENTS
92	Section	
93	725.240	Applicability
94	725.241	Definitions of Terms as Used in this Subpart H
95	725.242	Cost Estimate for Closure
96	725.243	Financial Assurance for Closure
97	725.244	Cost Estimate for Post-Closure Care
98	725.245	Financial Assurance for Post-Closure Monitoring and Maintenance
99	725.246	Use of a Mechanism for Financial Assurance of Both Closure and Post-Closure
100		Care
101	725.247	Liability Requirements
102	725.248	Incapacity of Owners or Operators, Guarantors, or Financial Institutions
103	725.251	Promulgation of Forms (Repealed)
104		
105		SUBPART I: USE AND MANAGEMENT OF CONTAINERS
106		
107	Section	
108	725.270	Applicability
109	725.271	Condition of Containers
110	725.272	Compatibility of Waste with Containers
111	725.273	Management of Containers
112	725.274	Inspections
113	725.276	Special Requirements for Ignitable or Reactive Wastes
114	725.277	Special Requirements for Incompatible Wastes
115	725.278	Air Emission Standards
116		
117		SUBPART J: TANK SYSTEMS
118		
119	Section	
120	725.290	Applicability
121	725.291	Assessment of Existing Tank System Integrity
122	725.292	Design and Installation of New Tank Systems or Components
123	725.293	Containment and Detection of Releases
124	725.294	General Operating Requirements
125	725.295	Inspections
126	725.296	Response to Leaks or Spills and Disposition of Tank Systems
127	725.297	Closure and Post-Closure Care
128	725.298	Special Requirements for Ignitable or Reactive Wastes
129	725.299	Special Requirements for Incompatible Wastes

130 131 132 133	725.300 725.301 725.302	Waste Analysis and Trial Tests Generators of 100 to 1,000 Kilograms of Hazardous Waste Per Month (Repealed) Air Emission Standards
134 135		SUBPART K: SURFACE IMPOUNDMENTS
136	Section	
137	725.320	Applicability
138	725.321	Design and Operating Requirements
139	725.322	Action Leakage Rate
140	725.323	Containment System
141	725.324	Response Actions
142	725.325	Waste Analysis and Trial Tests
143	725.326	Monitoring and Inspections
144	725.328	Closure and Post-Closure Care
145	725.329	Special Requirements for Ignitable or Reactive Wastes
146	725.330	Special Requirements for Incompatible Wastes
147	725.331	Air Emission Standards
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149		SUBPART L: WASTE PILES
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151	Section	
152	725.350	Applicability
153	725.351	Protection from Wind
154	725.352	Waste Analysis
155	725.353	Containment
156	725.354	Design and Operating Requirements
157	725.355	Action Leakage Rates
158	725.356	Special Requirements for Ignitable or Reactive Wastes
159	725.357	Special Requirements for Incompatible Wastes
160	725.358	Closure and Post-Closure Care
161	725.359	Response Actions
162	725.360	Monitoring and Inspections
163		
164		SUBPART M: LAND TREATMENT
165	G	
166	Section	4 41 1 111
167	725.370	Applicability
168	725.372	General Operating Requirements
169	725.373	Waste Analysis
170	725.376	Food Chain Crops
171	725.378	Unsaturated Zone (Zone of Aeration) Monitoring
172	725.379	Recordkeeping

173 174 175 176	725.380 725.381 725.382	Closure and Post-Closure Care Special Requirements for Ignitable or Reactive Wastes Special Requirements for Incompatible Wastes			
177		SUBPART N: LANDFILLS			
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179	Section				
180	725.400	Applicability			
181	725.401	Design Requirements			
182	725.402	Action Leakage Rate			
183	725.403	Response Actions			
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185	725.409	Surveying and Recordkeeping			
186	725.410	Closure and Post-Closure Care			
187	725.412	Special Requirements for Ignitable or Reactive Wastes			
188	725.413	Special Requirements for Incompatible Wastes			
189	725.414	Special Requirements for Liquid Wastes			
190	725.415	Special Requirements for Containers			
191	725.416	Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab			
192		Packs)			
193		CLIDDA DE O DICEDERA EDE			
194		SUBPART O: INCINERATORS			
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196	Section	4 - 12 - 1 112 -			
197	725.440	Applicability			
198	725.441	Waste Analysis			
199	725.445	General Operating Requirements			
200	725.447	Monitoring and Inspections			
201	725.451	Closure			
202	725.452	Interim Status Incinerators Burning Particular Hazardous Wastes			
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204		SUBPART P: THERMAL TREATMENT			
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206	Section				
207	725.470	Other Thermal Treatment			
208	725.473	General Operating Requirements			
209	725.475	Waste Analysis			
210	725.477	Monitoring and Inspections			
211	725.481	Closure			
212	725.482	Open Burning; Waste Explosives			
213	725.483	Interim Status Thermal Treatment Devices Burning Particular Hazardous Wastes			
214	Q7.175	NAPE O CUENCIO DI DIVINI CALLA DI LA CALLA DE LA CALLA DEL CALLA DE LA CALLA DE LA CALLA DEL CALLA DE LA CALLA DE			
215	SUBPART Q: CHEMICAL, PHYSICAL, AND BIOLOGICAL TREATMENT				

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217	Section	
218	725.500	Applicability
219	725.501	General Operating Requirements
220	725.502	Waste Analysis and Trial Tests
221	725.502	Fig. 1 Control of the Propert Medicate Administration of the Control of the Cont
222		Inspections
	725.504	Closure
223	725.505	Special Requirements for Ignitable or Reactive Wastes
224	725.506	Special Requirements for Incompatible Wastes
225		
226		SUBPART R: UNDERGROUND INJECTION
227		
228	Section	
229	725.530	Applicability
230		
231		SUBPART W: DRIP PADS
232		
233	Section	
234	725.540	Applicability
235	725.541	Assessment of Existing Drip Pad Integrity
236	725.542	Design and Installation of New Drip Pads
237	725.543	Design and Operating Requirements
238	725.544	Inspections
239	725.545	Closure
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241		SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS
242		SOBILITIES THE DIMEDICAL STREET AND TOTAL TOTAL STREET
243	Section	
244	725.930	Applicability
245	725.931	Definitions
246	725.932	Standards: Process Vents
247	725.933	Standards: Closed-Vent Systems and Control Devices
248	725.934	Test Methods and Procedures
249	725.934	
	123.933	Recordkeeping Requirements
250		CLIDDADT DD. AID EMICCIONI CTANDADDC EOD EOLIDMENT I EARC
251		SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS
252	a	
253	Section	A 11 1 112
254	725.950	Applicability
255	725.951	Definitions
256	725.952	Standards: Pumps in Light Liquid Service
257	725.953	Standards: Compressors
258	725.954	Standards: Pressure Relief Devices in Gas/Vapor Service

259 260	725.955 725.956	Standards: Sampling Connecting Systems Standards: Open-Ended Valves or Lines				
261	725.957	Standards: Valves in Gas/Vapor or Light Liquid Service				
262	725.958	Standards: Pumps, Valves, Pressure Relief Devices, Flanges, and Other				
263		Connectors				
264	725.959	Standards: Delay of Repair				
265	725.960	Standards: Closed-Vent Systems and Control Devices				
266	725.961	Percent Leakage Alternative for Valves				
267	725.962	Skip Period Alternative for Valves				
268	725.963	Test Methods and Procedures				
269	725.964	Recordkeeping Requirements				
270						
271		SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,				
272		SURFACE IMPOUNDMENTS, AND CONTAINERS				
273	Section	Seration and Continuous, The Continuous				
274	725.980	Applicability				
275	725.981	Definitions				
276	725.982	Schedule for Implementation of Air Emission Standards				
277	725.983	Standards: General				
278	725.984	Waste Determination Procedures				
279	725.985	Standards: Tanks				
280	725.986	Standards: Surface Impoundments				
281	725.987	Standards: Containers				
282	725.988	Standards: Closed-Vent Systems and Control Devices				
283	725.989	Inspection and Monitoring Requirements				
284	725.990	Recordkeeping Requirements				
285	725.991	Alternative Tank Emission Control Requirements (Repealed)				
286						
287		SUBPART DD: CONTAINMENT BUILDINGS				
288						
289	Section					
290	725.1100	Applicability				
291	725.1101	Design and Operating Standards				
292	725.1102	Closure and Post-Closure Care				
293						
294	SUBPAR	T EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE				
295						
296	Section					
297	725.1200	Applicability				
298	725.1201	Design and Operating Standards				
299	725.1202	Closure and Post-Closure Care				
300						
301	725.APPENI	DIX A Recordkeeping Instructions				

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302
        725.APPENDIX B
                               EPA Report Form and Instructions (Repealed)
 303
        725.APPENDIX C
                               USEPA Interim Primary Drinking Water Standards
304
        725.APPENDIX D
                               Tests for Significance
305
        725.APPENDIX E
                               Examples of Potentially Incompatible Wastes
306
        725.APPENDIX F
                               Compounds with Henry's Law Constant Less Than 0.1 Y/X (at 25°C)
307
308
        AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the
       Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].
309
310
311
       SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and
312
       codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg.
       2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 14034, effective October 12,
313
314
       1983; amended in R84-9 at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10
315
       Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective
316
       August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in
       R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338,
317
318
       effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15,
319
       1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at
320
       13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective
       November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990;
321
322
       amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at
323
       15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective
324
       October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in
       R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg.
325
       5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22,
326
327
       1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18
328
       Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective
       November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in
329
330
       R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22
331
       Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective
332
       April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 III. Reg. 17620, effective September 28,
333
       1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999;
       amended in R99-15 at 23 Ill. Reg. 9168, effective July 26, 1999; amended in R00-5 at 24 Ill.
334
335
       Reg. 1076, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9575, effective June 20,
336
       2000; amended in R03-7 at 27 Ill. Reg. 4187, effective February 14, 2003; amended in R05-8 at
337
       29 Ill. Reg. 6028, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6389, effective
338
       April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 III. Reg. 3460, effective February 23,
339
       2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1031, effective December 20, 2006;
340
       amended in R07-5/R07-14 at 32 Ill. Reg. 12566, effective July 14, 2008; amended in R09-3 at 33
341
       Ill. Reg. 1155, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18890.
342
       effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 18052, effective October
343
       14, 2011; amended in R13-15 at 37 Ill. Reg. 17811, effective October 24, 2013; amended in
344
       R15-1 at 39 Ill. Reg. 1746, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11830,
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345	effective Au	igust 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 III. Reg. 23725,			
346	effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 634, effective December 6, 2018				
347	amended in R19-11 at 43 Ill. Reg. 6049, effective May 2, 2019; amended in R20-3/R20-11 at 44				
348	Ill. Reg.				
349					
350		SUBPART A: GENERAL PROVISIONS			
351					
352	Section 725	.101 Purpose, Scope, and Applicability			
353					
354	a)	The purpose of this Part is to establish minimum standards that define the			
355		acceptable management of hazardous waste during the period of interim status			
356		and until certification of final closure or, if the facility is subject to post-closure			
357		care requirements, until post-closure care responsibilities are fulfilled.			
358		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
359	b)	Except as provided in Section 725.980(b), the standards in this Part and 35 Ill.			
360		Adm. Code 724.652 through 724.654 apply to owners and operators of facilities			
361		that treat, store, or dispose of hazardous waste and which have fully complied			
362		with the requirements for interim status pursuant to Section 3005(e) of the			
363		Resource Conservation and Recovery Act (RCRA) (42 USC 6925(e)) and 35 Ill.			
364		Adm. Code 703, until either a permit is issued pursuant to Section 3005 of the			
365		Resource Conservation and Recovery Act (42 USC 6905) or Section 21(f) of the			
366		Environmental Protection Act, or until applicable closure and post-closure care			
367		responsibilities pursuant to this Part are fulfilled, and to those owners and			
368		operators of facilities in existence on November 19, 1980 that have failed to			
369		provide timely notification as required by section 3010(a) of RCRA (42 USC			
370		6030(a)) or that have failed to file Part A of the Pormit Application, as required by			
371		6930(a)) or that have failed to file Part A of the Permit Application, as required by			
372		federal 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152.			
373		These standards apply to all treatment, storage, or disposal of hazardous waste at			
374		these facilities, except as specifically provided otherwise in this Part or in 35 Ill.			
		Adm. Code 721.			
375		DOADDNOTE A CALL OF COOKE OF COOKE OF COOKE			
376		BOARD NOTE: As stated in Section 3005(a) of RCRA (42 USC 6905(a)), after			
377		the effective date of regulations pursuant to that Section (i.e., 40 CFR 270 and			
378		124) the treatment, storage, or disposal of hazardous waste is prohibited except in			
379		accordance with a permit. Section 3005(e) of RCRA (42 USC 6905(e)) provides			
380		for the continued operation of an existing facility that meets certain conditions			
381		until final administrative disposition of the owner's and operator's permit			
382		application is made.			
383					
384	c)	The requirements of this Part do not apply to any of the following:			
385					
386		1) A person disposing of hazardous waste by means of ocean disposal subject			
387		to a permit issued pursuant to the federal Marine Protection, Research and			

388		Sanctuaries Act (33 USC 1401 et seq.);
389		
390		BOARD NOTE: This Part applies to the treatment or storage of
391		hazardous waste before it is loaded into an ocean vessel for incineration or
392		disposal at sea, as provided in subsection (b).
393		
394	2)	This subsection (c)(2) corresponds with 40 CFR 265.1(c)(2), marked
395		"reserved" by USEPA. This statement maintains structural consistency
396		with USEPA rules;
397		
398	3)	The owner or operator of a POTW (publicly owned treatment works) that
399		treats, stores, or disposes of hazardous waste;
400		
401		BOARD NOTE: The owner or operator of a facility pursuant to
402		subsections (c)(1) and (c)(3) is subject to the requirements of 35 Ill. Adm.
403		Code 724 to the extent they are included in a permit by rule granted to
404		such a person pursuant to 35 Ill. Adm. Code 702 and 703 or are required
405		by Subpart F of 35 Ill. Adm. Code 704.
406		
407	4)	This subsection (c)(4) corresponds with 40 CFR 265.1(c)(4), which
408		pertains exclusively to the applicability of the federal regulations in
409		authorized states. There is no need for a parallel provision in the Illinois
410		regulations. This statement maintains structural consistency with USEPA
411		rules;
412		
413	5)	The owner or operator of a facility permitted, licensed, or registered by
414		Illinois to manage municipal or industrial solid waste, if the only
415		hazardous waste the facility treats, stores, or disposes of is excluded from
416		regulation pursuant to this Part by 35 Ill. Adm. Code 722.114;
417		
418	6)	The owner or operator of a facility managing recyclable materials
419		described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4), except to the
420		extent that requirements of this Part are referred to in Subpart C, F, G, or
421		H of 35 Ill. Adm. Code 726 or 35 Ill. Adm. Code 739;
422		
423	7)	A generator accumulating waste on-site in compliance with applicable
424		conditions for exemption in 35 Ill. Adm. Code 722.114 through 722.117
425		and Subparts K and L of 35 Ill. Adm. Code 722, except to the extent the
426		requirements of this Part are included in those Sections and Subparts;
427		-
428	8)	A farmer disposing of waste pesticides from the farmer's own use in
429		compliance with 35 Ill. Adm. Code 722.170;
430		

431	9)			r operator of a totally enclosed treatment facility, as defined
432		ın 35	III. Adı	m. Code 720.110;
433	10)	TT1		
434	10)			r operator of an elementary neutralization unit or a
435				reatment unit, as defined in 35 Ill. Adm. Code 720.110,
436				t if the owner or operator is diluting hazardous ignitable
437				es (other than the D001 High TOC Subcategory defined in
438				5 Ill. Adm. Code 728) or reactive (D003) waste in order to
439				haracteristic before land disposal, the owner or operator mus
440		comp	ly with	the requirements set forth in Section 725.117(b);
441	2 22			
442	11)	Imme	diate R	esponse
443				
444		A)		ot as provided in subsection (c)(11)(B), a person engaged in
445				nent or containment activities during immediate response to
446			any o	f the following situations:
447				
448			i)	A discharge of a hazardous waste;
449				
450			ii)	An imminent and substantial threat of a discharge of a
451				hazardous waste;
452				
453			iii)	A discharge of a material that becomes a hazardous waste
454				when discharged; or
455				
456			iv)	An immediate threat to human health, public safety,
457				property, or the environment from the known or suspected
458				presence of military munitions, other explosive material, or
459				an explosive device, as determined by an explosives or
460				munitions emergency response specialist as defined in 35
461				Ill. Adm. Code 720.110.
462				
463		B)	An ov	wner or operator of a facility otherwise regulated by this Part
464			must	comply with all applicable requirements of Subparts C and D
465				
466		C)	Any p	person that is covered by subsection (c)(11)(A) that continues
467				iates hazardous waste treatment or containment activities
468			after t	he immediate response is over is subject to all applicable
469				rements of this Part and 35 Ill. Adm. Code 702, 703, and 705
470				ose activities;
471				<i>₹</i>
472		D)	In the	case of an explosives or munitions emergency response, if a
473				al, state, or local official acting within the scope of his or her

474			official responsibilities or an explosives or munitions emergency
475			response specialist determines that immediate removal of the
476			material or waste is necessary to adequately protect human health
477			or the environment, that official or specialist may authorize the
478			removal of the material or waste by transporters that do not have
479			USEPA identification numbers and without the preparation of a
480			manifest. In the case of emergencies involving military munitions,
481			the responding military emergency response specialist's
482			organizational unit must retain records for three years identifying
483			the dates of the response, the responsible persons responding, the
484			type and description of material addressed, and its disposition;
485			Transfer of the state of the st
486	12)	A tran	sporter storing manifested shipments of hazardous waste in
487		contai	ners meeting the requirements of 35 Ill. Adm. Code 722.130 at a
488			er facility for a period of ten days or less;
489			, and a process of the same of
490	13)	The ac	dition of absorbent material to waste in a container (as defined in
491	,		Adm. Code 720.110) or the addition of waste to the absorbent
492			al in a container, provided that these actions occur at the time that
493			iste is first placed in the containers and Sections 725.117(b),
494			71, and 725.272 are complied with;
495			2, mile / 2012 / 2 die compilea vittin,
496	14)	A univ	versal waste handler or universal waste transporter (as defined in 35
497	)	III. Ad	m. Code 720.110) that handles any of the wastes listed below is
498			t to regulation pursuant to 35 Ill. Adm. Code 733 when handling the
499			ing universal wastes:
500		10110 11	ing dinversur wastes.
501		A)	Batteries, as described in 35 Ill. Adm. Code 733.102;
502		1 -)	Zamerios, as accorroca in 55 in. Hain. Code 755.102,
503		B)	Pesticides, as described in 35 Ill. Adm. Code 733.103;
504		2)	1 convinces, as accorded in 55 m. Adm. Code 755.105,
505		C)	Mercury-containing equipment, as described in 35 Ill. Adm. Code
506		<i>\( \)</i>	733.104;
507			755.101,
508		D)	Lamps, as described in 35 Ill. Adm. Code 733.105; and-
509		D)	Damps, as described in 55 in. Adm. Code 755.105, and-
510		<u>E</u> )	Aerosol cans, as described in 35 Ill. Adm. Code 733.106;
511		<u></u>	recoordains, as described in 35 III. Adill. Code 755.100,
512	15)	This er	absection (c)(15) corresponds with 40 CFR 265.1(c)(15), which
513	10)		s only to a facility outside Illinois. This statement maintains
514			ral consistency with the corresponding USEPA rule;
515		<u>su uctu</u>	iai consistency with the corresponding OBEI A fule,
/10			

516 517 518 519 520 521 522		A reverse distributor accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, as defined in 35 Ill. Adm. Code 726.600. A reverse distributor is subject to regulation under Subpart P of 35 Ill. Adm. Code 726 in lieu of this Part for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.
523 524 525 526	d)	The following hazardous wastes must not be managed at facilities subject to regulation pursuant to this Part: USEPA hazardous waste numbers F020, F021, F022, F023, F026, or F027, unless the following conditions are fulfilled:
527 528 529		1) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;
530 531		2) The waste is stored in tanks or containers;
532 533 534 535		The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) and all other applicable requirements of Subpart L;
536 537		4) The waste is burned in incinerators that are certified pursuant to the standards and procedures in Section 725.452; or
538 539 540 541 542		The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in Section 725.483.
543 544 545 546	e)	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, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.
547 548 549 550 551	f)	35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply 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.
553 554 555 556 557 558	g)	Other bodies of regulations may apply to a person, facility, or activity, such as 35 Ill. Adm. Code 809 (special waste hauling), 35 Ill. Adm. Code 807 or 810 through 817 (solid waste landfills), 35 Ill. Adm. Code 848 or 849 (used and scrap tires), or 35 Ill. Adm. Code 1420 through 1422 (potentially infectious medical waste), depending on the provisions of those other regulations.

559					
560		(Sour	ce: Am	ended a	t 44 Ill. Reg, effective)
561					
562		SUBF	PART E	: MAN	IIFEST SYSTEM, RECORDKEEPING, AND REPORTING
563	120	100 0 0			
564	Section	725.1	71 Use	e of Ma	nifest System
565		`	ъ.		10 177
566		a)	Receip	ot of Ma	anifested Hazardous Waste
567 568			1)	If a fa	oilite maaaissa kanaadassa saata
569			1)		cility receives hazardous waste accompanied by a manifest, the
570				in sub	operator, or its agent must sign and date the manifest, as indicated
571				manife	section (a)(2), to certify that the hazardous waste covered by the est was received, that the hazardous waste was received except as
572				noted	in the discrepancy space of the manifest, or that the hazardous waste
573					jected as noted in the manifest discrepancy space.
574				was re	gooded as noted in the mannest discrepancy space.
575			2)	If a fac	cility receives a hazardous waste shipment accompanied by a
576			-/	manife	est, the owner, operator, or its agent must do the following:
577					ser, and a many of another in agent many at the following.
578				A)	The owner, operator, or agent must sign and date, by hand, each
579					copy of the manifest;
580					
581				B)	The owner, operator, or agent must note any discrepancies (as
582					defined in 35 Ill. Adm. Code 724.172) on each copy of the
583					manifest;
584					
85				C)	The owner, operator, or agent must immediately give the
86					transporter at least one copy of the manifest;
87				D)	
88				D)	The owner, operator, or agent must send a copy (Page 3) of the
89					manifest to the generator within 30 days after delivery;
590 591				EV	Denominant Cost and a discount of the discount
91 592				E)	Paper manifest submission requirements are the following:
192					i) The owner, operator, or agent must send the top copy (Page
i93					i) The owner, operator, or agent must send the top copy (Page 1) of any paper manifest and any paper continuation sheet
95					to the e-Manifest System for purposes of data entry and
96					processing. In lieu of submitting the paper copy to the e-
97					Manifest System operator, the owner or operator may
98					transmit to the e-Manifest System operator an image file of
99					Page 1 of the manifest and any continuation sheet, or both a
000					data string file and the image file corresponding to Page 1
01					of the manifest and any continuation sheet, within 30 days
					•

602				after the date of delivery. Submissions of copies to the e-
603				Manifest System must be made at the mailing address or
604				electronic mail/submission address specified at the e-
605				Manifest program website's directory of services.
606				Beginning on June 30, 2021, USEPA will not accept
607				mailed paper manifests from facilities for processing in the
608				e-Manifest System; and
609				
610			ii)	Options for Compliance on June 30, 2021. Beginning on
611				June 30, 2021, the requirement to submit the top copy
612				(Page 1) of the paper manifest and any paper continuation
613				sheet to the e-Manifest System for purposes of data entry
614				and processing may be met by the owner or operator only
615				by transmitting to the e-Manifest System an image file of
616				Page 1 of the manifest and any continuation sheet, or by
617				transmitting to the e-Manifest System both a data file and
618				the image file corresponding to Page 1 of the manifest and
619				any continuation sheet, within 30 days after of the date of
620				delivery. Submissions of copies to the e-Manifest System
621				mustshall be made to the electronic mail/submission
622				address specified at the e-Manifest program website's
623				directory of services. Beginning on June 30, 2021, USEPA
624				will not accept mailed paper manifests from facilities for
625				processing in the e-Manifest System; and
626				
627		F	) The ov	wner, operator, or agent must retain at the facility a copy of
628			each n	nanifest for at least three years after the date of delivery.
529				•
630		3) T	he owner or	operator of a facility that receives hazardous waste subject
531		to	Subpart H	of 35 Ill. Adm. Code 722 from a foreign source must:
532				
533		A	,	onally list the relevant consent number from consent
534				entation supplied by USEPA to the facility for each waste
535				on the hazardous waste manifest (USEPA Form 8700-22),
636				ed to the relevant list number for the waste from block 9b. If
537				onal space is needed, the owner or operator should use
538			Contin	nuation Sheets (USEPA Form 8700-22A); and
539				
540		B		copy of the manifest to USEPA using the addresses listed in
541				Adm. Code 722.182(e) within 30 days of delivery until the
542				can submit such a copy to the e-Manifest system per
543			subsec	tion $(a)(2)(E)$ .
544	210		9 9	
545	b)	If a facili	ty receives fi	rom a rail or water (bulk shipment) transporter hazardous

646		waste	that is accompanied by a shipping paper containing all the information
647		requir	red on the manifest (excluding the USEPA identification numbers, generator
648			ication, and signatures), the owner or operator or its agent must do each of
649			ollowing:
650			
651		1)	It must sign and date each copy of the manifest or shipping paper (if the
652		,	manifest has not been received) to certify that the hazardous waste
653			covered by the manifest or shipping paper was received;
654			, springer was received,
655		2)	It must note any significant discrepancies, as defined in Section
656		,	725.172(a), in the manifest or shipping paper (if the manifest has not been
657			received) on each copy of the manifest or shipping paper;
658			or each copy of the maintest of shipping paper,
659			BOARD NOTE: The owner or operator of a facility whose procedures
660			under Section 725.113(c) include waste analysis need not perform that
661			analysis before signing the shipping paper and giving it to the transporter.
662			Section 725.172(b), however, requires reporting an unreconciled
663			discrepancy discovered during later analysis.
664			disoropanoj disorvorod daring later dilarysis.
665		3)	It must immediately give the rail or water (bulk shipment) transporter at
666		3)	least one copy of the manifest or shipping paper (if the manifest has not
667			been received);
668			occir received),
669		4)	The owner or operator must send a copy of the signed and dated manifest
670		7)	or a signed and dated copy of the shipping paper (if the manifest has not
671			been received within 30 days after delivery) to the generator within 30
672			days after the delivery; and
673			days after the derivery, and
674			BOARD NOTE: 35 Ill. Adm. Code 722.123(c) requires the generator to
675			send three copies of the manifest to the facility when hazardous waste is
676			send three copies of the mannest to the facility when hazardous waste is sent by rail or water (bulk shipment).
677			sent by rail of water (bulk sinplicity).
678		5)	Retain at the facility a copy of the manifest and shipping paper (if signed
679		3)	in lieu of the manifest at the time of delivery) for at least three years from
680			the date of delivery.
681			the date of derivery.
682	c)	When	ever a shipment of hazardous waste is initiated from a facility, the owner or
582 583	C)		
684			for of that facility must comply with the requirements of 35 Ill. Adm. Code
			The provisions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117 apply to
685 686			e-site accumulation of hazardous wastes by generators. Therefore, the
686 687			sions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117 only apply to an
687			or operator that ships hazardous waste which it generated at that facility or
588		operat	ing as an LQG consolidating hazardous waste from VSQGs under 35 Ill.

Adm. Code 722.117(f).

- As required by 40 CFR 262.84(d)(2)(O), within three working days after the d) receipt of a shipment subject to Subpart H of 35 Ill. Adm. Code 722, the owner or operator of a facility must provide a copy of the movement document bearing all required signatures to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export or transit of hazardous waste. On or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS. The original copy of the tracking document must be maintained at the facility for at least three years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any USEPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS, for which the owner or operator of a facility bears no responsibility.
- e) A facility must determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state hazardous waste program. A facility must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to that state.
- f) Legal Equivalence to Paper Manifests. E-Manifests that are obtained, completed, transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3), and used in accordance with this Section in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain, complete, sign, provide, use, or retain a manifest.
  - Any requirement in 35 Ill. Adm. Code 720 through 728 for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 35 Ill. Adm. Code 722.125.
  - 2) Any requirement in 35 Ill. Adm. Code 720 through 728 to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an e-Manifest is transmitted to the other person.

732 733 734 735 736 737		3)	Any requirement in 3 accompany a hazardo Manifest is accessible persons who are scheshipment.
738 739 740 741 742 743		4)	Any requirement in 3 operator to keep or re retention of the facilit Manifest System, proviewing and production
744 745 746 747 748 749		5)	No owner or operator Manifest for inspection demonstrate that the into a technical difficult operator bears no resp
750 751 752 753 754	g)	access equips brough	wher or operator may pasing the e-Manifest Systement, or by accessing that to the owner's or operator to the facility.
755 756 757 758 759 760	h)	hazard manife	al Procedures Applicables lous waste that is accomest that was originated early of the hazardous was
761 762 763 764 765		1)	Upon delivery of the hor operator must sign a manifest by hand in It and note any discrepant the paper replacement
766 767 768		2)	The owner or operator transporter one copy of
769 770 771 772 773 774		3)	Within 30 days after d facility, the owner or o dated copy of the pape additional signed and e-Manifest System; an

- Any requirement in 35 Ill. Adm. Code 720 through 728 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an e-Manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the hazardous waste shipment.
- Any requirement in 35 Ill. Adm. Code 720 through 728 for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's e-Manifest copies in its account on the e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or Agency inspector.
- No owner or operator may be held liable for the inability to produce an e-Manifest for inspection under this Section if the owner or operator can demonstrate that the inability to produce the e-Manifest is due exclusively to a technical difficulty with the e-Manifest System for which the owner or operator bears no responsibility.
- An owner or operator may participate in the e-Manifest System either by accessing the e-Manifest System from the owner's or operator's electronic equipment, or by accessing the e-Manifest System from portable equipment brought to the owner's or operator's site by the transporter that delivers the waste shipment to the facility.
- h) Special Procedures Applicable to Replacement Manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures apply to the delivery of the hazardous waste by the final transporter:
  - Upon delivery of the hazardous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest by hand in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the paper replacement manifest;
  - The owner or operator of the facility must give back to the final transporter one copy of the paper replacement manifest;
  - Within 30 days after delivery of the hazardous waste to the designated facility, the owner or operator of the facility must send one signed and dated copy of the paper replacement manifest to the generator and send an additional signed and dated copy of the paper replacement manifest to the e-Manifest System; and

- 4) The owner or operator of the facility must retain at the facility one copy of the paper replacement manifest for at least three years after the date of delivery.
- i) Special Procedures Applicable to Electronic Signature Methods Undergoing Tests. If an owner or operator using an e-Manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, the owner or operator must also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator must retain this original copy among its records for at least three years after the date of delivery of the waste.
- j) Imposition of User Fee for e-Manifest Use
  - As prescribed in 40 CFR 265.1311, incorporated by reference in 35 III. Adm. Code 720.111, and determined in 40 CFR 265.1312, incorporated by reference in 35 III. Adm. Code 720.111, an owner or operator that is a user of the e-Manifest System must be assessed a user fee by USEPA for the submission and processing of each e-Manifest and paper manifest. USEPA has stated that it would update the schedule of user fees and publish them to the user community, as provided in 40 CFR 265.1313, incorporated by reference in 35 III. Adm. Code 720.111.
  - An owner or operator subject to user fees under this Section must make user fee payments in accordance with the requirements of 40 CFR 265.1314, incorporated by reference in 35 Ill. Adm. Code 720.111, subject to the informal fee dispute resolution process of 40 CFR 265.1316, incorporated by reference in 35 Ill. Adm. Code 720.111, and subject to the sanctions for delinquent payments under 40 CFR 265.1315, incorporated by reference in 35 Ill. Adm. Code 720.111.
- k) E-Manifest Signatures. E-Manifest signatures must meet the criteria described in 35 Ill. Adm. Code 722.125.
- Post-Receipt Manifest Data Corrections. After a facility has certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any interested person (i.e., any waste handler shown on the manifest or the Agency) may submit any post-receipt data corrections at any time.

817			1)		erested person must make all corrections to manifest data by
818				electro	onic submission, either by directly entering corrected data to the
819				web-b	ased service provided in the e-Manifest System for such corrections,
820				or by a	an upload of a data file containing data corrections relating to one or
821					previously submitted manifests.
822				•	•
823			2)	Each o	correction submission must include the following information:
824					
825				A)	The Manifest Tracking Number and date of receipt by the facility
826				2.0	of the original manifests for which data are being corrected;
827					2
828				B)	The item numbers of the original manifest that is the subject of the
829				,	submitted corrections; and
830					,
831				C)	For each item number with corrected data, the data previously
832				• )	entered and the corresponding data as corrected by the correction
833					submission.
834					
835			3)	Each c	orrection submission <u>mustshall</u> include a statement that the person
836			- /		ting the corrections certifies that, to the best of his or her
837					edge or belief, the corrections that are included in the submission
838					use the information reported about the previously received
839					ous wastes to be true, accurate, and complete:
840				mazar a	ous wastes to be true, about the complete.
841				A)	The person must execute the certification statement with a valid
842				11)	electronic signature; and
843					oreer one signature, and
844				B)	The person may submit a batch upload of data corrections under
845				D)	one certification statement.
346					one certification statement.
347		4	4)	Unon	receipt by the e-Manifest System of any correction submission,
348			• /		nterested persons shown on the manifest will be provided electronic
349					of the submitter's corrections.
350				notice	of the submitter's corrections.
351			5)	Other i	nterested persons shown on the manifest may respond to the
352		•	<i>J</i>		ter's corrections with comments to the submitter, or by submitting
353					r correction to the e-Manifest System, certified by the respondent as
354					ed in subsection (1)(3), and with notice of the corrections to other
355					ted persons shown on the manifest.
356				1110103	persons shown on the maintest.
357	(9	Source	· Ame	nded at	44 Ill. Reg, effective)
358	(1	Jource	. Tille	iided at	TT III. ROg, CHOOLIVE
359		SHE	рдрт	CC· A	IR EMISSION STANDARDS FOR TANKS, SURFACE
, ,		$\mathbf{D} \mathbf{D}$	1 / 11 / 1	CU. A	AN DIMBORON DI ANDANDO FON TANNO. MUNTAUE

### IMPOUNDMENTS, AND CONTAINERS

#### Section 725.981 Definitions

As used in this Subpart CC, all terms not defined in this <u>SectionSecton herein</u> will have the meanings given to them in section 1004 of RCRA, incorporated by reference in 35 Ill. Adm. Code 720.111, and 35 Ill. Adm. Code 720 through 728.

"Average volatile organic concentration" or "average VO concentration" means the mass-weighted average volatile organic concentration of a hazardous waste, as determined in accordance with the requirements of Section 725.984.

"Closure device" means a cap, hatch, lid, plug, seal, valve, or other type of fitting that blocks an opening in a cover so that when the device is secured in the closed position it prevents or reduces air pollutant emissions to the atmosphere. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

 "Continuous seal" means a seal that forms a continuous closure that completely covers the space between the edge of the floating roof and the wall of a tank. A continuous seal may be a vapor-mounted seal, liquid-mounted seal, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

"Cover" means a device that provides a continuous barrier over the hazardous waste managed in a unit to prevent or reduce air emissions to the atmosphere. A cover may have openings (such as access hatches, sampling ports, and gauge wells) that are necessary for operation, inspection, maintenance, or repair of the unit on which the cover is used. A cover may be a separate piece of equipment that can be detached and removed from the unit or a cover may be formed by structural features permanently integrated into the design of the unit.

 "Enclosure" means a structure that surrounds a tank or container, captures organic vapors emitted from the tank or container, and vents the captured vapors through a closed-vent system to a control device.

"External floating roof" means a pontoon-type or double-deck type cover that rests on the surface of a hazardous waste being managed in a tank with no fixed roof.

"Fixed roof" means a cover that is mounted on a unit in a stationary position and does not move with fluctuations in the level of the material managed in the unit.

"Floating membrane cover" means a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the hazardous waste being managed in a surface impoundment.

"Floating roof" means a cover consisting of a double-deck, pontoon single-deck, or internal floating cover that rests upon and is supported by the material being contained, and is equipped with a continuous seal.

"Hard-piping" means pipe or tubing that is manufactured and properly installed in accordance with relevant standards and good engineering practices.

"In light material service" means that the container is used to manage a material for which both of the following conditions apply: the vapor pressure of one or more of the organic constituents in the material is greater than 0.3 kilopascals (kPa) at  $20 \,^{\circ}\text{C}20^{\circ}\text{C}$  (1.2 inches H<sub>2</sub>O at  $68 \,^{\circ}\text{F}68^{\circ}\text{F}$ ); and the total concentration of the pure organic constituents having a vapor pressure greater than 0.3 kPa at  $20 \,^{\circ}\text{C}20^{\circ}\text{C}$  (1.2 inches H<sub>2</sub>O at  $68 \,^{\circ}\text{F}68^{\circ}\text{F}$ ) is equal to or greater than 20 percent by weight.

"Internal floating roof" means a cover that rests or floats on the material surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof.

"Liquid-mounted seal" means a foam or liquid-filled primary seal mounted in contact with the hazardous waste between the tank wall and the floating roof, continuously around the circumference of the tank.

"Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. A failure that is caused in part by poor maintenance or careless operation is not a malfunction.

"Maximum organic vapor pressure" means the sum of the individual organic constituent partial pressures exerted by the material contained in a tank at the maximum vapor pressure-causing conditions (i.e., temperature, agitation, pH effects of combining wastes, etc.) reasonably expected to occur in the tank. For the purpose of this Subpart CC, maximum organic vapor pressure is determined using the procedures specified in Section 725.984(c).

"Metallic shoe seal" means a continuous seal that is constructed of metal sheets that are held vertically against the wall of the tank by springs, weighted levers, or other mechanisms and which is connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the

metal sheet and the floating roof.

"No detectable organic emissions" means no escape of organics to the atmosphere, as determined using the procedure specified in Section 725.984(d).

"Point of waste origination" means as follows:

When the facility owner or operator is the generator of the hazardous waste, the "point of waste origination" means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste, as defined in 35 Ill. Adm. Code 721.

BOARD NOTE: In this case, this term is being used in a manner similar to the use of the term "point of generation" in air standards established for waste management operations under authority of the federal Clean Air Act in 40 CFR 60 (Standards of Performance for New Stationary Sources), 61 (National Emission Standards for Hazardous Air Pollutants), and 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories).

When the facility owner and operator are not the generator of the hazardous waste, "point of waste origination" means the point where the owner or operator accepts delivery or takes possession of the hazardous waste.

"Point of waste treatment" means the point where a hazardous waste to be treated in accordance with Section 725.983(c)(2) exits the treatment process. Any waste determination must be made before the waste is conveyed, handled, or otherwise managed in a manner that allows the waste to volatilize to the atmosphere.

"Safety device" means a closure device, such as a pressure relief valve, frangible disc, fusible plug, or any other type of device that functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this Subpart CC, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable

regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

"Single-seal system" means a floating roof having one continuous seal. This seal may be vapor-mounted, liquid-mounted, or a metallic shoe seal.

"Vapor-mounted seal" means a continuous seal that is mounted so that there is a vapor space between the hazardous waste in the unit and the bottom of the seal.

"Volatile organic concentration" or "VO concentration" means the fraction by weight of organic compounds contained in a hazardous waste expressed in terms of parts per million (ppmw), as determined by direct measurement or by knowledge of the waste, in accordance with the requirements of Section 725.984. For the purpose of determining the VO concentration of a hazardous waste, organic compounds with a Henry's law constant value of at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as  $1.8 \times 10^{-6}$  atmospheres/gram-mole/m³) at  $25 \, ^{\circ}\text{C}$  (77  $^{\circ}\text{F}$ ) must be included. Appendix F presents a list of compounds known to have a Henry's law constant value less than the cutoff level.

"Waste determination" means performing all applicable procedures in accordance with the requirements of Section 725.984 to determine whether a hazardous waste meets standards specified in this Subpart CC. Examples of a waste determination include performing the procedures in accordance with the requirements of Section 725.984 to determine the average VO concentration of a hazardous waste at the point of waste origination, determining the average VO concentration of a hazardous waste at the point of waste treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous waste, the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous waste and comparing the results to the applicable standards, or determining the maximum volatile organic vapor pressure for a hazardous waste in a tank and comparing the results to the applicable standards.

"Waste stabilization process" means any physical or chemical process used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Test Method 9095B (Paint Filter Liquids Test) 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). A waste stabilization process includes mixing the hazardous waste with binders or other materials and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to

1032			this p	rocess a	re "waste fixation" or "waste solidification". This does not include		
1033	the addition of absorbent materials to the surface of a waste to absorb free liquid						
1034	without mixing, agitation, or subsequent curing.						
1035							
1036 1037		(Source	e: Am	ended a	t 44 Ill. Reg, effective)		
1038	Section	n 725.98	84 Wa	iste Det	termination Procedures		
1039				121 121	New Allian		
1040 1041		a)	Deteri Origin	nination ation	n of Volatile Organic (VO) Concentration at the Point of Waste		
1042							
1043			1)	An ow	vner or operator must determine the average VO concentration at the		
1044				point of	of waste origination for each hazardous waste placed in a waste		
1045				manag	gement unit exempted under the provisions of Section 725.983(c)(1)		
1046					using air emission controls in accordance with standards specified in		
1047					n 725.985 through Section 725.988, as applicable to the waste		
1048				manag	gement unit.		
1049							
1050				A)	An owner or operator must make an initial determination of the		
1051					average VO concentration of the waste stream before the first time		
1052					any portion of the material in the hazardous waste stream is placed		
1053 1054					in a waste management unit exempted under the provisions of		
1054					Section 725.983(c)(1) from using air emission controls.		
056					Thereafter, an owner or operator must make an initial		
057					determination of the average VO concentration of the waste stream		
058					for each averaging period that a hazardous waste is managed in the unit.		
059					unit.		
060				B)	An owner or operator must perform a new waste determination		
061				D)	whenever changes to the source generating the waste stream are		
062					reasonably likely to cause the average VO concentration of the		
063					hazardous waste to increase to a level that is equal to or greater		
064					than the VO concentration limits specified in Section		
065					725.983(c)(1).		
066							
067			2)	For a v	waste determination that is required by subsection (a)(1), the average		
068				VO co	ncentration of a hazardous waste at the point of waste origination		
069				must b	e determined using either direct measurement, as specified in		
070					tion (a)(3), or by knowledge of the waste, as specified in subsection		
071				(a)(4).	, , , , , , , , , , , , , , , , , , ,		
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073		:	3)	Direct	Measurement		
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- A) Identification. The owner or operator must identify and record the point of waste origination for the hazardous waste.
- B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste origination in such a manner that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.
  - i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.
  - ii) A sufficient number of samples, but no fewer than four samples, must be collected for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.
  - iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and

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handling procedures in Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

- iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii), must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the hazardous waste represented by the samples.
- C) Analysis. Each collected sample must be prepared and analyzed in accordance with Reference Method 25D in appendix A to 40 CFR 60 for the total concentration of volatile organic constituents or using one or more methods when the individual organic compound concentrations are identified and summed and the summed waste concentration accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 molefraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8 x 10<sup>-6</sup> atmospheres/ gram-mole/m<sup>3</sup>) at 25 °C (77 °F). At the owner's or operator's discretion, the owner or operator may adjust test data measured by any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value of less than 0.1 Y/X at 25 °C. If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25 °C contained in the waste. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor (f<sub>m25D</sub>) approved in writing by the Agency. Other test methods may be used if they meet the requirements in subsection (a)(3)(C)(i) or (a)(3)(C)(ii) and provided the requirement is met to reflect all organic compounds in the waste with Henry's law constant values greater than or equal to 0.1 Y/X (which can also be expressed as 1.8 x 10<sup>-6</sup> atmospheres/gram-mole/m<sup>3</sup>) at 25 °C.
  - i) Any USEPA standard method that has been validated in accordance with appendix D to 40 CFR 63 (Alternative Validation Procedure for EPA Waste and Wastewater

determination "i", as determined in accordance with subsection (a)(3)(C) (i.e., the average of

1161 1162 1163		Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or
1164 1165 1166 1167 1168 1169 1170 1171 1172 1173 1174 1175		ii) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or 5.3, and the corresponding calculations in Section 6.1 or 6.3, of Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b). The data are acceptable if they meet the criteria specified in Section 6.1.5 or 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.
1177 1178	D)	Calculations
1179 1180 1181 1182 1183		i) The average VO concentration $(\overline{C})$ on a mass-weighted basis must be calculated by using the results for all waste determinations conducted in accordance with subsections (a)(3)(B) and (a)(3)(C) and the following equation:
1184		$\overline{C} = \frac{1}{Q_T} \times \sum_{i=1}^n (Q_i \times C_i)$
1185 1186 1187		Where:
		<ul> <li>\( \overline{C} \) = Average VO concentration of the hazardous waste at the point of waste origination on a mass-weighted basis, in ppmw;</li> <li>i = Individual waste determination "i" of the hazardous waste</li> <li>n = Total number of waste determinations of the hazardous waste conducted for the averaging period (not to exceed one year)</li> <li>Q<sub>i</sub> = Mass quantity of the hazardous waste stream represented by C<sub>i</sub>, in kg/hr</li> <li>Q<sub>T</sub> = Total mass quantity of the hazardous waste during the averaging period, in kg/hr</li> <li>C<sub>i</sub> = Measured VO concentration of waste</li> </ul>

the four or more samples specified in subsection (a)(3)(B)(ii)), in ppmw

- ii) For the purpose of determining C<sub>i</sub>, for individual waste samples analyzed in accordance with subsection (a)(3)(C), the owner or operator must account for VO concentrations determined to be below the limit of detection of the analytical method by using the VO concentration determined according to subsection (a)(3)(G).
- E) Provided that the test method is appropriate for the waste as required under subsection (a)(3)(C), the Agency must determine compliance based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).
- F) The quality assurance program elements required under subsections (a)(3)(C)(vi) and (a)(3)(C)(vii) are as follows:
  - i) Documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps.
  - ii) Measurement of the overall accuracy and precision of the specific procedures.

BOARD NOTE: Subsections (a)(3)(F)(i) and (a)(3)(F)(ii) are derived from 40 CFR 265.984(a)(3)(iii)(F)(1), (a)(3)(iii)(F)(2), (a)(3)(iii)(G)(1), and (a)(3)(iii)(G)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- G) VO concentrations below the limit of detection must be considered to be as follows:
  - i) If Reference Method 25D is used for the analysis, the VO concentration must be considered to be one-half the blank value determined in the method at Section 4.4 of Reference Method 25D.
  - ii) If any other analytical method is used, the VO concentration must be considered to be one-half the sum of the limits of detection established for each organic

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constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as  $1.8 \times 10^{-6}$  atmospheres/gram-mole/m³) at 25 °C (77 °F).

BOARD NOTE: Subsections (a)(3)(G)(i) and (a)(3)(G)(ii) are derived from 40 CFR 265.984(a)(3)(iv)(A)(1) and (a)(3)(iv)(A)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

## 4) Use of Owner or Operator Knowledge

- A) Documentation must be prepared that presents the information used as the basis for the owner's or operator's knowledge of the hazardous waste stream's average VO concentration. Examples of information that may be used as the basis for knowledge include the following: material balances for the source or process generating the hazardous waste stream; constituent-specific chemical test data for the hazardous waste stream from previous testing that are still applicable to the current waste stream; previous test data for other locations managing the same type of waste stream; or other knowledge based on information included in manifests, shipping papers, or waste certification notices.
- B) If test data are used as the basis for knowledge, then the owner or operator must document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use organic concentration test data for the hazardous waste stream that are validated in accordance with Method 301 as the basis for knowledge of the waste.
- C) An owner or operator using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous waste may adjust the test data to the corresponding average VO concentration value that would have been obtained had the waste samples been analyzed using Reference Method 25D. To adjust these data, the measured concentration for each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (f<sub>m25D</sub>).

- D) In the event that the Agency and the owner or operator disagree on a determination of the average VO concentration for a hazardous waste stream using knowledge, then the results from a determination of average VO concentration using direct measurement, as specified in subsection (a)(3), must be used to establish compliance with the applicable requirements of this Subpart CC. The Agency may perform or request that the owner or operator perform this determination using direct measurement. The owner or operator may choose one or more appropriate methods to analyze each collected sample in accordance with the requirements of subsection (a)(3)(C).
- b) Determination of VO Concentration at the Point of Waste Treatment
  - An owner or operator must perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with the standards specified in Sections 725.985 through 725.988, as applicable to the waste management unit.
    - An owner or operator must make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the treated waste stream is placed in the waste management unit exempt under Section 725.983(c)(2), (c)(3), or (c)(4) from using air emission controls. Thereafter, an owner or operator must update the information used for the waste determination at least once every 12 months following the date of the initial waste determination.
    - B) An owner or operator must perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to such a level that the applicable treatment conditions specified in Section 725.983(c)(2), (c)(3), or (c)(4) are not achieved.
  - The owner or operator must designate and record the specific provision in Section 725.983(c)(2) under which the waste determination is being performed. The waste determination for the treated hazardous waste must be performed using the applicable procedures specified in subsections (b)(3) through (b)(9).

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- 3) Procedure for Determination of VO Concentration
  - A) Identification. The owner or operator must identify and record the point of waste treatment for the hazardous waste.
  - B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste treatment in such a manner that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.
    - i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.
    - ii) A sufficient number of samples, but no fewer than four samples, must be collected and analyzed for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the hazardous waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the process generating or treating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.
    - iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records.

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- An example of an acceptable sample collection and handling procedures for a total organic constituent concentration may be found in Reference Method 25D.
- Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii), must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the process treating the hazardous waste
- Analysis. Each collected sample must be prepared and analyzed in accordance with Reference Method 25D for the total concentration of volatile organic constituents or using one or more methods when the individual organic compound concentrations are identified and summed, and the summed waste concentration accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/molefraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8 x 10<sup>-6</sup> atmospheres/gram-mole/m<sup>3</sup>) at 25 °C (77° F). When the owner or operator is making a waste determination for a treated hazardous waste that is to be compared to an average VO concentration at the point of waste origination or the point of waste entry to the treatment system, to determine if the conditions of 35 Ill. Adm. Code 724.982(c)(2)(A) through (c)(2)(F) or Section 725.983(c)(2)(A) through (c)(2)(F) are met, then the waste samples must be prepared and analyzed using the same method or methods as were used in making the initial waste determinations at the point of waste origination or at the point of entry to the treatment system. At the owner's or operator's discretion, the owner or operator may adjust test data obtained by any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value less than 0.1 Y/X at 25 °C. If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25 °C contained in the waste. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor (f<sub>m25D</sub>) approved in writing by the Agency. Other test methods may be used if they meet the requirements in subsection (a)(3)(C)(i) or (a)(3)(C)(ii) and provided the requirement is met to reflect all organic

compounds in the waste with Henry's law constant values greater than or equal to 0.1 Y/X (which can also be expressed as 1.8 x  $10^{-6}$  atmospheres/gram-mole/m<sup>3</sup>) at 25 °C.

- i) Any USEPA standard method that has been validated in accordance with appendix D to 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111(b); or
- ii) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or 5.3, and the corresponding calculations in Section 6.1 or 6.3, of Method 301 in appendix A to 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111(b). The data are acceptable if they meet the criteria specified in Section 6.1.5 or 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.
- D) Calculations. The average VO concentration  $(\overline{C})$  on a massweighted basis must be calculated by using the results for all samples analyzed in accordance with subsection (b)(3)(C) and the following equation:

$$\overline{C} = \frac{1}{Q_T} \times \sum_{i=1}^n (Q_i \times C_i)$$

Where:

 $\overline{C}$  = Average VO concentration of the hazardous waste at the point of waste treatment on a massweighted basis, in ppmw

i = Individual determination "i" of the hazardous waste

n = Total number of waste determinations of the hazardous waste collected for the averaging period (not to exceed one year)

Q<sub>i</sub> = Mass quantity of the hazardous waste stream represented by C<sub>i</sub>, in kg/hr

Q<sub>T</sub> = Total mass quantity of hazardous waste during the averaging period, in kg/hr

C<sub>i</sub> = Measured VO concentration of waste determinations "i", as determined in accordance

with the requirements of subsection (b)(3)(C)(i.e., the average of the four or more samples ppmw

			specified in subsection (b)(3)(B)(ii)), in ppmw
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1430		E)	Provided that the test method is appropriate for the waste as
1431			required under subsection (b)(3)(C), compliance must be
1432			determined based on the test method used by the owner or operator
1433			as recorded pursuant to Section 725.990(f)(1).
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1435	4)	Procee	dure for Determination of Exit Concentration Limit (Ct)
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1437		A)	The point of waste origination for each hazardous waste treated by
1438			the process at the same time must be identified.
1439			• Value of the constitution of the constitutio
1440		B)	If a single hazardous waste stream is identified in subsection
1441			(b)(4)(A), then the exit concentration limit (C <sub>t</sub> ) must be 500 ppmw.
1442			( )
1443		C)	If more than one hazardous waste stream is identified in subsection
1444			(b)(4)(A), then the average VO concentration of each hazardous
1445			waste stream at the point of waste origination must be determined
1446			in accordance with the requirements of subsection (a). The exit
1447			concentration limit (C <sub>t</sub> ) must be calculated by using the results
1448			determined for each individual hazardous waste stream and the

$$C_{t} = \frac{\sum_{x=1}^{m} (Q_{x} \times \overline{C}_{x}) + \sum_{y=1}^{n} (Q_{y} \times 500 ppmw)}{\sum_{x=1}^{m} Q_{x} + \sum_{y=1}^{n} Q_{y}}$$

Where:

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1454  $C_t$  = Exit concentration limit for treated hazardous waste, in ppmw = Individual hazardous waste stream "x" that has an X

following equation:

average VO concentration less than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a)

Individual hazardous waste stream "y" that has an y average VO concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a)

Total number of "x" hazardous waste streams

Total number of "y" hazardous waste streams

Annual mass quantity of hazardous waste stream

treated by process

treated by process

"x", in kg/yr Annual mass quantity of hazardous waste stream  $Q_v =$ "y", in kg/yr  $\overline{C}_{x}$  = Average VO concentration of hazardous waste stream "x" at the point of waste origination, as determined in accordance with the requirements of subsection (a), in ppmw 1455 1456 5) Procedure for Determination of Organic Reduction Efficiency (R) 1457 1458 A) The organic reduction efficiency (R) for a treatment process must 1459 be determined based on results for a minimum of three consecutive 1460 runs 1461 1462 B) All hazardous waste streams entering the process and all hazardous 1463 waste streams exiting the treatment process must be identified. 1464 The owner or operator must prepare a sampling plan for measuring 1465 these streams that accurately reflects the retention time of the 1466 hazardous waste in the process. 1467 1468 C) For each run, information must be determined for each hazardous 1469 waste stream identified in subsection (b)(5)(B), using the following 1470 procedures: 1471 1472 i) The mass quantity of each hazardous waste stream entering 1473 the process (Q<sub>b</sub>) and the mass quantity of each hazardous 1474 waste stream exiting the process (Q<sub>a</sub>) must be determined; 1475 and 1476 1477 ii) The average VO concentration at the point of waste origination of each hazardous waste stream entering the 1478 1479 process (C<sub>b</sub>) during the run must be determined in 1480 accordance with the requirements of subsection (a)(3). The 1481 average VO concentration at the point of waste treatment of each hazardous waste stream exiting the process (Ca) 1482 1483 during the run must be determined in accordance with the 1484 requirements of subsection (b)(3).

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 $Q_x =$ 

D) The waste volatile organic mass flow entering the process (E<sub>b</sub>) and the waste volatile organic mass flow exiting the process (Ea) must be calculated by using the results determined in accordance with subsection (b)(5)(C) and the following equations:

$$E_b = \frac{1}{10^6} \sum_{j=1}^m \left( Q_{bj} \times \overline{C_{bj}} \right)$$

$$E_a = \frac{1}{10^6} \sum_{i=1}^m \left( Q_{aj} \times \overline{C_{aj}} \right)$$

Where:

 $E_a$ = Waste volatile organic mass flow exiting the process, in kg/hr

 $E_b$ = Waste volatile organic mass flow entering the process, in kg/hr

= Total number of runs (at least 3); m

= Individual run "j"

Q<sub>bi</sub> = Mass quantity of hazardous waste entering the process during run "j", in kg/hr

 $Q_{aj}$  = Average mass quantity of waste exiting the process during run "j", in kg/hr

 $\overline{C_{qi}}$  = Average VO concentration of hazardous waste exiting the process during run "j", as determined in accordance with the requirements of subsection (b)(3), in ppmw

 $\overline{C_{bi}}$  = Average VO concentration of hazardous waste entering the process during run "j", as determined in accordance with the requirements of subsection (a)(3), in ppmw

E) The organic reduction efficiency of the process must be calculated by using the results determined in accordance with subsection (b)(5)(D) and the following equation:

$$R = \frac{E_b - E_a}{E_b} \times 100\%$$

Where:

R = Organic reduction efficiency, in percent

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 $E_b$  = Waste volatile organic mass flow entering the process.

subsection (b)(5)(D), in kg/hr

as determined in accordance with the requirements of

E<sub>a</sub> = Waste volatile organic mass flow exiting the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr1506 1507 Procedure for Determination of Organic Biodegradation Efficiency (Rbio) 6) 1508 1509 The fraction of organics biodegraded (Fbio) must be determined A) using the procedure specified in appendix C to 40 CFR 63 1510 1511 (Determination of the Fraction Biodegraded (Fbio) in a Biological 1512 Treatment Unit), incorporated by reference in 35 Ill. Adm. Code 1513 720.111(b). 1514 1515 B) The organic biodegradation efficiency (Rbio) must be calculated by 1516 using the following equation: 1517 1518  $R_{bio} = F_{bio} \times 100\%$ 1519 1520 Where: 1521 R<sub>bio</sub> = Organic biodegradation efficiency, in percent  $F_{bio}$  = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(6)(A)1522 1523 Procedure for Determination of Required Organic Mass Removal Rate 7) 1524 (RMR) 1525 1526 All of the hazardous waste streams entering the treatment process A) 1527 must be identified. 1528 1529 B) The average VO concentration of the hazardous waste stream at 1530 the point of waste origination must be determined in accordance 1531 with the requirements of subsection (a). 1532 1533 C) For each individual hazardous waste stream that has an average volatile organic concentration equal to or greater than 500 ppmw at 1534 1535 the point of waste origination, the average volumetric flow rate of 1536 hazardous waste and the density of the hazardous waste stream at 1537 the point of waste origination must be determined. 1538

1539 1540 1541 1542 1543		D)	The required organic mass removal rate (RMR) for the hazardous waste must be calculated by using the average VO concentration, average volumetric flow rate, and density determined for each individual hazardous waste stream, and the following equation:
1544			$RMR = \sum_{y=1}^{n} \left[ V_y \times k_y \times \frac{\left( \overline{C}_y - 500 ppmw \right)}{10^6} \right]$
1545 1546			Where:
1547			RMR = Required organic mass removal rate, in kg/hr; y = Individual hazardous waste stream "y" that has an average volatile organic (VO) concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a)
			n = Total number of "y" hazardous waste streams treated by process  Vy = Average volumetric flow rate of hazardous waste stream "y" at the point of waste origination, in m³/hr  ky = Density of hazardous waste stream "y", in kg/m³  Zy = Average VO concentration of hazardous waste stream "y" at the point of waste origination, as determined in accordance with the requirements of subsection (a), in ppmw
1548 1549	8)	Proced	dure for Determination of Actual Organic Mass Removal Rate (MR)
1550 1551 1552 1553 1554		A)	The actual organic mass removal rate (MR) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.
1555 1556 1557 1558 1559		B)	The waste volatile organic mass flow entering the process $(E_b)$ and the waste volatile organic mass flow exiting the process $(E_a)$ must be determined in accordance with the requirements of subsection $(b)(5)(D)$ .
1560 1561 1562 1563		C)	The actual organic mass removal rate (MR) must be calculated by using the mass flow rate determined in accordance with the requirements of subsection (b)(8)(B) and the following equation:

1564			$MR = E_b - E_a$
1565			u u
1566			Where:
1567			THE TOTAL OF THE T
			MR = Actual organic mass removal rate, in kg/hr E <sub>b</sub> = Waste volatile organic mass flow entering the
			process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr  E <sub>a</sub> = Waste volatile organic mass flow exiting the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr
1568			
1569	9)	Proce	dure for Determination of Actual Organic Mass Biodegradation Rate
1570		$(MR_b)$	io)
1571			
1572		A)	The actual organic mass biodegradation rate (MRbio) must be
1573		,	determined based on results for a minimum of three consecutive
1574			runs. The sampling time for each run must be one hour.
1575			1 - S
1576		B)	The waste organic mass flow entering the process (E <sub>b</sub> ) must be
1577			determined in accordance with the requirements of subsection
1578			(b)(5)(D).
1579			
1580		C)	The fraction of organic biodegraded (Fbio) must be determined
1581			using the procedure specified in appendix C to 40 CFR 63
1582			(Determination of the Fraction Biodegraded (Fbio) in a Biological
1583			Treatment Unit), incorporated by reference in 35 Ill. Adm. Code
1584			720.111(b).
1585			
1586		D)	The actual organic mass biodegradation rate (MRbio) must be
1587		2)	calculated by using the mass flow rates and fraction of organic
1588			biodegraded, as determined in accordance with the requirements of
1589			subsections (b)(9)(B) and (b)(9)(C), respectively, and the
1590			following equation:
1591			Tonowing equation.
1592			$MR_{bio} = E_b \times F_{bio}$
1593			bio bio
1594			Whore
1595			Where:
1373			MR <sub>bio</sub> = Actual organic mass biodegradation rate, in kg/hr

 $E_{b}$ = Waste organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr Fhio = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(9)(C)

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c) Procedure for Determination of VO in a Tank

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1) An owner or operator must determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in Section 725.985(c).

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2) An owner or operator must use either direct measurement, as specified in subsection (c)(3), or knowledge of the waste, as specified by subsection (c)(4), to determine the maximum organic vapor pressure that is representative of the hazardous waste composition stored or treated in the tank.

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> 3) Direct Measurement to Determine VO

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A) Sampling. A sufficient number of samples must be collected to be representative of the waste contained in the tank. All samples must be conducted and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste are collected so that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of acceptable sample collection and handling procedures may be found in Reference Method 25D.

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B) Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure of the hazardous waste:

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i) Reference Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

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1633			ii)	Methods described in API publication 2517 (Evaporative
1634				Loss from External Floating-Roof Tanks), incorporated by
1635				reference in 35 Ill. Adm. Code 720.111(a);
1636				
1637			iii)	Methods obtained from standard reference texts;
1638				
1639			iv)	ASTM Method D 2879-92 (Standard Test Method for
1640				Vapor Pressure-Temperature Relationship and Initial
1641				Decomposition Temperature of Liquids by Isoteniscope),
1642				incorporated by reference in 35 Ill. Adm. Code 720.111(a);
1643				or
1644				
1645			v)	Any other method approved by the Agency.
1646				
1647		4)	Use of Know	vledge to Determine the Maximum Organic Vapor Pressure of
1648			the Hazardou	us Waste. Documentation must be prepared and recorded that
1649			presents the	information used as the basis for the owner's or operator's
1650				nat the maximum organic vapor pressure of the hazardous
1651			waste is less	than the maximum vapor pressure limit listed in Section
1652				)(A) for the applicable tank design capacity category. An
1653				information that may be used is documentation that the
1654				aste is generated by a process for which at other locations it
1655				as been determined by direct measurement that the waste
1656			maximum or	ganic vapor pressure is less than the maximum vapor pressure
1657			limit for the	appropriate tank design capacity category.
1658				appropriate tains design educity editegory.
1659	d)	The r	orocedure for de	etermining no detectable organic emissions for the purpose of
1660	/			Subpart CC is as follows:
1661		· ·	ory and with this	Suspent Co is as follows.
1662		1)	The test must	t be conducted in accordance with the procedures specified in
1663		1)		ethod 21 (Determination of Volatile Organic Compound
1664			Leaks) of ann	pendix A to 40 CFR 60 (Test Methods), incorporated by
1665				35 Ill. Adm. Code 720.111(b). Each potential leak interface
1666				on where organic vapor leakage could occur) on the cover and
1667				osure devices must be checked. Potential leak interfaces that
1668				d with covers and closure devices include, but are not limited
1669				
1670				following: the interface of the cover and its foundation
671				e periphery of any opening on the cover and its associated
672			relief valve.	e, and the sealing seat interface on a spring-loaded pressure
673			ienei vaive.	
674		2)	The test	ho nonformed vibou the well as well as the
		2)		be performed when the unit contains a hazardous waste
675			naving an org	ganic concentration representative of the range of

1676 1677 1678 1679		concentrations for the hazardous waste expected to be managed in the unit. During the test, the cover and closure devices must be secured in the closed position.
1680 1681 1682 1683 1684 1685	3)	The detection instrument must meet the performance criteria of Reference Method 21, except the instrument response factor criteria in Section 3.1.2(a) of Reference Method 21 must be for the average composition of the organic constituents in the hazardous waste placed in the waste management unit, not for each individual organic constituent.
1686 1687 1688	4)	The detection instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
1689 1690	5)	Calibration gases must be as follows:
1691 1692		A) Zero air (less than 10 ppmv hydrocarbon in air), and
1693 1694 1695		B) A mixture of methane or n-hexane in air at a concentration of approximately, but less than, 10,000 ppmv methane or n-hexane.
1696 1697 1698	6)	The background level must be determined according to the procedures in Reference Method 21.
1699 1700	7)	Each potential leak interface must be checked by traversing the instrument probe around the potential leak interface as close to the interface as
1701 1702 1703 1704 1705 1706 1707		possible, as described in Reference Method 21. If the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface must be sampled. If the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet must be placed at approximately the center of the exhaust area to the atmosphere.
1708 1709	8)	The arithmetic difference between the maximum organic concentration
1710 1711 1712 1713 1714 1715		indicated by the instrument and the background level must be compared with the value of 500 ppmv except when monitoring a seal around a rotating shaft that passes through a cover opening, in which case the comparison must be as specified in subsection (d)(9). If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.
1716 1717 1718	9)	For the seals around a rotating shaft that passes through a cover opening, the arithmetic difference between the maximum organic concentration

1719	indicated by the instrument and the background level must be compared
1720	with the value of 10,000 ppmw. If the difference is less than 10,000
1721	ppmw, then the potential leak interface is determined to operate with no
1722	detectable organic emissions.
1723	e a constant and a co
1724	(Source: Amended at 44 Ill. Reg, effective)

# AGENCY P VS rOI

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SUBTITLE G: WASTE DISPOSAL

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725.APPENDIX F Compounds with Henry's Law Constant Less Than 0.1 Y/X (at 25 °C)

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

Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Req. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9168, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1076, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9575, effective June 20, 2000; amended in R03-7 at 27 Ill. Reg. 4187, effective February 14, 2003; amended in RO5-8 at 29 Ill. Reg. 6028, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6389, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3460, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1031, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12566, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1155, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18890, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 18052, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17811, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1746, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11830, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31

at 42 Ill. Reg. 23725, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 634, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 6049, effective May 2, 2019; amended in R20-3/R20-11 at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_\_\_.

SUBPART A: GENERAL PROVISIONS

Section 725.101 Purpose, Scope, and Applicability

- a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure care requirements, until post-closure care responsibilities are fulfilled.
- Except as provided in Section 725.980(b), the standards in this Part and 35 Ill. Adm. Code 724.652 through 724.654 apply to owners and operators of facilities that treat, store, or dispose of hazardous waste and which have fully complied with the requirements for interim status pursuant to Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 USC 6925(e)) and 35 Ill. Adm. Code 703, until either a permit is issued pursuant to Section 3005 of the Resource Conservation and Recovery Act (42 USC 6905) or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure care responsibilities pursuant to this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980 that have failed to provide timely notification as required by section 3010(a) of RCRA (42 USC 6930(a)) or that have failed to file Part A of the Permit Application, as required by federal 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152. standards apply to all treatment, storage, or disposal of hazardous waste at these facilities, except as specifically provided otherwise in this Part or in 35 Ill. Adm. Code 721.

BOARD NOTE: As stated in Section 3005(a) of RCRA (42 USC 6905(a)), after the effective date of regulations pursuant to that Section (i.e., 40 CFR 270 and 124) the treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA (42 USC 6905(e)) provides for the continued operation of an existing facility that meets certain conditions until final administrative disposition of the owner's and operator's permit application is made.

- c) The requirements of this Part do not apply to any of the following:
- 1) 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.);

BOARD NOTE: This Part applies to the treatment or storage of hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in subsection (b).

- 2) This subsection (c)(2) corresponds with 40 CFR 265.1(c)(2), marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules;
- The owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste;

BOARD NOTE: The owner or operator of a facility pursuant to subsections (c)(1) and (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person pursuant to 35 Ill. Adm. Code 702 and 703 or are required by Subpart F of 35 Ill. Adm. Code 704.

- 4) This subsection (c)(4) corresponds with 40 CFR 265.1(c)(4), which pertains exclusively to the applicability of the federal regulations in authorized states. There is no need for a parallel provision in the Illinois regulations. This statement maintains structural consistency with USEPA rules:
- 5) The owner or operator of a facility permitted, licensed, or registered by Illinois 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;
- 6) 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;
- 7) A generator accumulating waste on-site in compliance with applicable conditions for exemption in 35 Ill. Adm. Code 722.114 through 722.117 and Subparts K and L of 35 Ill. Adm. Code 722, except to the extent the requirements of this Part are included in those Sections and Subparts;
- 8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;
- 9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
- 10) 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 of 35 Ill. Adm. Code 728) or reactive (D003) waste in order to remove

the characteristic before land disposal, the owner or operator must comply with the requirements set forth in Section 725.117(b);

- 11) Immediate Response
- A) Except as provided in subsection (c)(11)(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 a 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 (c)(11)(A) 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;
- 12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;
- 13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or the addition of waste to the

absorbent material in a container, provided that these actions occur at the time that the waste is first placed in the containers and Sections 725.117(b), 725.271, and 725.272 are complied with;

- 14) 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;
- D) Lamps, as described in 35 Ill. Adm. Code 733.105; and-
- E) Aerosol cans, as described in 35 Ill. Adm. Code <del>733.106.</del>733.106;
- 15) This subsection (c)(15) corresponds with 40 CFR 265.1(c)(15), which applies only to a facility outside Illinois. This statement maintains structural consistency with the corresponding USEPA rule:
- 16) A reverse distributor accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, as defined in 35 Ill. Adm. Code 726.600. A reverse distributor is subject to regulation under Subpart P of 35 Ill. Adm. Code 726 in lieu of this Part for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.
- d) The following hazardous wastes must not be managed at facilities subject to regulation pursuant to this Part: USEPA hazardous waste numbers F020, F021, F022, F023, F026, or F027, unless the following conditions are fulfilled:
- 1) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;
- The waste is stored in tanks or containers;
- 3) The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) and all other applicable requirements of Subpart L;
- 4) The waste is burned in incinerators that are certified pursuant to the standards and procedures in Section 725.452; or
- 5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in Section 725.483.

- e) 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, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.
- f) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply 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.
- g) Other bodies of regulations may apply to a person, facility, or activity, such as 35 Ill. Adm. Code 809 (special waste hauling), 35 Ill. Adm. Code 807 or 810 through 817 (solid waste landfills), 35 Ill. Adm. Code 848 or 849 (used and scrap tires), or 35 Ill. Adm. Code 1420 through 1422 (potentially infectious medical waste), depending on the provisions of those other regulations.

(Source:	Amended	at	44	Ill.	Reg.	<u> </u>	effective
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SUBPART E: MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

Section 725.171 Use of Manifest System

- a) Receipt of Manifested Hazardous Waste
- 1) If a facility receives hazardous waste accompanied by a manifest, the owner, operator, or its agent must sign and date the manifest, as indicated in subsection (a)(2), to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.
- 2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator, or its agent must do the following:
- A) The owner, operator, or agent must sign and date, by hand, each copy of the manifest;
- B) The owner, operator, or agent must note any discrepancies (as defined in 35 Ill. Adm. Code 724.172) on each copy of the manifest;
- C) The owner, operator, or agent must immediately give the transporter at least one copy of the manifest;
- D) The owner, operator, or agent must send a copy (Page 3) of the manifest to the generator within 30 days after delivery;

- E) Paper manifest submission requirements are the following:
- i) The owner, operator, or agent must send the top copy (Page 1) of any paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing. In lieu of submitting the paper copy to the e-Manifest System operator, the owner or operator may transmit to the e-Manifest System operator an image file of Page 1 of the manifest and any continuation sheet, or both a data string file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days after the date of delivery. Submissions of copies to the e-Manifest System must be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System; and
- ii) Options for Compliance on June 30, 2021. Beginning on June 30, 2021, the requirement to submit the top copy (Page 1) of the paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing may be met by the owner or operator only by transmitting to the e-Manifest System an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the e-Manifest System both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days after of the date of delivery. Submissions of copies to the e-Manifest System must shall be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System; and
- F) The owner, operator, or agent must retain at the facility a copy of each manifest for at least three years after the date of delivery.
- 3) The owner or operator of a facility that receives hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722 from a foreign source must:
- A) Additionally list the relevant consent number from consent documentation supplied by USEPA to the facility for each waste listed on the hazardous waste manifest (USEPA Form 8700-22), matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use Continuation Sheets (USEPA Form 8700-22A); and
- B) Send a copy of the manifest to USEPA using the addresses listed in 35 Ill. Adm. Code 722.182(e) within 30 days of delivery until the facility can submit such a copy to the e-Manifest system per subsection (a)(2)(E).
- b) If a facility receives from a rail or water (bulk shipment) transporter hazardous waste that is accompanied by a shipping paper

containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification, and signatures), the owner or operator or its agent must do each of the following:

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

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

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

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

- 5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.
- c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722. The provisions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117 apply to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117 only apply to an owner or operator that ships hazardous waste which it generated at that facility or operating as an LQG consolidating hazardous waste from VSQGs under 35 Ill. Adm. Code 722.117(f).
- d) As required by 40 CFR 262.84(d)(2)(0), within three working days after the receipt of a shipment subject to Subpart H of 35 Ill. Adm. Code 722, the owner or operator of a facility must provide a copy of the movement document bearing all required signatures to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export or transit of hazardous waste. On or after the electronic import-export reporting compliance

date, to USEPA electronically using USEPA's WIETS. The original copy of the tracking document must be maintained at the facility for at least three years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any USEPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS, for which the owner or operator of a facility bears no responsibility.

- e) A facility must determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state hazardous waste program. A facility must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to that state.
- f) Legal Equivalence to Paper Manifests. E-Manifests that are obtained, completed, transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3), and used in accordance with this Section in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain, complete, sign, provide, use, or retain a manifest.
- 1) Any requirement in 35 Ill. Adm. Code 720 through 728 for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 35 Ill. Adm. Code 722.125.
- 2) Any requirement in 35 Ill. Adm. Code 720 through 728 to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an e-Manifest is transmitted to the other person.
- 3) Any requirement in 35 Ill. Adm. Code 720 through 728 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an e-Manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the hazardous waste shipment.
- 4) Any requirement in 35 Ill. Adm. Code 720 through 728 for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's e-Manifest copies in its account on the e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or Agency inspector.

- 5) No owner or operator may be held liable for the inability to produce an e-Manifest for inspection under this Section if the owner or operator can demonstrate that the inability to produce the e-Manifest is due exclusively to a technical difficulty with the e-Manifest System for which the owner or operator bears no responsibility.
- g) An owner or operator may participate in the e-Manifest System either by accessing the e-Manifest System from the owner's or operator's electronic equipment, or by accessing the e-Manifest System from portable equipment brought to the owner's or operator's site by the transporter that delivers the waste shipment to the facility.
- h) Special Procedures Applicable to Replacement Manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures apply to the delivery of the hazardous waste by the final transporter:
- 1) Upon delivery of the hazardous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest by hand in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the paper replacement manifest;
- 2) The owner or operator of the facility must give back to the final transporter one copy of the paper replacement manifest;
- 3) Within 30 days after delivery of the hazardous waste to the designated facility, the owner or operator of the facility must send one signed and dated copy of the paper replacement manifest to the generator and send an additional signed and dated copy of the paper replacement manifest to the e-Manifest System; and
- 4) The owner or operator of the facility must retain at the facility one copy of the paper replacement manifest for at least three years after the date of delivery.
- i) Special Procedures Applicable to Electronic Signature Methods Undergoing Tests. If an owner or operator using an e-Manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, the owner or operator must also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator must retain this original copy among its records for at least three years after the date of delivery of the waste.
- j) Imposition of User Fee for e-Manifest Use

- 1) As prescribed in 40 CFR 265.1311, incorporated by reference in 35 Ill. Adm. Code 720.111, and determined in 40 CFR 265.1312, incorporated by reference in 35 Ill. Adm. Code 720.111, an owner or operator that is a user of the e-Manifest System must be assessed a user fee by USEPA for the submission and processing of each e-Manifest and paper manifest. USEPA has stated that it would update the schedule of user fees and publish them to the user community, as provided in 40 CFR 265.1313, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 2) An owner or operator subject to user fees under this Section must make user fee payments in accordance with the requirements of 40 CFR 265.1314, incorporated by reference in 35 Ill. Adm. Code 720.111, subject to the informal fee dispute resolution process of 40 CFR 265.1316, incorporated by reference in 35 Ill. Adm. Code 720.111, and subject to the sanctions for delinquent payments under 40 CFR 265.1315, incorporated by reference in 35 Ill. Adm. Code 720.111.
- k) E-Manifest Signatures. E-Manifest signatures must meet the criteria described in 35 Ill. Adm. Code 722.125.
- 1) Post-Receipt Manifest Data Corrections. After a facility has certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any interested person (i.e., any waste handler shown on the manifest or the Agency) may submit any post-receipt data corrections at any time.
- 1) An interested person must make all corrections to manifest data by electronic submission, either by directly entering corrected data to the web-based service provided in the e-Manifest System for such corrections, or by an upload of a data file containing data corrections relating to one or more previously submitted manifests.
- 2) Each correction submission must include the following information:
- A) The Manifest Tracking Number and date of receipt by the facility of the original manifests for which data are being corrected;
- B) The item numbers of the original manifest that is the subject of the submitted corrections; and
- C) For each item number with corrected data, the data previously entered and the corresponding data as corrected by the correction submission.
- 3) Each correction submission must—shall include a statement that the person submitting the corrections certifies that, to the best of his or her knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete:

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

- B) The person may submit a batch upload of data corrections under one certification statement.
- 4) Upon receipt by the e-Manifest System of any correction submission, other interested persons shown on the manifest will be provided electronic notice of the submitter's corrections.
- 5) Other interested persons shown on the manifest may respond to the submitter's corrections with comments to the submitter, or by submitting another correction to the e-Manifest System, certified by the respondent as specified in subsection (1)(3), and with notice of the corrections to other interested persons shown on the manifest.

(Source:	Amended	at	44	Ill.	Reg.	 effective
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SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 725.981 Definitions

As used in this Subpart CC, all terms not defined in this Section Secton herein will have the meanings given to them in section 1004 of RCRA, incorporated by reference in 35 Ill. Adm. Code 720.111, and 35 Ill. Adm. Code 720 through 728.

"Average volatile organic concentration" or "average VO concentration" means the mass-weighted average volatile organic concentration of a hazardous waste, as determined in accordance with the requirements of Section 725.984.

"Closure device" means a cap, hatch, lid, plug, seal, valve, or other type of fitting that blocks an opening in a cover so that when the device is secured in the closed position it prevents or reduces air pollutant emissions to the atmosphere. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

"Continuous seal" means a seal that forms a continuous closure that completely covers the space between the edge of the floating roof and the wall of a tank. A continuous seal may be a vapor-mounted seal, liquid-mounted seal, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

"Cover" means a device that provides a continuous barrier over the hazardous waste managed in a unit to prevent or reduce air emissions to the atmosphere. A cover may have openings (such as access hatches, sampling ports, and gauge wells) that are necessary for operation,

inspection, maintenance, or repair of the unit on which the cover is used. A cover may be a separate piece of equipment that can be detached and removed from the unit or a cover may be formed by structural features permanently integrated into the design of the unit.

"Enclosure" means a structure that surrounds a tank or container, captures organic vapors emitted from the tank or container, and vents the captured vapors through a closed-vent system to a control device.

"External floating roof" means a pontoon-type or double-deck type cover that rests on the surface of a hazardous waste being managed in a tank with no fixed roof.

"Fixed roof" means a cover that is mounted on a unit in a stationary position and does not move with fluctuations in the level of the material managed in the unit.

"Floating membrane cover" means a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the hazardous waste being managed in a surface impoundment.

"Floating roof" means a cover consisting of a double-deck, pontoon single-deck, or internal floating cover that rests upon and is supported by the material being contained, and is equipped with a continuous seal.

"Hard-piping" means pipe or tubing that is manufactured and properly installed in accordance with relevant standards and good engineering practices.

"In light material service" means that the container is used to manage a material for which both of the following conditions apply: the vapor pressure of one or more of the organic constituents in the material is greater than 0.3 kilopascals (kPa) at 20 °C  $\frac{20^{\circ} \text{ C}}{(1.2 \text{ inches H2O})}$  at 68 °F 68°F); and the total concentration of the pure organic constituents having a vapor pressure greater than 0.3 kPa at 20 °C  $\frac{20^{\circ} \text{ C}}{(1.2 \text{ inches H2O})}$  at 68 °F 68°F) is equal to or greater than 20 percent by weight.

"Internal floating roof" means a cover that rests or floats on the material surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof.

"Liquid-mounted seal" means a foam or liquid-filled primary seal mounted in contact with the hazardous waste between the tank wall and the floating roof, continuously around the circumference of the tank.

"Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. A failure that is caused in part by poor maintenance or careless operation is not a malfunction.

"Maximum organic vapor pressure" means the sum of the individual organic constituent partial pressures exerted by the material contained in a tank at the maximum vapor pressure-causing conditions (i.e., temperature, agitation, pH effects of combining wastes, etc.) reasonably expected to occur in the tank. For the purpose of this Subpart CC, maximum organic vapor pressure is determined using the procedures specified in Section 725.984(c).

"Metallic shoe seal" means a continuous seal that is constructed of metal sheets that are held vertically against the wall of the tank by springs, weighted levers, or other mechanisms and which is connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

"No detectable organic emissions" means no escape of organics to the atmosphere, as determined using the procedure specified in Section  $725.984\,(d)$ .

"Point of waste origination" means as follows:

When the facility owner or operator is the generator of the hazardous waste, the "point of waste origination" means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste, as defined in 35 Ill. Adm. Code 721.

BOARD NOTE: In this case, this term is being used in a manner similar to the use of the term "point of generation" in air standards established for waste management operations under authority of the federal Clean Air Act in 40 CFR 60 (Standards of Performance for New Stationary Sources), 61 (National Emission Standards for Hazardous Air Pollutants), and 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories).

When the facility owner and operator are not the generator of the hazardous waste, "point of waste origination" means the point where the owner or operator accepts delivery or takes possession of the hazardous waste.

"Point of waste treatment" means the point where a hazardous waste to be treated in accordance with Section 725.983(c)(2) exits the treatment process. Any waste determination must be made before the waste is conveyed, handled, or otherwise managed in a manner that allows the waste to volatilize to the atmosphere.

"Safety device" means a closure device, such as a pressure relief valve, frangible disc, fusible plug, or any other type of device that functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this Subpart CC, a safety device is not used for routine venting of gases or

vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

"Single-seal system" means a floating roof having one continuous seal. This seal may be vapor-mounted, liquid-mounted, or a metallic shoe seal.

"Vapor-mounted seal" means a continuous seal that is mounted so that there is a vapor space between the hazardous waste in the unit and the bottom of the seal.

"Volatile organic concentration" or "VO concentration" means the fraction by weight of organic compounds contained in a hazardous waste expressed in terms of parts per million (ppmw), as determined by direct measurement or by knowledge of the waste, in accordance with the requirements of Section 725.984. For the purpose of determining the VO concentration of a hazardous waste, organic compounds with a Henry's law constant value of at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8?x10-6 atmospheres/gram-mole/m3) at 25 °C (77 °F) 25°C (77°F) must be included. Appendix F presents a list of compounds known to have a Henry's law constant value less than the cutoff level.

"Waste determination" means performing all applicable procedures in accordance with the requirements of Section 725.984 to determine whether a hazardous waste meets standards specified in this Subpart CC. Examples of a waste determination include performing the procedures in accordance with the requirements of Section 725.984 to determine the average VO concentration of a hazardous waste at the point of waste origination, determining the average VO concentration of a hazardous waste at the point of waste treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous waste, the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous waste and comparing the results to the applicable standards, or determining the maximum volatile organic vapor pressure for a hazardous waste in a tank and comparing the results to the applicable standards.

"Waste stabilization process" means any physical or chemical process used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Test Method 9095B (Paint Filter Liquids Test) 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). A waste stabilization process includes mixing the hazardous waste with binders or other materials and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are "waste fixation" or "waste solidification". This does not include the addition of absorbent materials to the surface of a waste to absorb free liquid without mixing, agitation, or subsequent curing.

(Source:	Amended	at	44	Ill.	Reg.	<u> </u>	effective
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Section 725.984 Waste Determination Procedures

- a) Determination of Volatile Organic (VO) Concentration at the Point of Waste Origination
- 1) An owner or operator must determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls in accordance with standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.
- A) An owner or operator must make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the hazardous waste stream is placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls. Thereafter, an owner or operator must make an initial determination of the average VO concentration of the waste stream for each averaging period that a hazardous waste is managed in the unit.
- B) An owner or operator must perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the VO concentration limits specified in Section 725.983(c)(1).
- 2) For a waste determination that is required by subsection (a) (1), the average VO concentration of a hazardous waste at the point of waste origination must be determined using either direct measurement, as specified in subsection (a) (3), or by knowledge of the waste, as specified in subsection (a) (4).
- Direct Measurement
- A) Identification. The owner or operator must identify and record the point of waste origination for the hazardous waste.
- B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste origination in such a manner that volatilization of organics contained in the waste and in the subsequent sample is

minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

- i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.
- ii) A sufficient number of samples, but no fewer than four samples, must be collected for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.
- iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
- iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii), must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the hazardous waste represented by the samples.
- C) Analysis. Each collected sample must be prepared and analyzed in accordance with Reference Method 25D in appendix A to 40 CFR 60 for the total concentration of volatile organic constituents or using one or more methods when the individual organic compound concentrations are identified and summed and the summed waste concentration accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8?\_X\_10-6 atmospheres/gram-mole/m3) at 25 °C (77 °F). At the owner's or operator's discretion, the owner or operator may adjust test data measured by any appropriate method to discount any contribution to the total volatile

organic concentration that is a result of including a compound with a Henry's law constant value of less than 0.1 Y/X at 25 °C. If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25 °C contained in the waste. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor (fm25D) approved in writing by the Agency. Other test methods may be used if they meet the requirements in subsection (a) (3) (C) (i) or (a) (3) (C) (ii) and provided the requirement is met to reflect all organic compounds in the waste with Henry's law constant values greater than or equal to 0.1 Y/X (which can also be expressed as 1.8  $\frac{2}{2}$  10-6 atmospheres/gram-mole/m3) at 25 °C.

- i) Any USEPA standard method that has been validated in accordance with appendix D to 40 CFR 63 (Alternative Validation Procedure for EPA Waste and Wastewater Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or
- ii) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or 5.3, and the corresponding calculations in Section 6.1 or 6.3, of Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b). The data are acceptable if they meet the criteria specified in Section 6.1.5 or 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.

#### D) Calculations

i) The average VO concentration () on a mass-weighted basis must be calculated by using the results for all waste determinations conducted in accordance with subsections (a)(3)(B) and (a)(3)(C) and the following equation:

## Where:

Average VO concentration of the hazardous waste at the point of waste origination on a mass-weighted basis, in  $\frac{ppmw;i}{ppmwi} = Individual$  waste determination "i" of the hazardous  $\frac{wasten}{wasten} = Total$  number of waste determinations of the hazardous waste conducted for the averaging period (not to exceed one year)Qi = Mass quantity of the hazardous waste stream represented by Ci, in kg/ $\frac{hrQT}{hrQT} = Total$  mass quantity of the hazardous waste during the averaging period, in kg/ $\frac{hrCi}{hrCi} = Total$ 

Measured VO concentration of waste determination "i", as determined in accordance with subsection (a)(3)(C) (i.e., the average of the four or more samples specified in subsection (a)(3)(B)(ii)), in ppmw

- ii) For the purpose of determining Ci, for individual waste samples analyzed in accordance with subsection (a)(3)(C), the owner or operator must account for VO concentrations determined to be below the limit of detection of the analytical method by using the VO concentration determined according to subsection (a)(3)(G).
- E) Provided that the test method is appropriate for the waste as required under subsection (a)(3)(C), the Agency must determine compliance based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).
- F) The quality assurance program elements required under subsections (a)(3)(C)(vi) and (a)(3)(C)(vii) are as follows:
- i) Documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps.
- ii) Measurement of the overall accuracy and precision of the specific procedures.

BOARD NOTE: Subsections (a)(3)(F)(i) and (a)(3)(F)(ii) are derived from 40 CFR 265.984(a)(3)(iii)(F)(1), (a)(3)(iii)(F)(2), (a)(3)(iii)(G)(1), and (a)(3)(iii)(G)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- G) VO concentrations below the limit of detection must be considered to be as follows:
- i) If Reference Method 25D is used for the analysis, the VO concentration must be considered to be one-half the blank value determined in the method at Section 4.4 of Reference Method 25D.
- ii) If any other analytical method is used, the VO concentration must be considered to be one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8  $\frac{2}{X}$  10-6 atmospheres/gram-mole/m3) at 25 °C (77 °F) $\frac{25^{\circ}}{C}$ .

BOARD NOTE: Subsections (a) (3) (G) (i) and (a) (3) (G) (ii) are derived from 40 CFR 265.984(a) (3) (iv) (A) (1) and (a) (3) (iv) (A) (2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- 4) Use of Owner or Operator Knowledge
- A) Documentation must be prepared that presents the information used as the basis for the owner's or operator's knowledge of the hazardous waste stream's average VO concentration. Examples of information that

may be used as the basis for knowledge include the following: material balances for the source or process generating the hazardous waste stream; constituent-specific chemical test data for the hazardous waste stream from previous testing that are still applicable to the current waste stream; previous test data for other locations managing the same type of waste stream; or other knowledge based on information included in manifests, shipping papers, or waste certification notices.

- B) If test data are used as the basis for knowledge, then the owner or operator must document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use organic concentration test data for the hazardous waste stream that are validated in accordance with Method 301 as the basis for knowledge of the waste.
- C) An owner or operator using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous waste may adjust the test data to the corresponding average VO concentration value that would have been obtained had the waste samples been analyzed using Reference Method 25D. To adjust these data, the measured concentration for each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (fm25D).
- D) In the event that the Agency and the owner or operator disagree on a determination of the average VO concentration for a hazardous waste stream using knowledge, then the results from a determination of average VO concentration using direct measurement, as specified in subsection (a)(3), must be used to establish compliance with the applicable requirements of this Subpart CC. The Agency may perform or request that the owner or operator perform this determination using direct measurement. The owner or operator may choose one or more appropriate methods to analyze each collected sample in accordance with the requirements of subsection (a)(3)(C).
- b) Determination of VO Concentration at the Point of Waste Treatment
- 1) An owner or operator must perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with the standards specified in Sections 725.985 through 725.988, as applicable to the waste management unit.
- A) An owner or operator must make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the treated waste stream is placed in the waste management unit exempt under Section 725.983(c)(2), (c)(3), or (c)(4) from using air emission controls. Thereafter, an owner or operator must update the information used for the waste determination at

least once every 12 months following the date of the initial waste determination.

- B) An owner or operator must perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to such a level that the applicable treatment conditions specified in Section 725.983 (c)(2), (c)(3), or (c)(4) are not achieved.
- 2) The owner or operator must designate and record the specific provision in Section 725.983(c)(2) under which the waste determination is being performed. The waste determination for the treated hazardous waste must be performed using the applicable procedures specified in subsections (b)(3) through (b)(9).
- 3) Procedure for Determination of VO Concentration
- A) Identification. The owner or operator must identify and record the point of waste treatment for the hazardous waste.
- B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste treatment in such a manner that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.
- i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.
- ii) A sufficient number of samples, but no fewer than four samples, must be collected and analyzed for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the hazardous waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the process generating or treating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.
- iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the

facility operating records. An example of an acceptable sample collection and handling procedures for a total organic constituent concentration may be found in Reference Method 25D.

- iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii), must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the process treating the hazardous waste represented by the samples.
- C) Analysis. Each collected sample must be prepared and analyzed in accordance with Reference Method 25D for the total concentration of volatile organic constituents or using one or more methods when the individual organic compound concentrations are identified and summed, and the summed waste concentration accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8  $\times$ X 10-6 atmospheres/gram-mole/m3) at 25 °C (77 ° F). When the owner or operator is making a waste determination for a treated hazardous waste that is to be compared to an average VO concentration at the point of waste origination or the point of waste entry to the treatment system, to determine if the conditions of 35 Ill. Adm. Code 724.982(c)(2)(A) through (c)(2)(F) or Section 725.983(c)(2)(A) through (c)(2)(F) are met, then the waste samples must be prepared and analyzed using the same method or methods as were used in making the initial waste determinations at the point of waste origination or at the point of entry to the treatment system. At the owner's or operator's discretion, the owner or operator may adjust test data obtained by any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value less than 0.1 Y/X at 25 °C. If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25 °C contained in the waste. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor (fm25D) approved in writing by the Agency. Other test methods may be used if they meet the requirements in subsection (a)(3)(C)(i) or (a)(3)(C)(ii) and provided the requirement is met to reflect all organic compounds in the waste with Henry's law constant values greater than or equal to 0.1 Y/X (which can also be expressed as 1.8  $\frac{2}{3}$  10-6 atmospheres/gram-mole/m3) at 25 °C.
- i) Any USEPA standard method that has been validated in accordance with appendix D to 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111(b); or
- ii) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or 5.3, and the corresponding calculations in Section 6.1 or 6.3, of Method 301 in appendix A to 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code

720.111(b). The data are acceptable if they meet the criteria specified in Section 6.1.5 or 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.

D) Calculations. The average VO concentration () on a mass-weighted basis must be calculated by using the results for all samples analyzed in accordance with subsection (b)(3)(C) and the following equation:

#### Where:

- Average VO concentration of the hazardous waste at the point of waste treatment on a mass-weighted basis, in ppmwi determination "i" of the hazardous wasten wasten Total number of waste determinations of the hazardous waste collected for the averaging period (not to exceed one year)Qi = Mass quantity of the hazardous waste stream represented by Ci, in kg/hrQT hrQT= Total mass quantity of hazardous waste during the averaging period, in kg/hrCi\_hrCi= Measured VO concentration of waste determinations "i", as determined in accordance with the requirements of subsection (b)(3)(C) (i.e., the average of the four or more samples specified in subsection (b)(3)(B)(ii)), in ppmw Provided that the test method is appropriate for the waste as required under subsection (b)(3)(C), compliance must be determined based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).
- 4) Procedure for Determination of Exit Concentration Limit (Ct)
- A) The point of waste origination for each hazardous waste treated by the process at the same time must be identified.
- B) If a single hazardous waste stream is identified in subsection (b)(4)(A), then the exit concentration limit (Ct) must be 500 ppmw.
- C) If more than one hazardous waste stream is identified in subsection (b) (4) (A), then the average VO concentration of each hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a). The exit concentration limit (Ct) must be calculated by using the results determined for each individual hazardous waste stream and the following equation:

## Where:

Ct = Exit concentration limit for treated hazardous waste, in <a href="mailto:ppmwx">ppmwx</a>
Individual hazardous waste stream "x" that has an average VO concentration less than 500 ppmw at the point of waste origination, as

determined in accordance with the requirements of subsection (a)  $\frac{y}{y}$ Individual hazardous waste stream "y" that has an average VO concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) m = Total number of "x" hazardous waste streams treated by processn Total number of "y" hazardous waste streams treated by processQx processQx Annual mass quantity of hazardous waste stream "x", in kg/yr Qy = Annual mass quantity of hazardous waste stream "y", in kg/yr yrx= Average VO concentration of hazardous waste stream "x" at the point of waste origination, as determined in accordance with the requirements of subsection (a), in ppmw

- 5) Procedure for Determination of Organic Reduction Efficiency (R)
- A) The organic reduction efficiency (R) for a treatment process must be determined based on results for a minimum of three consecutive runs.
- B) All hazardous waste streams entering the process and all hazardous waste streams exiting the treatment process must be identified. The owner or operator must prepare a sampling plan for measuring these streams that accurately reflects the retention time of the hazardous waste in the process.
- C) For each run, information must be determined for each hazardous waste stream identified in subsection (b)(5)(B), using the following procedures:
- i) The mass quantity of each hazardous waste stream entering the process (Qb) and the mass quantity of each hazardous waste stream exiting the process (Qa) must be determined; and
- ii) The average VO concentration at the point of waste origination of each hazardous waste stream entering the process (Cb) during the run must be determined in accordance with the requirements of subsection (a)(3). The average VO concentration at the point of waste treatment of each hazardous waste stream exiting the process (Ca) during the run must be determined in accordance with the requirements of subsection (b)(3).
- D) The waste volatile organic mass flow entering the process (Eb) and the waste volatile organic mass flow exiting the process (Ea) must be calculated by using the results determined in accordance with subsection (b) (5) (C) and the following equations:

## Where:

Ea = Waste volatile organic mass flow exiting the process, in kg/hrEb-hrEb = Waste volatile organic mass flow entering the process, in kg/hrm-hrm = Total number of runs (at least 3); j = Individual run "j"Qbj =

Mass quantity of hazardous waste entering the process during run "j", in kg/hr Qaj = Average mass quantity of waste exiting the process during run "j", in kg/hr= Average VO concentration of hazardous waste exiting the process during run "j", as determined in accordance with the requirements of subsection (b)(3), in ppmw = Average VO concentration of hazardous waste entering the process during run "j", as determined in accordance with the requirements of subsection (a)(3), in ppmw

E) The organic reduction efficiency of the process must be calculated by using the results determined in accordance with subsection (b)(5)(D) and the following equation:

#### Where:

- R = Organic reduction efficiency, in percentEb percentEb Waste volatile organic mass flow entering the process, as determined in accordance with the requirements of subsection (b) (5) (D), in kg/hrEa hrEa Waste volatile organic mass flow exiting the process, as determined in accordance with the requirements of subsection (b) (5) (D), in kg/hr
- 6) Procedure for Determination of Organic Biodegradation Efficiency (Rbio)
- A) The fraction of organics biodegraded (Fbio) must be determined using the procedure specified in appendix C to 40 CFR 63 (Determination of the Fraction Biodegraded (Fbio) in a Biological Treatment Unit), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
- B) The organic biodegradation efficiency (Rbio) must be calculated by using the following equation:

#### Where:

- Rbio = Organic biodegradation efficiency, in <a href="mailto:percentFbio">percentFbio</a> Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b) (6) (A)

  7) Procedure for Determination of Required Organic Mass Removal Rate (RMR)
- A) All of the hazardous waste streams entering the treatment process must be identified.
- B) The average VO concentration of the hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a).
- C) For each individual hazardous waste stream that has an average volatile organic concentration equal to or greater than 500 ppmw at the

point of waste origination, the average volumetric flow rate of hazardous waste and the density of the hazardous waste stream at the point of waste origination must be determined.

The required organic mass removal rate (RMR) for the hazardous waste must be calculated by using the average VO concentration, average volumetric flow rate, and density determined for each individual hazardous waste stream, and the following equation:

#### Where:

RMR = Required organic mass removal rate, in kg/hr;y = Individual hazardous waste stream "y" that has an average volatile organic (VO) concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a)n =Total number of "y" hazardous waste streams treated by processVy Average volumetric flow rate of hazardous waste stream "y" at the point of waste origination, in Density of hazardous waste stream "y", in kg/m3 = m3/<del>hrky</del>\_hrky= Average VO concentration of hazardous waste stream "y" at the point of waste origination, as determined in accordance with the

requirements of subsection (a), in ppmw

- 8) Procedure for Determination of Actual Organic Mass Removal Rate (MR)
- The actual organic mass removal rate (MR) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.
- The waste volatile organic mass flow entering the process (Eb) and the waste volatile organic mass flow exiting the process (Ea) must be determined in accordance with the requirements of subsection (b)(5)(D).
- The actual organic mass removal rate (MR) must be calculated by using the mass flow rate determined in accordance with the requirements of subsection (b)(8)(B) and the following equation:

### Where:

MR = Actual organic mass removal rate, in kg/hrEb hrEb Waste volatile organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D), in  $kg/\frac{hrEa}{hrEa}$ = volatile organic mass flow exiting the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr Procedure for Determination of Actual Organic Mass Biodegradation Rate (MRbio)

- A) The actual organic mass biodegradation rate (MRbio) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.
- B) The waste organic mass flow entering the process (Eb) must be determined in accordance with the requirements of subsection (b) (5) (D).
- C) The fraction of organic biodegraded (Fbio) must be determined using the procedure specified in appendix C to 40 CFR 63 (Determination of the Fraction Biodegraded (Fbio) in a Biological Treatment Unit), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
- D) The actual organic mass biodegradation rate (MRbio) must be calculated by using the mass flow rates and fraction of organic biodegraded, as determined in accordance with the requirements of subsections (b) (9) (B) and (b) (9) (C), respectively, and the following equation:

#### Where:

MRbio = Actual organic mass biodegradation rate, in kg/hrEb hrEb= Waste organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hrFbio-hrFbio= Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(9)(C)

- c) Procedure for Determination of VO in a Tank
- 1) An owner or operator must determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in Section 725.985(c).
- 2) An owner or operator must use either direct measurement, as specified in subsection (c)(3), or knowledge of the waste, as specified by subsection (c)(4), to determine the maximum organic vapor pressure that is representative of the hazardous waste composition stored or treated in the tank.
- 3) Direct Measurement to Determine VO
- A) Sampling. A sufficient number of samples must be collected to be representative of the waste contained in the tank. All samples must be conducted and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste are collected so that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of acceptable sample collection and handling procedures may be found in Reference Method 25D.

B) Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure of the hazardous waste:

- i) Reference Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b);
- ii) Methods described in API publication 2517 (Evaporative Loss from External Floating-Roof Tanks), incorporated by reference in 35 Ill. Adm. Code 720.111(a);
- iii) Methods obtained from standard reference texts;
- iv) ASTM Method D 2879-92 (Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope), incorporated by reference in 35 Ill. Adm. Code 720.111(a); or
- v) Any other method approved by the Agency.
- 4) Use of Knowledge to Determine the Maximum Organic Vapor Pressure of the Hazardous Waste. Documentation must be prepared and recorded that presents the information used as the basis for the owner's or operator's knowledge that the maximum organic vapor pressure of the hazardous waste is less than the maximum vapor pressure limit listed in Section 725.985(b)(1)(A) for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous waste is generated by a process for which at other locations it previously has been determined by direct measurement that the waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.
- d) The procedure for determining no detectable organic emissions for the purpose of complying with this Subpart CC is as follows:
- 1) The test must be conducted in accordance with the procedures specified in Reference Method 21 (Determination of Volatile Organic Compound Leaks) of appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b). Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices must be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to, any of the following: the interface of the cover and its foundation mounting, the periphery of any opening on the cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure relief valve.
- 2) The test must be performed when the unit contains a hazardous waste having an organic concentration representative of the range of concentrations for the hazardous waste expected to be managed in the

unit. During the test, the cover and closure devices must be secured in the closed position.

- 3) The detection instrument must meet the performance criteria of Reference Method 21, except the instrument response factor criteria in Section 3.1.2(a) of Reference Method 21 must be for the average composition of the organic constituents in the hazardous waste placed in the waste management unit, not for each individual organic constituent.
- 4) The detection instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
- 5) Calibration gases must be as follows:
- A) Zero air (less than 10 ppmv hydrocarbon in air), and
- B) A mixture of methane or n-hexane in air at a concentration of approximately, but less than, 10,000 ppmv methane or n-hexane.
- 6) The background level must be determined according to the procedures in Reference Method 21.
- 7) Each potential leak interface must be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Reference Method 21. If the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface must be sampled. If the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet must be placed at approximately the center of the exhaust area to the atmosphere.
- 8) The arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 500 ppmv except when monitoring a seal around a rotating shaft that passes through a cover opening, in which case the comparison must be as specified in subsection (d)(9). If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.
- 9) For the seals around a rotating shaft that passes through a cover opening, the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 10,000 ppmw. If the difference is less than 10,000 ppmw, then the potential leak interface is determined to operate with no detectable organic emissions.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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