

ILLINOIS POLLUTION CONTROL BOARD
March 7, 2024

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| IN THE MATTER OF: |) | |
| |) | |
| RCRA SUBTITLE C UPDATE, USEPA |) | R21-13 |
| AMENDMENTS (July 1, 2020 through |) | (Identical-in-Substance Rulemaking - Land) |
| December 31, 2020) |) | |
| |) | |
| RCRA SUBTITLE C UPDATE, USEPA |) | R22-13 |
| AMENDMENTS (July 1, 2021 through |) | (Identical-in-Substance Rulemaking - Land) |
| December 31, 2021) |) | |
| |) | |
| CORRECTIONS TO RCRA SUBTITLE C |) | R22-19 |
| AND UIC PERMIT RULES (35 Ill. Adm. |) | (Identical-in-Substance Rulemaking - Land) |
| Code 702 through 705) |) | |
| |) | |
| RCRA SUBTITLE C UPDATE, USEPA |) | R24-4 |
| AMENDMENTS (January 1, 2023 through |) | (Identical-in-Substance Rulemaking - Land) |
| June 30, 2023) |) | |

Proposal For Public Comment. Final Order.

OPINION AND ORDER OF THE BOARD (by M. Gibson and J. Van Wie):

The Board today proposes amendments to Illinois regulations that are “identical in substance” (IIS) to hazardous waste regulations adopted by the United States Environmental Protection Agency (USEPA) in the second halves of 2020, 2021, and the first half of 2023. The Board also dismisses the R22-19 rulemaking docket.

Section 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(a) (2022)) requires the Board to adopt hazardous waste rules that are IIS to USEPA’s Resource Conservation and Recovery Act (RCRA) Subtitle C rules (42 U.S.C. § 6921 et seq. (2022)). Section 22.4(a) requires the Board to use the IIS rulemaking procedure of Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2022)). Section 22.4(a) also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 and 5-40 (2022)) do not apply to the Board’s adoption of IIS regulations.

The Board will cause the amendments proposed today to be published in the *Illinois Register* and receive public comments for at least 45 days after publication. The Board expects to adopt final rules by July 1, 2024.

In this opinion, the Board first dismisses rulemaking docket R22-19. The Board next extends the due date for final action on the amendments and sets out a timetable for completing this rulemaking. The Board then identifies USEPA’s actions that resulted in this rulemaking and discusses the proposed amendments. Lastly, the Board invites public comment on the proposed

amendments before concluding to direct publication of the proposed amendments in the *Illinois Register*. The text of the Board's proposed amendments is appended to this opinion and order.

R22-19

The Board opened R22-19 in 2022. In its February 17, 2022 order opening the docket, the Board consolidated R22-19 with the two RCRA Subtitle C IIS rulemakings R21-13 and R22-13. The Board indicated that it had determined that numerous non-substantive amendments are needed to various rules in Parts 702 through 705, the Board's RCRA and UIC permit rules (35 Ill. Adm. Code 702 through 705). The Board stated:

Most are based on changes in style over the nearly 40 years since the Board adopted the first of those rules. Some correct errors and clarify rules. Others are based on intervening changes in the regulatory landscape. RCRA Subtitle C update, USEPA Amendments (July 1, 2020 through December 31, 2020), R21-13, R22-13, and R22-19 (consol.), slip op. at 2 (Feb. 17, 2022).

The Board's staff undertook a careful review of the changes that were necessary. Based on the work performed, the Board no longer believes such changes are appropriate for identical in substance rulemaking under Section 7.2 of the Act (415 ILCS 5/7.2 (2022)). Therefore, the Board will close the R22-19 docket and undertake the review of RCRA and UIC permit rules as a part of the regulatory review dockets, which will be proposed under Sections 27 and 28 of the Act (415 ILCS 5/27, 28 (2022)).

EXTENSION OF DUE DATE AND REASONS FOR DELAY

The Board finds it necessary to set forth the reasons for delay and again extend the due date for final Board adoption of amendments.

Under Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2022)), the Board must complete this rulemaking within one year after the corresponding federal action. Based on the date that USEPA approved additional methods, the Board's deadline to adopt final rules in this docket was July 7, 2021.

The Board encountered unanticipated delay in developing this proposal for public comment because the Board staff member who has worked on IIS rules, including hazardous waste updates, for nearly 30 years recently retired. This has required the remaining Board staff to take over review of this IIS rule, which is a complex and time-consuming process, in addition to deadline cases before the Board. Additionally, the large volume of text and effort needed to review the Board's rules required significant time. The Board now anticipates adopting these proposed amendments no later than July 1, 2024. Therefore, the Board extends the deadline until that date.

TIMETABLE TO COMPLETE RULEMAKING

Adopting this proposal for public comment today will allow the Board to complete this rulemaking by July 1, 2024, barring unforeseen delays. The Board intends to adhere to the following schedule:

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| Board order proposing amendments: | March 7, 2024 |
| Submission for <i>Illinois Register</i> publication: | March 15, 2024 |
| Estimated <i>Illinois Register</i> publication: | March 29, 2024 |
| Estimated End of 45-day public comment period: | May 13, 2024 |
| Board order adopting amendments: | June 6, 2024 |
| Estimate of when rules take effect: | June 17, 2024 |
| Estimated <i>Illinois Register</i> publication: | July 1, 2024 |

DISCUSSION

The discussion goes through each of USEPA’s actions and the Board’s actions in response.

July 7, 2020 (85 Fed. Reg. 40594)

USEPA finalized “updates to the regulations for the identification of ignitable hazardous waste under RCRA and to modernize the RCRA test methods that currently require the use of mercury thermometers.” 85 Fed. Reg. 40594 (Jul. 7, 2020). USEPA stated that “these revisions will provide greater clarity to hazardous waste identification, provide flexibility in testing requirements, and improve environmental compliance.” *Id.*

USEPA’s rule modernizes the standards for ignitable liquids determinations. USEPA updated: 1) “the flash point test methods for the determination of characteristically ignitable hazardous waste along with other minor changes”; and 2) the “required test methods that refer to outdated standards developed by ASTM and that require instrumentation that is no longer readily commercially available.” 85 Fed. Reg. 40594, 40596 (Jul. 7, 2020). USEPA also removed the “requirements for mercury thermometers in the SW–846 air sampling and stack emissions test methods.” *Id.* Additionally, USEPA codified “existing guidance regarding the regulatory exclusion in the ignitability characteristic for aqueous liquids containing alcohols.” *Id.* USEPA proposed codifying existing sampling guidance regarding waste mixtures that have multiple phases, when determining whether a waste exhibits characteristics of ignitability. Finally, USEPA updated “cross references to DOT [(Department of Transportation)] regulations, to remove obsolete information, and make certain technical corrections.” *Id.*

Flash Point Test Methods

USEPA revised 40 CFR 261.21 to incorporate by reference: 1) “ASTM standard D8175–18 as an alternative to ASTM standards D93–79 and D93–80 in Method 1010B (Pensky Martens test method) (84 FR 12539, April 2, 2019)”; and 2) “ASTM standard D8174–18 as an alternative to ASTM standard D3278–78 in Method 1020C (Setaflash test method).” 85 Fed. Reg. 40594,

40596 (Jul. 7, 2020). USEPA retained the “ASTM standards D93–79, D93–80, and D3278–78 within Methods 1010B and 1020C.” *Id.* USEPA also stated that “the original ASTM standards and the new ASTM standards referenced in Methods 1010 and 1020 are all technically acceptable for determinations of flash point for ignitable liquids.” *Id.*

Air Sampling and Stack Emissions Requiring Mercury Thermometers

USEPA updated the SW–846 air sampling and stack emissions test methods that currently require the use of mercury thermometers. The “test methods are Methods 0010, 0011, 0020, 0023A, and 0051.” 85 Fed. Reg. 40594, 40596 (Jul. 7, 2020). Additionally, USEPA added similar language to USEPA’s Method 5 rule (79 FR 11228, February 27, 2014), where appropriate, in SW–846 Methods 0010, 0011, 0020, 0023A, and 0051.

Aqueous Alcohol Exclusion

USEPA revised the “aqueous alcohol exclusion in 40 CFR 261.21(a)(1) by codifying existing guidance to clarify the exclusion’s scope.” 85 Fed. Reg. 40594, 40597 (Jul. 7, 2020). USEPA changed the text of the exclusion from “other than an aqueous solution containing less than 24 percent alcohol by volume” to “other than a solution containing less than 24 percent of any alcohol or combination of alcohols (except if the alcohol has been used for its solvent properties and is one of the alcohols specified in EPA Hazardous Waste No. F003 or F005) by volume and at least 50 percent water by weight.” *Id.*

Sampling Multiple Phase Wastes

USEPA codified “its existing sampling guidance for multiphase wastes tested for ignitability in 40 CFR 261.21(a).” 85 Fed. Reg. 40594, 40597 (Jul. 7, 2020). USEPA’s codification puts its existing policy on how to properly test “multiphase wastes containing liquids with or without solids for ignitability” determinations into regulatory text. *Id.*

Technical Corrections

USEPA added “corrections to the ignitable compressed gas definitions in 40 CFR 261.21(a)(3)(ii).” 85 Fed. Reg. 40594, 40597 (Jul. 7, 2020). USEPA revised “40 CFR 261.21(a)(3)(ii)(A) to specify the ASTM standard E 681–85 as the approved test for determining whether any waste that is a compressed gas exhibits the RCRA ignitability characteristic, and to remove reference to the Bureau of Explosives as an approving agency for sampling and test methods.” *Id.* USEPA also corrected its “regulations that reference identifying the agency responsible for approving other tests as equivalent for this purpose.” *Id.* Additionally, USEPA revised “40 CFR 261.21(a)(3)(ii)(B)–(D) to align with the existing DOT regulations for flammable gases.” *Id.* Lastly, USEPA updated the “definition of ignitable compressed gas within 40 CFR 261.21(a)(3)(ii)(B)–(D), by removing references to Bureau of Explosives test methods and mirroring the definition and testing that DOT now requires.” *Id.*

USEPA revised “40 CFR 261.21(a)(4)(i)(A) to replace the currently referenced ‘Class A explosive or a Class B explosive’ with ‘Division 1.1, 1.2, or 1.3 explosive’ to be consistent with

DOT's revised classification system for explosives (55 FR 52402, December 21, 1990)." *Id.* USEPA also deleted "the four notes at the end of 40 CFR 261.21, which are outdated or unnecessary to understanding the regulation." *Id.*

Board Changes

The Board updated the addresses for API and ASTM in Section 720.111 of the Board's regulations that lists the incorporations by reference. The Board also included the necessary incorporations by reference added by USEPA to this section of the Board's regulations.

Additionally, the Board revised the aqueous alcohol exclusion and updated the ignitable compressed gas definitions in Section 721.121 of the Board's regulations. The Board also added "Division 1.1, 1.2, or 1.3" before "explosive" in Section 721.121(a)(4)(A) and deleted its two notes in Section 721.121. Lastly, the Board made stylistic changes to Sections 720 and 721. The Board asks for comment on its change to the definition of "injection well" in Section 720.110.

August 21, 2020 (85 Fed. Reg. 51650)

USEPA finalized a "procedural rule to streamline and modernize its permit appeal process and ensure that appeals are decided consistently by modifying existing procedural requirements and realigning prior delegations." 85 Fed. Reg. 51650 (Aug. 21, 2020). This rule applies to permits under the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and RCRA.

USEPA's amendments to 40 CFR 124.19 made at 85 Fed. Reg. 51650, 51657 (Aug. 21, 2020) necessitate an update to the citation to 40 CFR 124.19(a) in Section 705.212 of the Board's regulations. The Board also made stylistic changes to Section 705.212 of the Board's regulations.

February 9, 2021 (86 Fed. Reg. 8713)

USEPA authorized segments of Illinois's corrective action management unit rules. The Board asks for comment on whether:

1. USEPA's February 9, 2021 action authorized Illinois to administer non-waste determinations such that the effectiveness of a Board grant of a non-waste determination would no longer have to wait for USEPA approval of the Board's grant of the non-waste determination; and
2. USEPA's five actions, including its February 9, 2021 action, warrant any changes to the Board's rules that are not among our proposal's amendments.

May 19, 2021 (86 Fed. Reg. 27226)

USEPA updated the Clean Water Act analytical methods, many of which are incorporated by reference into the Illinois hazardous waste rules. The Board did not find that any changes were necessary in response to changes to USEPA's rule.

October 1, 2021 (86 Fed. Reg. 54381)

USEPA made “conforming changes to regulations related to twelve hazardous waste import-export recovery and disposal operations used in hazardous waste export and import notices submitted to [US]EPA by U.S. exporters and importers, and in movement documents that accompany export and import shipments.” 86 Fed. Reg. 54381 (Oct. 1, 2021). USEPA issued this rule “solely because Environment and Climate Change Canada’s revisions to its import-export recovery and disposal code numbers and descriptions [became] effective on October 31, 2021.” *Id.* at 54382. USEPA “must revise twelve of its import-export recovery and disposal code numbers and descriptions in 40 CFR 262.81 to reflect the revised Canadian regulatory definitions so that export and import notices and subsequent movement documents exchanged between Canada and the United States on or after October 31, 2021, do not contain conflicting information.” *Id.*

Exporters and importers shipping hazardous waste between the U.S. and Canada generally comply with the movement document requirements in 40 CFR 262.83(d) and 40 CFR 262.84(d) respectively, by relying on the use of a Canadian movement document that will be required to reflect the modified recovery and disposal operation code numbers for consents issued by either USEPA or Environment and Climate Change Canada based on notices submitted on or after October 31, 2021 due to the Canadian regulatory revisions. 86 Fed. Reg. 54381, 54383 (Oct. 1, 2021).

The Board made changes to the “disposal operations” and “recovery operations” definitions in Section 722.181 of the Board’s regulations. In Section 722.183(b)(3), the Board updated what must be included in the notifications listing interim recycling operations or interim disposal operations for exports of hazardous waste. The Board also updated what contracts must require in Section 722.183(f)(6). In Section 722.184, the Board updated what must be included in the notifications listing interim recycling operations or interim disposal operations for imports of hazardous waste, as well as what contracts must specify. Additionally, the Board changed which operations that a facility performs that subject the facility to copy and recordkeeping requirements.

In Section 724.112(a)(4)(B), the Board changed which operations that a facility performs that subject the facility to copy requirements. The Board also added that an owner or operator must make the submission to USEPA using WIETS, or its successor system. The Board made similar changes in Section 725.112(a)(4)(B). Finally, the Board made stylistic changes to the sections of the Board’s regulations mentioned above.

March 20, 2023 (88 Fed. Reg. 16732)

USEPA made editorial and technical revisions to its Method 23. Revisions include “incorporating true, comprehensive, and stable isotope dilution for quantifying target compounds using corresponding carbon-13 labeled compounds for each target compound including most of the polycyclic aromatic hydrocarbons (PAH) and changing the method quality control from the current prescriptive format to a more flexible performance-based approach with specific criteria.” 88 Fed. Reg. 16732 (Mar. 20, 2023). USEPA also expanded the “list of target compounds of Method 23 to include PAH and polychlorinated biphenyls (PCB).” *Id.* The revisions give “facilities and their test teams flexibility when sampling and measuring polychlorinated dibenzofurans, PAH, and PCB from stationary sources with a comprehensive isotope dilution method while ensuring that the stack testing community can consistently implement the method across emissions sources['] and facilities.” *Id.* The Board incorporates by reference Method 23 into Section 720.111 of the Board’s regulations.

PUBLIC COMMENTS

The Board requests comments on the proposed amendments. The Board will receive public comments on this proposal for at least 45 days following its publication in the *Illinois Register*. After that time, the Board will immediately consider adopting final amendments, making any necessary changes made evident through the public comments. The Board expects to file any adopted rules with the Secretary of State immediately after adoption, likely by July 1, 2024, according to the timetable above.

ORDER

The Board directs the Clerk to provide notice in the *Illinois Register* of the appended proposed amendments to the Illinois hazardous waste rules.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on March 7, 2024, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 705

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AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4 and 27].

SOURCE: Adopted in R81-32 at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19, at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9, at 9 Ill. Reg. 11894, effective July 24, 1985; amended in R89-2 at 14 Ill. Reg. 3082, effective February 20, 1990; amended in R94-5 at 18 Ill. Reg. 18265, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9906, effective June 27, 1995; amended in R03-7 at 27 Ill. Reg. 3675, effective February 14, 2003; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 706, effective December 20, 2006; amended in R11-14 at 36 Ill. Reg. 1653, effective January 20, 2012; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill.

Reg. 21179, effective November 19, 2018; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg. _____, effective _____.

SUBPART F: PERMIT ISSUANCE

Section 705.212 Appeal of Agency Permit Determinations

- a) Within 35 days after a RCRA or UIC final permit decision notification has been issued under Section 705.201, the following persons may petition the Board to review any condition of the permit decision:
 - 1) The permit applicant~~;~~ and
 - 2) Any person who filed comments on the draft permit or who participated in the public hearing on the draft permit.
- b) Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision.
- c) A petition for review must include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required in this Part; in all other respects, the petition must comport with the requirements for permit appeals generally, as [set forth provided](#) in 35 Ill. Adm. Code 105.
- d) Except as otherwise provided in this Part, ~~the provisions of~~ 35 Ill. Adm. Code 105 generally will govern appeals of RCRA and UIC permits under this Section. References in the procedural rules to the Agency permit application record will mean, for purposes of this Section, the administrative record for the final permit or letter of denial, as defined in Section 705.211.
- e) An appeal under subsection (a) or (b) is a prerequisite to the seeking of judicial review of the final agency action under the administrative review provisions of Article III of the Code of Civil Procedure.

BOARD NOTE: This Section corresponds with 40 CFR 124.19(a) ~~(2017)~~.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

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

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

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AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg.

14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18535, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17672, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8740, effective June 4, 2012; amended in R13-5 at 37 Ill. Reg. 3180, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17726, effective October 24, 2013; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. 7189, effective March 13, 2014; amended in R14-13 at 38 Ill. Reg. 12378, effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1542, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11286, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 21215, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 446, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5817, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15067, effective September 3, 2020; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 720.101 Purpose, Scope, and Applicability

- a) This Part provides definitions of terms, general standards, and overview information applicable to 35 Ill. Adm. Code 720 through 728, 733, 738, and 739.
- b) In this Part:
 - 1) Section 720.102 ~~sets forth~~provides the rules that the Board and the Agency will use in making information it receives available to the public and ~~sets forth~~ the requirements that a generator, transporter, or owner or operator of a treatment, storage, or disposal facility must follow to assert claims of business confidentiality with respect to information that is submitted to the Board or the Agency for the ~~purpose purposes~~ of complying compliance with 35 Ill. Adm. Code 720 through 728, 733, 738, and 739.
 - 2) Section 720.103 establishes rules of grammatical construction for the ~~purpose purposes~~ of complying compliance with 35 Ill. Adm. Code 720 through 728, 733, 738, and 739.
 - 3) Section 720.110 defines terms that are used in 35 Ill. Adm. Code 720 through 728, 733, 738, and 739.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 720.102 Availability of Information; Confidentiality of Information

- a) Availability and confidentiality of information is governed by Illinois law, including Sections 7 and 7.1 of the ~~Environmental Protection~~ Act and 35 Ill. Adm. Code 130.
- b) Except as provided under subsections (c) and (d), any person who submits information to the Board or the Agency ~~in accordance with~~under this Part or 35 Ill. Adm. Code 721 through 728 may assert a claim of business confidentiality ~~covering part or all of that information~~ by following the procedures set forth in 35 Ill. Adm. Code 130. Information covered by ~~the such a~~ claim will be disclosed by the Board or the Agency only to the extent, and by means of the procedures, provided set forth in 35 Ill. Adm. Code 130.
- c) Public Disclosure of Hazardous Waste Manifest Documents
 - 1) No claim of business confidentiality may be asserted by any person with respect to information entered on a hazardous waste manifest (USEPA Form 8700-22), a Hazardous Waste Manifest Continuation Sheet (USEPA Form 8700-22A), or an e-Manifest format that may be prepared and used in accordance with 35 Ill. Adm. Code 722.120(a)(3).

2) USEPA has stated that it will make any e-Manifest that is prepared and used ~~in accordance with~~under 35 Ill. Adm. Code 722.120(a)(3), or any paper manifest that is submitted to the e-Manifest System under 35 Ill. Adm. Code 724.171(a)(6) or 725.171(a)(6) available to the public under this Section when the electronic or paper manifest is a complete and final document. E-Manifests and paper manifests submitted to the e-Manifest System are complete and final documents, and they become publicly available information, after 90 days have passed since the delivery to the designated facility of the hazardous waste shipment identified in the manifest.

d) Claims of Confidentiality

1) ~~No~~A person may not assert any claim of business confidentiality with respect to information contained in cathode ray tube export documents prepared, used, and submitted under 35 Ill. Adm. Code 721.139(a)(5) and 721.141(a), and ~~with respect to~~for the information contained in hazardous waste export, import, and transit documents prepared, used, and submitted under 35 Ill. Adm. Code 722.182, 722.183, 722.184, 723.120, 724.112, 724.171, 725.112, 725.171, and 727.171, whether submitted electronically into USEPA's Waste Import Export Tracking System or in paper format.

2) USEPA will make any cathode ray tube export documents prepared, used, and submitted under 35 Ill. Adm. Code 721.139(a)(5) and 721.141(a) and any hazardous waste export, import, and transit documents prepared, used, and submitted under 35 Ill. Adm. Code 722.182, 722.183, 722.184, 723.120, 724.112, 724.171, 725.112, 725.171, and 727.171 available to the public under this Section when USEPA considers these electronic or paper documents to be final documents. USEPA considers these submitted electronic and paper documents related to hazardous waste exports, imports, and transits and cathode ray tube exports to be final documents on March 1 of the calendar year after the related cathode ray tube exports or hazardous waste exports, imports, or transits occur.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 720.103 Use of Number and Gender

As used in 35 Ill. Adm. Code ~~702, 703,~~720 through 728, ~~730, and~~733, ~~738, and~~739:

- a) Words in any of the masculine, feminine, or neuter genders ~~gender~~ also includes ~~include~~ the other two ~~other two feminine and neuter genders~~;
- b) Words in the singular include the plural; and

- c) Words in the plural include the singular.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 720.104 Manifest Copy Submission Requirements for Certain Interstate Waste Shipments

~~If Where~~ the state in which waste is generated or the state in which waste will be transported to a designated facility requires that the waste be regulated as a hazardous waste or otherwise be tracked through a hazardous waste manifest, the designated facility that receives the waste must, regardless of the state in which the designated facility is located must do ~~all of~~ the following:

- a) Complete the facility portion of the applicable manifest;
- b) Sign and date the facility certification;
- c) Submit to the e-Manifest System a final copy of the manifest for data processing purposes; and
- d) Pay the appropriate per manifest fee to USEPA for each manifest submitted to the e-Manifest System, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in subpart FF of the applicable of 40 CFR 264 or 265, each incorporated by reference in Section 720.111.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 720.105 Applicability of Electronic Manifest System and User Fee Requirements to Facilities Receiving State-Only Regulated Waste Shipments

- a) For ~~purposes of~~ this Section, “state-only regulated waste” means one of the following:
 - 1) A waste that is not hazardous waste but for which a state regulatory program requires use of a manifest (USEPA Form 8700-22); or
 - 2) A hazardous waste that is federally exempt from manifest requirements but not exempt from manifest requirements under state law.
- b) In any case in which a state requires a manifest to be used under state law to track the ~~shippingshipment~~ and ~~transporting transportation of~~ a state-only regulated waste to a receiving facility, the facility receiving ~~the such a~~ waste shipment for management must do both of the following:
 - 1) Comply with 35 Ill. Adm. Code 724.171 (Use of Manifest System) and 724.172 (Manifest Discrepancies); and

- 2) Pay the appropriate per manifest fee to USEPA for each manifest submitted to the e-Manifest System, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in subpart FF of 40 CFR 264, incorporated by reference in Section 720.111.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 720.109 Electronic Reporting

a) Scope and Applicability

- 1) The USEPA, the Board, or the Agency may allow for ~~submitting the submission of~~ any document as an electronic document in lieu of a paper document. This Section does not require ~~submitting submission of~~ electronic documents in lieu of paper documents. This Section ~~sets forth specifies~~ the requirements for ~~the optional electronic submission of~~ any document that must be submitted to the appropriate of the following:
 - A) To USEPA directly under Title 40 of the Code of Federal Regulations; or
 - B) To the Board or the Agency under any provision of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, or 739.
- 2) Electronic document submission under this Section can occur only as follows:
 - A) For submissions of documents to USEPA, submissions may occur only after USEPA has published a notice in the Federal Register announcing that USEPA is prepared to receive, in an electronic format, documents required or permitted by the identified part or subpart of Title 40 of the Code of Federal Regulations; or
 - B) For submissions of documents to the State, submissions may occur only under the following circumstances:
 - i) To the Board, into the Clerk's Office On-Line (COOL) system at www.ipcb.state.il.us.
 - ii) To the Agency, into any electronic document receiving system for which USEPA has granted approval under 40 CFR 3.1000, so long as the system complies with 40 CFR 3.2000, incorporated by reference in Section 611.102(c),

and USEPA has not withdrawn its approval of the system in writing.

- 3) This Section does not apply to any of the following documents, whether ~~or not~~ the document is a document submitted to satisfy the requirements cited in subsection (a)(1):
 - A) Any document submitted via facsimile;
 - B) Any document submitted via magnetic or optical media, e.g., a such as diskette, compact disc, digital video disc, or tape; or
 - C) Any data transfer between USEPA, any state, or any local government and either the Board or the Agency as part of administrative arrangements between the parties to the transfer to share data.

- 4) Upon USEPA conferring written approval for ~~submitting the submission of~~ any types of documents as electronic documents in lieu of paper documents, as described in subsection (a)(2)(B), the Agency or the Board, as appropriate, must publish a Notice of Public Information in the Illinois Register that describes the documents approved for submission as electronic documents, the electronic document receiving system approved to receive them, the acceptable formats and procedures for their submission, and, as applicable, the date on which the Board or the Agency will begin to receive those submissions. ~~If in the event of written cessation of~~ USEPA ~~ceases~~ approval ~~in writing~~ for receiving any type of document as an electronic document in lieu of a paper document, the Board or the Agency must similarly ~~publish~~ ~~cause publication of~~ a Notice of Public Information in the Illinois Register.

BOARD NOTE: Subsection (a) is derived from 40 CFR 3.1, 3.2, 3.10, 3.20, and 3.1000.

- b) Definitions. For ~~the purposes of~~ this Section, terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in 35 Ill. Adm. Code 720.111(b).

- c) Procedures for ~~Submitting Submission of~~ Electronic Documents in Lieu of Paper Documents to USEPA. Except as provided in subsection (a)(3), any person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, provided the following conditions are met:

- 1) The person ~~complies with~~ ~~satisfies the requirements of~~ 40 CFR 3.10, incorporated by reference in Section 720.111(b); and
- 2) USEPA has first published a notice in the Federal Register as described in subsection (a)(2)(A).

BOARD NOTE: Subsection (c) is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3.

d) Procedures for ~~Submitting Submission of~~ Electronic Documents in Lieu of Paper Documents to the Board or the Agency

- 1) The Board or the Agency may, ~~but is not required to,~~ establish procedural rules for ~~submitting the~~ electronic ~~submission of~~ documents. The Board or the Agency must establish any ~~such~~ procedural rules under the Administrative Procedure Act [5 ILCS 100/Art. 5].
- 2) The Board or the Agency may accept electronic documents under this Section only as provided in subsection (a)(2)(B).

BOARD NOTE: Subsection (d) is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3.

e) Effects of ~~Submitting Submission of~~ an Electronic Document in Lieu of Paper Documents

- 1) If a person who submits a document as an electronic document fails to comply with ~~the requirements of~~ this Section, that person is subject to the penalties prescribed for failure to comply with the requirement that the electronic document was intended to satisfy.
- 2) If a document submitted as an electronic document to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds, obligates, and makes the signer responsible to the same extent as the signer's handwritten signature would on a paper document submitted to satisfy the same reporting requirement.
- 3) Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.
- 4) Nothing in this Section limits the use of electronic documents or information derived from electronic documents as evidence in enforcement or other proceedings.

BOARD NOTE: Subsection (e) is derived from 40 CFR 3.4 and 3.2000(c).

- f) Public Document Subject to State Laws. Any electronic document filed with the Board is a public document. The document, its submission, its retention by the Board, and its availability for public inspection and copying are subject to various State laws, including, ~~but not limited to~~, the following:
- 1) The Administrative Procedure Act;
 - 2) The Freedom of Information Act [5 ILCS 140];
 - 3) The State Records Act [5 ILCS 160];
 - 4) The Electronic Commerce Security Act [5 ILCS 175];
 - 5) The ~~Environmental Protection~~ Act;
 - 6) Regulations relating to public access to Board records (2 Ill. Adm. Code 2175); and
 - 7) Board procedural rules relating to ~~protecting protection of~~ trade secrets and confidential information (35 Ill. Adm. Code 130).
- g) Nothing in this Section or in any provisions adopted under subsection (d)(1) will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection (g) is derived from 40 CFR 3.2(c).

BOARD NOTE: Derived from 40 CFR 3, 145.11(a)(33), 271.10(b), 271.11(b), and 271.12(h).

(Source: Amended at 48 Ill. Reg. _____, effective _____)

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 728, 733, 738, and 739 only, the following terms have the meanings given below:

“Aboveground tank” means a device meeting the definition of tank that is situated ~~so in such a way~~ that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) can be visually inspected.

“Active life” of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

“Active portion” means that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after May 19, 1980, and that is not a closed portion. (See also “closed portion”.)

“Acute hazardous waste” means hazardous waste that meets the listing criteria in 35 Ill. Adm. Code 721.111(a)(2) and therefore is either listed in 35 Ill. Adm. Code 721.131 with the assigned hazard code of (H) or is listed in 35 Ill. Adm. Code 721.133(e).

BOARD NOTE: These are USEPA hazardous waste numbers F020, F021, F022, F023, F026, and F027, and all USEPA hazardous waste numbers having the prefix “P”.

“Administrator” means the Administrator of the United States Environmental Protection Agency or the Administrator’s designee.

“Aerosol can” means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder, and fitted with a self-closing release device allowing the gas to eject the contents.

“Agency” means the Illinois Environmental Protection Agency.

“Airbag waste” means any hazardous waste airbag modules or hazardous waste airbag inflators.

“Airbag waste collection facility” means any facility that receives airbag waste from airbag handlers subject to regulation under 35 Ill. Adm. Code 721.104(j) and that accumulates the waste for more than ten days.

“Airbag waste handler” means any person, by site, that generates airbag waste that is subject to regulation under 35 Ill. Adm. Code 721.104(j).

“Ancillary equipment” means any ~~devices~~ device, ~~including, but not limited to, like such devices as~~ piping, fittings, flanges, valves, and pumps, that ~~are is~~ used to distribute, meter, or control the flow of hazardous waste from its point of generation to storage or treatment tanks, between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

“Aquifer” means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

“Authorized representative” means the person overall responsible for ~~the operating overall operation of~~ a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent, or person of equivalent responsibility.

“Battery” means a device that consists of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus ~~those such~~ connections (electrical and mechanical) ~~that are as may be~~ needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

“Board” means the Illinois Pollution Control Board.

“Boiler” means an enclosed device using controlled flame combustion and having the following characteristics:

Boiler by physical characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and the unit’s combustion chamber and primary energy recovery sections must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery sections (~~like such as~~ waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery sections are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (~~like such as~~ economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream) and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit may be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps.); or

Boiler by designation. The unit is one that the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

“Carbon dioxide stream” means carbon dioxide that has been captured from an emission source (e.g., a power plant), plus incidental associated substances derived from the source materials and the capture process, and any substances added to the stream to enable or improve the injection process.

“Carbon regeneration unit” means any enclosed thermal treatment device used to regenerate spent activated carbon.

“Cathode ray tube” or “CRT” means a vacuum tube, composed primarily of glass, which is the visual or video display component of an electronic device. A “used, intact CRT” means a CRT whose vacuum has not been released. A “used, broken CRT” means glass removed from its housing or casing whose vacuum has been released.

“Central accumulation area” means any on-site area where hazardous waste is accumulating in units subject to either 35 Ill. Adm. Code 722.116 (for an SQG) or 35 Ill. Adm. Code 722.117 (for an LQG). A central accumulation area at an eligible academic entity that chooses to operate under Subpart K of 35 Ill. Adm. Code 722 is also subject to 35 Ill. Adm. Code 722.311 when accumulating unwanted material or hazardous waste.

“Certification” means a statement of professional opinion based upon knowledge and belief.

“Closed portion” means that portion of a facility that an owner or operator has closed in [accordance-compliance](#) with the approved facility closure plan and all applicable closure requirements. (See also “active portion”.)

“Component” means either the tank or ancillary equipment of a tank system.

“Confined aquifer” means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

“Contained” means held in a unit (including a land-based unit, as defined in this Section) that meets either of the following containment situations:

Containment situation 1 (non-hazardous waste containment):

The unit is in good condition, with no leaks or other continuing or intermittent unpermitted releases of the hazardous secondary materials to the environment, and is designed, as appropriate for the hazardous secondary materials, to prevent unpermitted releases of hazardous secondary materials to the environment.

“Unpermitted releases” are releases that are not covered by a permit (~~e.g., such as~~ a permit to discharge to water or air) and may include, ~~but are not limited to,~~ releases through surface transport by precipitation run-off, releases to soil and groundwater, windblown dust, fugitive air emissions, and catastrophic unit failures;

The unit is properly labeled or otherwise has a system (~~like such as~~ a log) to immediately identify the hazardous secondary materials in the unit; and

The unit holds hazardous secondary materials that are compatible with other hazardous secondary materials placed in the unit, is compatible with the materials used to construct the unit and addresses any potential risks of fires or explosions.

Containment situation 2 (hazardous waste containment):

Hazardous secondary materials in units that meet the applicable requirements of 35 Ill. Adm. Code 724 or 725 are presumptively contained.

“Container” means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

“Containment building” means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of Subpart DD of 35 Ill. Adm. Code 724 and Subpart DD of 35 Ill. Adm. Code 725.

“Contingency plan” means a document setting out an organized, planned and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

“Corrosion expert” means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. ~~The Such a~~ person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

“CRT collector” means a person ~~that who~~ receives used, intact CRTs for recycling, repair, resale, or donation.

“CRT exporter” means any person in the United States that initiates a transaction to send used CRTs outside the United States or its territories for recycling or reuse, or any intermediary in the United States arranging for ~~the such~~ export.

“CRT glass manufacturer” means an operation or part of an operation that uses a furnace to manufacture CRT glass.

“CRT processing” means conducting ~~all of~~ the following activities:

Receiving broken or intact CRTs;

Intentionally breaking intact CRTs or further breaking or separating broken CRTs; and

Sorting or otherwise managing glass removed from CRT monitors.

“Designated facility” means either of the following entities:

A hazardous waste treatment, storage, or disposal facility that has been designated on the manifest by the generator, under 35 Ill. Adm. Code 722.120, of which any of the following is true:

The facility has received a RCRA permit (or interim status) under 35 Ill. Adm. Code 702, 703, and 705;

The facility has received a RCRA permit from USEPA under 40 CFR 124 and 270;

The facility has received a RCRA permit from a state authorized by USEPA under 40 CFR 271; or

The facility is regulated under 35 Ill. Adm. Code 721.106(c)(2) or Subpart F of 35 Ill. Adm. Code 726; or

A generator site designated by the hazardous waste generator on the manifest to receive back its own waste as a return shipment from a designated hazardous waste treatment, storage, or disposal facility that has rejected the waste ~~in accordance with~~ according to 35 Ill. Adm. Code 724.172(f) or 725.172(f).

If a waste is destined to a facility in a state other than Illinois that has been authorized by USEPA under 40 CFR 271, but that has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept ~~the such~~ waste.

“Destination facility” means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for the ~~purpose~~ ~~purposes~~ of managing that category of universal waste.

“Dike” means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

“Dioxins and furans” means tetra-, penta-, hexa-, hepta-, and octa-chlorinated dibenzodioxins and furans.

“Director” means the Director of the Illinois Environmental Protection Agency.

“Discharge” or “hazardous waste discharge” means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that ~~the~~ ~~such~~ solid waste or hazardous waste or any ~~of its~~ constituent ~~thereof~~ may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Disposal facility” means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit (CAMU) into which remediation wastes are placed.

“Drip pad” means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation and surface water run-on to an associated collection system at wood preserving plants.

“Electronic import-export reporting compliance date” means the date that USEPA will announce in the Federal Register, on or after which exporters, importers, and receiving facilities will be required to submit certain export and import related documents to USEPA using USEPA’s Waste Import Export Tracking System, or its successor system.

BOARD NOTE: A compliance date in Illinois regulations is limited to a date certain on or after the Board has adopted the date by rulemaking. Adoption by rulemaking of the electronic import-export reporting compliance date can occur only after USEPA has made its announcement in the Federal Register. Until the Board has incorporated a date certain by rulemaking, the Board intends that no “electronic import-export reporting compliance date” will apply in the context of

the Illinois rules. The federal electronic import-export reporting compliance date named by USEPA, however, may apply as provided by federal law.

“Electronic manifest” or “e-Manifest” means the electronic format of the hazardous waste manifest that is obtained from USEPA’s national e-Manifest System and transmitted electronically to the e-Manifest System, and that is the legal equivalent of USEPA Forms 8700-22 (Manifest) and 8700-22A (Continuation Sheet).

“Electronic Manifest System” or “e- Manifest System” means USEPA’s national information technology system through which the e-Manifest may be obtained, completed, transmitted, and distributed to users of the e-Manifest System and to regulatory agencies.

“Elementary neutralization unit” means a device ~~of which~~that meets the following ~~is true~~:

It is used for neutralizing wastes that are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or that are listed in Subpart D of 35 Ill. Adm. Code 721 only for this reason; and

It meets the definition of tank, tank system, container, transport vehicle, or vessel in this Section.

“EPA region” or “USEPA region” means the states and territories found in any one of the following ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

Region II: New York, New Jersey, Commonwealth of Puerto Rico, and the U.S. Virgin Islands.

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia.

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida.

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio.

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana, and Texas.

Region VII: Nebraska, Kansas, Missouri, and Iowa.

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah,

and Colorado.

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands.

Region X: Washington, Oregon, Idaho, and Alaska.

“Equivalent method” means any testing or analytical method approved by the Board under Section 720.120.

“Existing hazardous waste management (HWM) facility” or “existing facility” means a facility that was in operation or for which construction commenced on or before November 19, 1980. A facility ~~had~~ commenced construction if the owner or operator ~~had~~ obtained the federal, State, and local approvals or permits necessary to begin physically constructing the facility ~~physical construction~~ and either of the following ~~had~~ occurred:

A continuous on-site, physical construction program ~~began~~ had begun; or

The owner or operator ~~had~~ entered ~~into~~ contractual obligations that could not be canceled or modified without substantial loss for physically constructing ~~physical construction of~~ the facility to be completed within a reasonable time.

“Existing portion” means that land surface area of an existing waste management unit, included in the original RCRA Part A permit application, on which wastes have been placed prior to the issuance of a permit.

“Existing tank system” or “existing component” means a tank system or component that is used for the storage or treatment of hazardous waste and that was in operation, or for which installation was commenced, on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, State, and local approvals or permits necessary to begin physically constructing ~~physical construction of~~ the site or installing ~~installation of~~ the tank system and if either of the following is ~~true~~ met:

A continuous on-site physical construction or installation program has begun; or

The owner or operator ~~has~~ entered ~~into~~ contractual obligations that cannot be canceled or modified without substantial loss for physically constructing ~~physical construction of~~ the site or installing ~~installation of~~ the tank system to be completed within a reasonable time.

“Explosives or munitions emergency” means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated

explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. ~~These Such~~ situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

“Explosives or munitions emergency response” means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment, or destruction of the explosives or munitions or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in ~~completing the completion of~~ an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

“Explosives or munitions emergency response specialist” means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include United States Department of Defense (USDOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and USDOD-certified civilian or contractor personnel and other federal, State, or local government or civilian personnel who are similarly trained in explosives or munitions emergency responses.

“Facility” means the following:

All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste or for managing hazardous secondary materials prior to reclamation. A facility may ~~comprise consist of~~ several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

For implementing corrective action under 35 Ill. Adm. Code 724.201 or 35 Ill. Adm. Code 727.201, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA section 3008(h).

~~Notwithstanding~~ ~~Despite~~ the immediately-preceding paragraph of this definition, a remediation waste management site is not a facility that is subject to 35 Ill. Adm. Code 724.201, but a facility that is subject to corrective action requirements if the site is located within ~~the such a~~ facility.

“Federal agency” means any department, agency, or other instrumentality of the federal government, any independent agency or establishment of the federal government, including any government corporation and the Government Printing Office.

“Federal, State, and local approvals or permits necessary to begin ~~physically constructing physical construction~~” means permits and approvals required under federal, State, or local hazardous waste control statutes, regulations, or ordinances.

“Final closure” means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.116.

“Food-chain crops” means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

“Freeboard” means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

“Free liquids” means liquids that readily separate from the solid portion of a waste under ambient temperature and pressure.

“Generator” means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

“Groundwater” means water below the land surface in a zone of saturation.

“Hazardous secondary material” means a secondary material (e.g., spent material, by-product, or sludge) that, when discarded, would be identified as hazardous waste under 35 Ill. Adm. Code 721.

“Hazardous secondary material generator” means any person whose act or process produces hazardous secondary materials at the generating facility. For ~~purposes of~~ this definition, “generating facility” means all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator. For ~~the purposes of~~ Sections 721.102(a)(2)(B) and 721.104(a)(23), a facility that collects hazardous secondary materials from other persons is not the hazardous secondary material generator.

“Hazardous waste” means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

“Hazardous waste constituent” means a constituent that caused the hazardous waste to be listed in Subpart D of 35 Ill. Adm. Code 721, or a constituent listed in 35 Ill. Adm. Code 721.124.

“Hazardous waste management unit” is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers, and the land or pad upon which they are placed.

“Incinerator” means any enclosed device ~~of which the following is true~~that:

~~The facility uses~~Uses controlled flame combustion, and ~~both of the following are true of~~ the ~~facility~~device:

~~The facility does~~Does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor

~~The facility is~~Is not listed as an industrial furnace; or

~~The facility meets~~Meets the definition of infrared incinerator or plasma arc incinerator.

“Incompatible waste” means a hazardous waste that is unsuitable for the following:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire, or explosion, violent reaction, toxic dusts, mists, fumes or gases, or flammable fumes or gases.

(See Appendix E to 35 Ill. Adm. Code 724 and Appendix E to 35 Ill. Adm. Code 725 for references that list examples.)

“Individual ~~generator generation~~ site” means the contiguous site at or on which one or more hazardous wastes are generated. An individual ~~generator generation~~ site, like such as a large manufacturing plant, may have one or more sources of hazardous

waste but is considered a single or individual ~~generator generation~~ site if the site or property is contiguous.

“Industrial furnace” means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

Cement kilns;

Lime kilns;

Aggregate kilns;

Phosphate kilns;

Coke ovens;

Blast furnaces;

Smelting, melting, and refining furnaces (including pyrometallurgical devices ~~like such as~~ cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces);

Titanium dioxide chloride process oxidation reactors;

Methane reforming furnaces;

Pulping liquor recovery furnaces;

Combustion devices used in the recovery of sulfur values from spent sulfuric acid;

Halogen acid furnaces (HAFs) for ~~producing the production of~~ acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least three percent, the acid product is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20 percent, as generated; and

Any other ~~such~~ device ~~that as~~ the Agency determines to be an industrial furnace based on one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

“Infrared incinerator” means any enclosed device that uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and that is not listed as an industrial furnace.

“Inground tank” means a device meeting the definition of tank ~~with any whereby a~~ portion of the tank wall ~~is situated to any degree~~ within the ground, ~~so that the ground prevents visually inspecting that thereby preventing visual inspection of that~~ external surface area of the tank ~~that is in the ground~~.

“In operation” refers to a facility that is treating, storing, or disposing of hazardous waste.

“Injection well” means a well into which fluids are being injected. (See also “underground injection”.)

“Inner liner” means a continuous layer of material placed inside a tank or container that protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

“Installation inspector” means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise ~~installing the installation of~~ tank systems.

“Intermediate facility” means any facility that stores hazardous secondary materials for more than ten days and that is neither a hazardous secondary material generator nor a reclaimer of hazardous secondary material.

“International shipment” means ~~transporting the transportation of~~ hazardous waste into or out of the jurisdiction of the United States.

“Lamp” or “universal waste lamp” means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infrared regions of the electromagnetic spectrum. Examples of common universal waste lamps include, ~~but are not limited to,~~ fluorescent, high intensity discharge, neon, mercury vapor, high-pressure sodium, and metal halide lamps.

“Land-based unit” means an area where hazardous secondary materials are placed in or on the land before recycling. This definition does not include land-based production units.

“Land treatment facility” means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; ~~these such~~ facilities are disposal facilities if the waste will remain after closure.

“Landfill” means a disposal facility or part of a facility where hazardous waste is placed in or on land and that is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit (CAMU).

“Landfill cell” means a discrete volume of a hazardous waste landfill that uses a liner to ~~isolate provide isolation of~~ wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

“Large quantity generator” or “LQG” means a generator that generates any of the following amounts of material in a calendar month:

Greater than or equal to 1,000 kg (2,200 lbs) of non-acute hazardous waste;

Greater than 1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e); or

Greater than 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e).

“LDS” means leak detection system.

“Leachate” means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

“Liner” means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill, or landfill cell that restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

“Leak-detection system” means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. ~~The~~ ~~Such a~~ system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or ~~comprise~~ ~~consist of~~ an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

“Management” or “hazardous waste management” means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

“Manifest” means the shipping document USEPA Form 8700-22 (including, if necessary, USEPA Form 8700-22A), or the e-Manifest, originated and signed in accordance with the applicable requirements of 35 Ill. Adm. Code 722 through 727.

“Manifest tracking number” means the alphanumeric identification number (i.e., a unique three letter suffix preceded by nine numerical digits) that is pre-printed in Item 4 of the manifest by a registered source.

“Mercury-containing equipment” means a device or part of a device (including thermostats but excluding batteries and lamps) that contains elemental mercury integral to its function.

“Military munitions” means all ammunition products and components produced or used by or for the United States Department of Defense or the United States Armed Services for national defense and security, including military munitions under the control of the United States Department of Defense (USDOD), the United States Coast Guard, the United States Department of Energy (USDOE), and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by USDOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components of these items and devices. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components of these items and devices. However, the term does include non-nuclear components of nuclear devices, managed under USDOE’s nuclear

weapons program after all sanitization operations required under the Atomic Energy Act of 1954 (42 USC 2014 et seq.), as amended, have been completed.

“Mining overburden returned to the mine site” means any material overlying an economic mineral deposit that is removed to gain access to that deposit and is then used for ~~reclaiming~~ ~~reclamation of~~ a surface mine.

“Miscellaneous unit” means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container; tank; surface impoundment; pile; land treatment unit; landfill; incinerator; boiler; industrial furnace; underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730; containment building; corrective action management unit (CAMU); unit eligible for a research, development, and demonstration permit under 35 Ill. Adm. Code 703.231; or staging pile.

“Movement” means hazardous waste that is transported to a facility in an individual vehicle.

“NAICS Code” means the code number assigned a facility using the “North American Industry Classification System”, incorporated by reference in Section 720.111.

“New hazardous waste management facility”, “new HWM facility”, or “new facility” means a facility that began operation, or for which construction commenced after November 19, 1980. (See also “Existing hazardous waste management facility”.)

“New tank system” or “new tank component” means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, ~~however,~~ for ~~purposes of~~ 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commenced after July 14, 1986. (See also “existing tank system”.)

“No free liquids”, as used in 35 Ill. Adm. Code 721.104(a)(26) and (b)(18), means that solvent-contaminated wipes may not contain free liquids, as determined by Method 9095B (Paint Filter Liquids Test), included in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, incorporated by reference in Section 720.111, and that there is no free liquid in the container holding the wipes. No free liquids may also be determined using another standard or test method that the Agency has determined by permit condition is equivalent to Method 9095B.

“Non-acute hazardous waste” means hazardous waste that is not acute hazardous waste, as defined in this Section.

“On-ground tank” means a device meeting the definition of tank whose bottom that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that visually inspecting the external tank bottom is not possible cannot be visually inspected.

“On-site” means the same or geographically contiguous property that may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way that the owner controls and to which the public does not have access is also considered on-site property.

“Open burning” means combusting the combustion of any material without the following characteristics:

Controlling Control of combustion air to maintain adequate temperature for efficient combustion;

Containing Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

Controlling Control of emission of the gaseous combustion products.
(See also “incineration” and “thermal treatment”.)

“Operator” means the person responsible for the overall operating operation of a facility.

“Owner” means the person that owns a facility or part of a facility.

“Partial closure” means the closure of a hazardous waste management unit in accordance-compliance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

“Person” means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

“Personnel” or “facility personnel” means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in not complying nonecompliance with 35 Ill. Adm. Code 724 or 725.

“Pesticide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 USC 321(v)), incorporated by reference in Section 720.111(c);

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services under FFDCA section 512 (21 USC 360b), incorporated by reference in Section 720.111(c), to be an exempted new animal drug; or

It is an animal feed under FFDCA section 201(w) (21 USC 321(w)), incorporated by reference in Section 720.111(c), that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 260.10 reads as follows: “Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug”. This is very similar to the language of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC 136(u)). The three exceptions, taken together, appear intended not to include as pesticide any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

[“Physical construction” or “physically constructing” \(RCRA\) means excavating, moving earth, erecting forms or structures, or similar activity to prepare an HWM facility for accepting hazardous waste.](#)

“Pile” means any non-containerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage, and that is not a containment building.

“Plasma arc incinerator” means any enclosed device that uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and that is not listed as an industrial furnace.

“Point source” means any discernible, confined, and discrete conveyance, including, ~~but not limited to,~~ any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

“Publicly owned treatment works” or “POTW” is as defined in 35 Ill. Adm. Code 310.110.

“Qualified groundwater scientist” means a scientist or engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional ~~certification~~ ~~certifications~~, or ~~completing completion of~~ accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and contaminant rate and transport.

BOARD NOTE: State registration includes, ~~but is not limited to~~, registration as a professional engineer with the Department of Professional Regulation, under 225 ILCS 325 and 68 Ill. Adm. Code 1380. Professional certification includes, ~~but is not limited to~~, certification under the certified groundwater professional program of the National Ground Water Association.

“RCRA” means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 USC 6901 et seq.).

“RCRA standardized permit” means a RCRA permit issued under Subpart J of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 702 that authorizes management of hazardous waste. The RCRA standardized permit may have two parts: a uniform portion issued in all cases and a supplemental portion issued at the discretion of the Agency.

“Recognized trader” means a person domiciled in the United States, by site of business, who acts to arrange and facilitate transboundary movements of wastes destined for recovery or disposal operations, either by purchasing from and subsequently selling to United States and foreign facilities, or by acting under arrangements with a United States waste facility to arrange for the export or import of the wastes.

“Regional Administrator” means the Regional Administrator for the USEPA region in which the facility is located or the Regional Administrator’s designee.

“Remanufacturing” means processing a higher-value hazardous secondary material ~~in order~~ to manufacture a product that serves a similar functional purpose as the original commercial-grade material. For this definition, a hazardous secondary material is considered higher-value if it was generated from the use of a commercial-grade material in a manufacturing process and can be remanufactured into a similar commercial-grade material.

“Remediation waste” means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that are managed for implementing cleanup.

“Remediation waste management site” means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action under 35 Ill. Adm. Code 724.201, but a remediation waste management site is subject to corrective action requirements if the site is in a facility that is subject to corrective action under 35 Ill. Adm. Code 724.201.

“Replacement unit” means a landfill, surface impoundment, or waste pile unit from which ~~all or~~ substantially all ~~of the~~ waste is removed, and that is subsequently reused to treat, store, or dispose of hazardous waste. Replacement unit does not include a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with a closure or corrective action plan approved by USEPA or the Agency.

“Representative sample” means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) that can be expected to exhibit the average properties of the universe or whole.

“Run-off” means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

“Run-on” means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

“Saturated zone” or “zone of saturation” means that part of the earth’s crust in which all voids are filled with water.

“SIC code” means “Standard Industrial Classification code”, as assigned to a site by the United States Department of Transportation, Federal Highway Administration, based on the particular activities that occur on the site, as ~~provided set forth in its publication~~ “Standard Industrial Classification Manual”, incorporated by reference in Section 720.111(a).

“Sludge” means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

“Sludge dryer” means any enclosed thermal treatment device that is used to dehydrate sludge and that has a total thermal input, excluding the heating value of the sludge itself, of 2,500 Btu/lb or less of sludge treated on a wet-weight basis.

“Small quantity generator” or “SQG” means a generator that generates the following amounts of material in a calendar month:

Greater than 100 kg (220 lbs) but less than 1,000 kilograms (2,200 lbs) of non-acute hazardous waste;

Less than or equal to 1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e); and

Less than or equal to 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e).

“Solid waste” means a solid waste as defined in 35 Ill. Adm. Code 721.102.

“Solvent-contaminated wipe” means the following:

A wipe that, after use or after cleaning up a spill, fulfills one or more of the following conditions:

The wipe contains one or more of the F001 through F005 solvents listed in 35 Ill. Adm. Code 721.131 or the corresponding P- or U-listed solvents found in 35 Ill. Adm. Code 721.133;

The wipe exhibits a hazardous characteristic found in Subpart C of 35 Ill. Adm. Code 721 when that characteristic results from a solvent listed in 35 Ill. Adm. Code 721; or

The wipe exhibits only the hazardous waste characteristic of ignitability found in 35 Ill. Adm. Code 721.121 due to the presence of one or more solvents that are not listed in 35 Ill. Adm. Code 721.

Solvent-contaminated wipes that contain listed hazardous waste other than solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents, are not eligible for the exclusions at 35 Ill. Adm. Code 721.104(a)(26) and (b)(18).

“Sorbent” means a material that is used to soak up free liquids by either adsorption or absorption, or both. “Sorb” means to either adsorb or absorb, or both.

“Staging pile” means an accumulation of solid, non-flowing “remediation waste” (as defined in this Section) that is not a containment building and that is used only

during remedial operations for temporary storage at a facility. Staging piles must be designated by the Agency according to 35 Ill. Adm. Code 724.654.

“State” means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“Storage” means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

“Sump” means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities; except that, as used in the landfill, surface impoundment, and waste pile rules, sump means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

“Surface impoundment” or “impoundment” means a facility or part of a facility that is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials) that is designed to hold an accumulation of liquid wastes or wastes containing free liquids and that is not an injection well. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds, and lagoons.

“Tank” means a stationary device, designed to contain an accumulation of hazardous waste that is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) that provide structural support.

“Tank system” means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

“TEQ” means toxicity equivalence, the international method of relating the toxicity of various dioxin and furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.

“Thermal treatment” means the treatment of hazardous waste in a device that uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also “incinerator” and “open burning”.)

“Thermostat” means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from ~~the such a~~ temperature control device ~~complying in~~ [compliance](#) with 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

“Totally enclosed treatment facility” means a facility for the treatment of hazardous waste that is directly connected to an industrial production process and that is constructed and operated in a manner that prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

“Transfer facility” means any transportation-related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous waste or hazardous secondary materials are held during the normal course of transportation.

“Transport vehicle” means a motor vehicle or rail car used for ~~transporting the transportation of~~ cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

“Transportation” means the movement of hazardous waste by air, rail, highway, or water.

“Transporter” means a person engaged in ~~transporting hazardous waste the off-site transportation of hazardous waste~~ by air, rail, highway, or water.

“Treatability study” means the following:

A study in which a hazardous waste is subjected to a treatment process to determine the following:

Whether the waste is amenable to the treatment process;

What pretreatment (if any) is required;

The optimal process conditions needed to achieve the desired treatment;

The efficiency of a treatment process for a specific waste or wastes; and

The characteristics and volumes of residuals from a particular treatment process;

Also included in this definition for ~~the purpose of~~ 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion and other material compatibility studies, and toxicological and health effects studies. A treatability study is not a means to commercially treat or dispose of hazardous waste.

“Treatment” means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste ~~so as~~ to neutralize the waste, recover energy or material resources from the waste, or render the waste non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

“Treatment zone” means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

“Underground injection” means the subsurface emplacement of fluids through a bored, drilled, or driven well or through a dug well, if the depth of the dug well is greater than the largest surface dimension. (See also “injection well”.)

“Underground tank” means a device meeting the definition of tank whose entire surface area is totally below the surface of and covered by the ground.

“Unfit-for-use tank system” means a tank system that has been determined, through an integrity assessment or other inspection, to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

“United States” means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“Universal waste” means any of the following hazardous wastes that are managed under the universal waste requirements of 35 Ill. Adm. Code 733:

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

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

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

Lamps, as described in 35 Ill. Adm. Code 733.105; and

Aerosol cans, as described in 35 Ill. Adm. Code 733.106.

“Universal waste handler” means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates

the universal waste, and sends that universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

“Universal waste handler” does not mean either of the following:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles (except under 35 Ill. Adm. Code 733.113(e) or 733.133(e)) universal waste; or

A person engaged in ~~transporting universal waste~~ ~~the off-site transportation of universal waste~~ by air, rail, highway, or water, including a universal waste transfer facility.

“Universal waste transporter” means a person engaged in ~~transporting universal waste~~ ~~the off-site transportation of universal waste~~ by air, rail, highway, or water.

“Unsaturated zone” or “zone of aeration” means the zone between the land surface and the water table.

“Uppermost aquifer” means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility’s property boundary.

“USDOT” or “Department of Transportation” means the United States Department of Transportation.

“Used oil” means any oil that has been refined from crude oil, or any synthetic oil, that has been used and ~~because as a result of this such~~ use is contaminated by physical or chemical impurities.

“USEPA” or “EPA” means the United States Environmental Protection Agency.

“USEPA hazardous waste number” or “EPA hazardous waste number” means the number assigned by USEPA to each hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721 and to each characteristic identified in Subpart C of 35 Ill. Adm. Code 721.

“USEPA identification number” or “USEPA ID number” is the unique alphanumeric identifier that USEPA assigns a hazardous waste generator; transporter; treatment, storage, or disposal facility; or reclamation facility upon notification ~~complying in compliance~~ with ~~the requirements of~~ section 3010 of RCRA ~~(42 USC 6930)~~.

“User of the Electronic Manifest System” or “user of the e-Manifest System” means a hazardous waste generator, a hazardous waste transporter, an owner or

operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person or entity that fulfills both of the following conditions:

The person or entity ~~must is required to~~ use a manifest to comply with any federal or state requirement to track the shipment, transportation, and receipt of either of the following:

hazardous waste or other waste material that is shipped from the site of generation to an off-site designated facility for treatment, storage, recycling, or disposal; or

rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and

The person or entity elects to use either of the following:

the e-Manifest System to obtain, complete and transmit an e-Manifest format supplied by the USEPA e-Manifest System; or the paper manifest form and submits to the e-Manifest System for data processing purposes a paper copy of the manifest (or data from ~~the such a~~ paper copy), in accordance with 35 Ill. Adm. Code 724.171(a)(2)(E) or 725.171(a)(2)(E).

A paper copy submitted for data processing purposes is submitted for data exchange purposes only and is not the official copy of record for legal purposes.

“USPS” means the United States Postal Service.

“Very small quantity generator” or “VSQG” means a generator that generates less than or equal to the following amounts of material in a calendar month:

100 kg (220 lbs) of nonacute hazardous waste;

1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e); and

100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e).

“Vessel” includes every description of watercraft used or capable of being used ~~for transporting as a means of transportation~~ on the water.

“Wastewater treatment unit” means a device ~~of which the following is true~~ that:

~~It is~~ part of a wastewater treatment facility that has an NPDES permit under 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge under 35 Ill. Adm. Code 310;

~~It R~~eceives and treats or stores an influent wastewater that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

~~It m~~Meets the definition of tank or tank system in this Section.

“Water (bulk shipment)” means ~~transporting the~~ bulk ~~transportation of~~ hazardous waste ~~that is~~ loaded or carried on board a vessel without containers or labels.

“Well” means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

“Well injection” ~~means~~ (See “underground injection”.)

“Wipe” means a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.

“Zone of engineering control” means an area under the control of the owner or operator that, upon ~~detecting~~ ~~detection of~~ a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 720.111 References

The following documents are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 702 through 705, 721 through 728, 730, 733, 738, and 739:

- a) Non-Regulatory Government Publications and Publications of Recognized Organizations and Associations:

ACGME. Available from the Accreditation Council for Graduate Medical Education, 401 North Michigan Avenue, Suite 2000, Chicago, IL 60611, 312-755-5000, www.acgme.org:

“Accreditation Council for Graduate Medical Education: Glossary of Terms”, March 19, 2009, referenced in 35 Ill. Adm. Code 722.300.

BOARD NOTE: Also available on the Internet for download and viewing as a PDF file at the following Internet address:
www.acgme.org/Portals/0/PDFs/ab_ACGMEglossary.pdf.

ACI. Available from the American Concrete Institute, 38800 Country Club Dr., Farmington Hills, MI 48331-3439:

ACI 318-83: -“Building Code Requirements for Reinforced Concrete”, adopted November 1983, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

ANSI. Available from the American National Standards Institute, 1899 L Street, N.W., 11th Floor, Washington, DC 20036, 202-293-8020.
www.ansi.org:

See ASME/ANSI B31.3 and B31.4 and supplements below in this subsection (a) under ASME.

API. Available from the American Petroleum Institute, [200 Massachusetts Avenue, N.W., Suite 1100, Washington, DC 20001-5571, 202-682-8000](http://www.api.org) [1220 L Street, Northwest, Washington, DC 20005, \(855\) 999-9870, www.api.org](http://www.api.org):

“Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems”, API Recommended Practice 1632, Second Edition, December 1987, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

“Evaporative Loss from External Floating-Roof Tanks”, API publication 2517, Third Edition, February 1989, USEPA-approved for 35 Ill. Adm. Code 721.983 and 725.984.

“Guide for Inspection of Refinery Equipment”, Chapter XIII, “Atmospheric and Low Pressure Storage Tanks”, 4th Edition, 1981, reaffirmed December 1987, referenced in 35 Ill. Adm. Code 721.291, 724.291, 724.293, 725.291, and 725.292.

“Installation of Underground Petroleum Storage Systems”, API Recommended Practice 1615, Fourth Edition, November 1987, referenced in 35 Ill. Adm. Code 724.292.

ASME. Available from the American Society of Mechanical Engineers, Two Park Avenue, New York, NY 10016-5990, 800-843-2763,
<https://www.asme.org>:

“Chemical Plant and Petroleum Refinery Piping”, ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.

“Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols”, ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.

ASTM [International](#). Available from [ASTM International American Society for Testing and Materials](#), 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, [877-909-ASTM](#) or 610-832-9500, www.astm.org:

ASTM C 94-90, “Standard Specification for Ready-Mixed Concrete”, approved March 30, 1990, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

ASTM D 88-87, “Standard Test Method for Saybolt Viscosity”, approved April 24, 1981, reapproved January 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D ~~93-80, 93-85~~, “Standard Test Methods for Flash Point by Pensky-Martens Closed [Cup](#) Tester”, approved ~~1980 -October 25, 1985~~, USEPA-approved for 35 Ill. Adm. Code 721.121.

ASTM D 346-75, “Standard Practice for Collection and Preparation of Coke Samples for Laboratory Analysis”, approved 1975, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 420-69, “Guide to Site Characterization for Engineering, Design, and Construction Purposes”, approved 1969, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1452-65, “Standard Practice for Soil Investigation and Sampling by Auger Borings”, approved 1965, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1946-90, “Standard Practice for Analysis of Reformed Gas by Gas Chromatography”, approved March 30, 1990, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2161-87, “Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol

Viscosity”, March 27, 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D 2234-76, “Standard Practice for Collection of a Gross Sample of Coal”, approved 1976, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 2267-88, “Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography”, approved November 17, 1988, USEPA-approved for 35 Ill. Adm. Code 721.963 and 724.963.

ASTM D 2382-88, “Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method)”, approved October 31, 1988, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2879-92, “Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope”, approved 1992, USEPA-approved for 35 Ill. Adm. Code 725.984, referenced in 35 Ill. Adm. Code 721.963, 724.963, and 725.963.

ASTM D 3828-87, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved December 14, 1988, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

[ASTM D 3828-97, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 1997, USEPA-approved for 35 Ill. Adm. Code 721.121\(a\).](#)

[ASTM D 3828-98, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 1998, USEPA-approved for 35 Ill. Adm. Code 721.121\(a\).](#)

[ASTM D 3828-02, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2002, USEPA-approved for 35 Ill. Adm. Code 721.121\(a\).](#)

[ASTM D 3828-05, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2005, USEPA-approved for 35 Ill. Adm. Code 721.121\(a\).](#)

[ASTM D 3828-07, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2007, USEPA-approved for 35 Ill. Adm. Code 721.121\(a\).](#)

[ASTM D 3828-07a, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2007, USEPA-approved for 35 Ill. Adm. Code 721.121\(a\).](#)

[ASTM D 3828-09, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2009, USEPA-approved for 35 Ill. Adm. Code 721.121\(a\).](#)

[ASTM D 3828-12, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2012, USEPA-approved for 35 Ill. Adm. Code 721.121\(a\).](#)

[ASTM D 3828-12a, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2012, USEPA-approved for 35 Ill. Adm. Code 721.121\(a\).](#)

[ASTM D 3828-16a, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2016, USEPA-approved for 35 Ill. Adm. Code 721.121\(a\).](#)

[ASTM D 3828-16, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2016, USEPA-approved for 35 Ill. Adm. Code 721.121\(a\).](#)

[ASTM D 3828-16a, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2016, USEPA-approved for 35 Ill. Adm. Code 721.121\(a\).](#)

[ASTM D 8174-18, “Standard Test Methods for Finite Flash Point Determination of Liquid Wastes by Small-Scale Closed Cup Tester”, approved 2018, USEPA-approved for 35 Ill. Adm. Code 721.121\(a\).](#)

[ASTM D 8175-18, “Standard Test Methods for Finite Flash Point Determination of Liquid Wastes by Pensky-Martens Closed Cup Tester”, approved 2018, USEPA-approved for 35 Ill. Adm. Code 721.121\(a\).](#)

ASTM E 169-87, “Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis”, approved February 1, 1987, USEPA-approved for 35 Ill. Adm. Code 721.963 and 724.963.

ASTM E 260-85, “Standard Practice for Packed Column Gas Chromatography”, approved June 28, 1985, USEPA-approved for 35 Ill. Adm. Code 724.963.

[ASTM E 681-85, “Standard Practice for Concentration Limits of Flammability of Chemicals \(Vapors and Gases\)”](#), approved 1985, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

[ASTM E 681-98, “Standard Practice for Concentration Limits of Flammability of Chemicals \(Vapors and Gases\)”](#), approved 1998, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

[ASTM E 681-01, “Standard Practice for Concentration Limits of Flammability of Chemicals \(Vapors and Gases\)”](#), approved 2001, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

[ASTM E 681-04, “Standard Practice for Concentration Limits of Flammability of Chemicals \(Vapors and Gases\)”](#), approved 2004, reapproved 2015, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

[ASTM E 681-09, “Standard Practice for Concentration Limits of Flammability of Chemicals \(Vapors and Gases\)”](#), approved 1009, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

[ASTM E 681-09\(2015\), “Standard Practice for Concentration Limits of Flammability of Chemicals \(Vapors and Gases\)”](#), approved 1009, reapproved 2015, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM G 21-70 (1984a), “Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi”, approved 1970, referenced in 35 Ill. Adm. Code 724.414 and 725.414.

ASTM G 22-76 (1984b), “Standard Practice for Determining Resistance of Plastics to Bacteria”, referenced in 35 Ill. Adm. Code 724.414 and 725.414.

GPO. Available from the Superintendent of Documents, U.S. Government Publishing Office, 732 Capitol Street, N.W., Washington, DC 20401-0001, 202-512-1800, www.gpo.gov:

Standard Industrial Classification Manual (1987), referenced in 35 Ill. Adm. Code 702.110 and Section 720.110.

“Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, USEPA publication number EPA-530/SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (November 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1). See below in this subsection (a) under NTIS.

ISO. Available from the International Organization for Standardization, BIBC II, Chemin de Blandonnet 8, CP 401, 1214 Vernier, Geneva, Switzerland (phone: +41 22 749 01 11; www.iso.org/store):

International Standard ISO 3166-1:2013, “Codes for the representation of names of countries and their subdivisions—Part 1: Country code”, Third edition (2013), referenced in 35 Ill. Adm. Code 722.183 and 722.184. Latest Board search for updated version: July 2020.

BOARD NOTE: ISO maintains a web page with a free on-line list of country codes accessible at www.iso.org/obp/ui/#search.

NACE. Available from the National Association of Corrosion Engineers, 15835 Park Ten Place, Houston, TX 77084, 281-228-6200, www.nace.org:

“Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems”, NACE Recommended Practice RP0285-85, approved March 1985, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

NFPA. Available from the National Fire Protection Association, ~~1~~ [BatteryMarchParkP.O. Box 9101](http://BatteryMarchParkP.O.Box9101), Quincy, MA ~~02169-7471~~02269-9101, ~~617-770-3000~~ or 800-344-3555, www.nfpa.org:

“Flammable and Combustible Liquids Code”, NFPA 30 (1977), referenced in 35 Ill. Adm. Code 722.116.

“Flammable and Combustible Liquids Code”, NFPA 30 (1981), referenced in 35 Ill. Adm. Code 722.116.

“Flammable and Combustible Liquids Code”, NFPA 30 (1984), referenced in 35 Ill. Adm. Code 721.298, 724.298, 725.298, 726.211, and 727.290.

“Flammable and Combustible Liquids Code”, NFPA 30 (1987), referenced in 35 Ill. Adm. Code 721.298, 722.116, 724.298, 725.298, 726.211, and 727.290.

“Flammable and Combustible Liquids Code”, NFPA 30 (2003), as supplemented by TIA 03-1 (2004), and corrected by Errata 30-03-01 (2004), referenced in 35 Ill. Adm. Code 721.298, 722.116, 724.298, 725.298, 726.211, and 727.290.

“Standard System for the Identification of the Hazards of Materials for Emergency Response”, NFPA 704 (2012-~~or 2017~~), referenced in 35 Ill. Adm. Code 722.114 and 722.116.

USEPA, NSCEP. National Service Center for Environmental Publications, <https://www.epa.gov/nscep>.

“Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar Material) by Extraction and Gravimetry”, Revision A, February 1999, USEPA publication number EPA-821/R-98-002, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721. (Search: 821r98002.) Also available from NTIS.

“Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar Material) by Extraction and Gravimetry”, Revision B, February 2010, USEPA publication number EPA-821/R-10-001, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721. (Search: 821r10001.) Also available from NTIS.

NTIS. Available from the National Technical Information Service, U.S. Department of Commerce, 5301 Shawnee Road, Alexandria, VA 22312, 703-605-6000 or 800-553-6847, www.ntis.gov:

“APTI Course 415: Control of Gaseous Emissions”, December 1981, USEPA publication number EPA-450/2-81-005, NTIS document number PB80-208895, USEPA-approved for 35 Ill. Adm. Code 703.210, 703.211, 703.352, 724.935, and 725.935. Also available from NSCEP.

BOARD NOTE: “APTI” denotes USEPA’s “Air Pollution Training Institute”, www.apti-learn.net.

“Generic Quality Assurance Project Plan for Land Disposal Restrictions Program”, USEPA publication number EPA-530/SW-87-011, March 15, 1987, NTIS document number PB88-170766, referenced in 35 Ill. Adm. Code 728.106.

“Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar Material) by Extraction and Gravimetry”, Revision A, February 1999, USEPA publication number EPA-821/R-98-002, NTIS document number PB99-121949, ~~or Revision B, February 2010, USEPA publication number EPA-821/R-10-001, NTIS document number PB2011-100735~~, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721. [Also available from USEPA, NSCEP.](#)

[“Method 1664, n-Hexane Extractable Material \(HEM; Oil and Grease\) and Silica Gel Treated n-Hexane Extractable Material \(SGT-HEM; Nonpolar Material\) by Extraction and Gravimetry”, Revision B, February 2010, USEPA publication number EPA-821/R-10-001, NTIS document number PB2011-100735, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721. Also available from USEPA, NSCEP.](#)

~~BOARD NOTE: Also available on the Internet for free download as a PDF document from the USEPA website at www.epa.gov/ewa-methods. Revision A is also from the USEPA, National Service Center for Environmental Publications (NSCEP) website at www.epa.gov/nscep (search “821R10001”).~~

“Methods for Chemical Analysis of Water and Wastes”, Third Edition, March 1983, USEPA document number EPA-600/4-79-020, NTIS document number PB84-128677, referenced in 35 Ill. Adm. Code 725.192. [Also available from USEPA, NSCEP.](#)

~~BOARD NOTE: Also available on the Internet as a viewable/printable HTML document from the USEPA, National Service Center for Environmental Publications (NSCEP) website at www.epa.gov/nscep (search “600479020”).~~

“North American Industry Classification System”, July 2017, U.S. Department of Commerce, Bureau of the Census, document number PB2007-100002 (hardcover printed volume) or PB2007-500023, referenced in Section 720.110 (definition of “NAICS Code”) for the purposes of Section 720.142, and in 35 Ill. Adm. Code 721.104.

BOARD NOTE: Also available on the Internet from the Bureau of Census at www.census.gov/eos/www/naics.

“Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities”, August 1977, EPA-530/SW-611, NTIS

document number PB84-174820, referenced in 35 Ill. Adm. Code 725.192. [Also available from USEPA, NSCEP.](#)

“Screening Procedures for Estimating the Air Quality Impact of Stationary Sources”, October 1992, USEPA publication number EPA-454/R-92-019, NTIS document number 93-219095, referenced in 35 Ill. Adm. Code 726.204 and 726.206. [Also available from USEPA, NSCEP and USEPA, Receptor Analysis Branch.](#)

~~BOARD NOTE: Also available on the Internet for free download as a WordPerfect document from USEPA, National Service Center for Environmental Publications (NSCEP) website at www.epa.gov/nscep (search “454R92019”).~~

“Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, USEPA publication number EPA-530/SW-846 (Third Edition, November 1986; Revision 6, January 2005), as amended by Updates I (July 1992), II (November 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1), generally referenced in Appendices A and I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 726.200, 726.206, 726.212, 728.106, and 728.107 (in addition to the references cited below for specific methods), www.epa.gov/hw-sw846:

Method 0010 (November 1986) (Modified Method 5 Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0011 (December 1996) (Sampling for Selected Aldehyde and Ketone Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and Appendix I to 35 Ill. Adm. Code 726.

Method 0020 (November 1986) (Source Assessment Sampling System), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0023A (December 1996) (Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.204.

Method 0030 (November 1986) (Volatile Organic Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0031 (December 1996) (Sampling Method for Volatile Organic Compounds (SMVOC)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0040 (December 1996) (Sampling of Principal Organic Hazardous Constituents from Combustion Sources Using Tedlar® Bags), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0050 (December 1996) (Isokinetic HCl/Cl₂ Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0051 (December 1996) (Midget Impinger HCl/Cl₂ Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0060 (December 1996) (Determination of Metals in Stack Emissions), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.206.

Method 0061 (December 1996) (Determination of Hexavalent Chromium Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, 35 Ill. Adm. Code 726.206, and Appendix I to 35 Ill. Adm. Code 726.

~~Method 1010A (November 2004) (Test Methods for Flash Point by Pensky-Martens Closed Cup Tester), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.~~

Method 1010B (December 2018) (Test Methods for Flash Point by Pensky-Martens Closed Cup Tester), USEPA-approved for 35 Ill. Adm. Code 721.121 and Appendix I to 35 Ill. Adm. Code 721.

Method 1020B (November 2004) (Standard Test Methods for Flash Point by Setaflash (Small Scale) Closed-cup

Apparatus), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

[Method 1020C \(December 2018\) \(Test Methods for Flash Point by Pensky-Martens Closed Cup Tester\), USEPA-approved for 35 Ill. Adm. Code 721.121 and Appendix I to 35 Ill. Adm. Code 721.](#)

Method 1110A (November 2004) (Corrosivity Toward Steel), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 1310B (November 2004) (Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and referenced in Appendix I to 35 Ill. Adm. Code 728.

Method 1311 (November 1992) (Toxicity Characteristic Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721; for 35 Ill. Adm. Code 721.124, 728.107, and 728.140; and for Table T to 35 Ill. Adm. Code 728.

Method 1312 (November 1994) (Synthetic Precipitation Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1320 (November 1986) (Multiple Extraction Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1330A (November 1992) (Extraction Procedure for Oily Wastes), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9010C (November 2004) (Total and Amenable Cyanide: Distillation), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Tables H and U to 35 Ill. Adm. Code 728.

Method 9012B (November 2004) (Total and Amenable Cyanide (Automated Colorimetric, with Off-Line Distillation)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144,

and 728.148, referenced in Tables H and U to 35 Ill. Adm. Code 728.

Method 9040C (November 2004) (pH Electrometric Measurement), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 9045D (November 2004) (Soil and Waste pH), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9060A (November 2004) (Total Organic Carbon), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 721.934, 721.963, 724.934, 724.963, 725.934, and 725.963.

Method 9070A (November 2004) (n-Hexane Extractable Material (HEM) for Aqueous Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9071B (April 1998) (n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9095B (November 2004) (Paint Filter Liquids Test), USEPA-approved for 35 Ill. Adm. Code 720.110; Appendix I to 35 Ill. Adm. Code 721; and 35 Ill. Adm. Code 724.290, 724.414, 725.290, 725.414, 725.981, 727.290, and 728.132.

OECD. Organization for Economic Cooperation and Development, Environment Directorate, 2 rue André Pascal, F-75775 Paris Cedex 16, France (www.oecd.org), also OECD Washington Center, 1776 I Street, NW, Suite 450, Washington, DC 20006, 202-452-0050 www.oecd-ilibrary.org www.oecd.org/washington:

OECD Guidance Manual. “Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, as Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations”, 2009 (also called “Guidance Manual for the Control of Transboundary Movements of Recoverable Materials” in OECD documents), but only the following segments, which set forth the substantive requirements of OECD decision C(2001)107/FINAL (June 14, 2001), as amended by C(2001)107/ADD1 (February 28, 2002), C(2004)20 (March 9, 2004), C(2005)141 (December 2, 2005), and C(2008)156 (December 4, 2008):

“Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedure” (individually referred to as “Annex B to OECD Guidance Manual” in 35 Ill. Adm. Code 722), combining Appendix 3 to OECD decision C(2001)107/FINAL, as amended as described above, together with the text of Annex IX (“List B”) to the “Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal” (“Basel Convention”). Latest Board search for updated version: August 2020.

“Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure” (individually referred to as “Annex C to OECD Guidance Manual” in 35 Ill. Adm. Code 722), combining Appendix 4 to OECD decision C(2001)107/FINAL, as amended, together with the text of Annexes II (“Categories of Wastes Requiring Special Consideration”) and VIII (“List A”) to the Basel Convention. Latest Board search for updated version: August 2020.

BOARD NOTE: The OECD Guidance Manual is available online from OECD at www.oecd.org/environment/waste/guidance-manual-control-transboundary-movements-recoverable-wastes.pdf. The OECD and the Basel Convention consider the OECD Guidance Manual unofficial text of these documents. Despite this unofficial status, the Board has chosen to follow USEPA’s lead and incorporate the OECD Guidance Manual by reference, instead of separately incorporating the OECD decision C(2001)107/FINAL (with its subsequent amendments: OECD decisions C(2001)107/ADD1, C(2004)20, C(2005)141, and C(2008)156) and the Basel Convention by reference. Use of the OECD Guidance Manual eases reference to the documents, increases access to the documents, and facilitates future updates to this incorporation by reference. All references to “OECD C(2001)107/FINAL” in the text of 35 Ill. Adm. Code 722 refer to both the OECD decision and the Basel Convention that the OECD decision references. The OECD Guidance Manual includes as Annex A the full text of OECD document C(2001)107/FINAL, with amendments, and Annexes B and C set forth lists of wastes subject to Green control procedures and wastes subject to Amber control procedures, respectively, which consolidate the wastes from C(2001)107/FINAL together with those from the Basel Convention.

OECD Guideline for Testing of Chemicals, “Ready Biodegradability”, Method 301B (July 17, 1992), “CO₂ Evolution (Modified Sturm Test)”, referenced in 35 Ill. Adm. Code 724.414. Latest Board search for updated version: August 2020.

STI. Available from the Steel Tank Institute, 944 Donata Ct., Lake Zurich, IL 60047, 847-438-8265, www.steeltank.com:

“Standard for Dual Wall Underground Steel Storage Tanks” (1986), referenced in 35 Ill. Adm. Code 724.293.

USDOD. Available from the United States Department of Defense:

“Defense Explosives Safety Regulation 6055.09, Edition 1” (DESR 6055.09), as in effect on January 13, 2019, referenced in 35 Ill. Adm. Code 726.305. Latest Board search for updated version: August 2020.

“The Motor Vehicle Inspection Report” (DD Form 626), as in effect in October 2011, referenced in 35 Ill. Adm. Code 726.303. Latest Board search for updated version: August 2020.

“Requisition Tracking Form” (DD Form 1348), as in effect in July 1991, referenced in 35 Ill. Adm. Code 726.303. Latest Board search for updated version: August 2020.

“The Signature and Tally Record” (DD Form 1907), as in effect in October 2011, referenced in 35 Ill. Adm. Code 726.303. Latest Board search for updated version: August 2020.

“DOD Multimodal Dangerous Goods Declaration” (DD Form 2890), as in effect in September 2015, referenced in 35 Ill. Adm. Code 726.303. Latest Board search for updated version: August 2020.

BOARD NOTE: DESR 6055.09, DD Form 626, DD Form 1348, DD Form 1907, and DD Form 2890 are available on-line for download in pdf format from www.esd.whs.mil/DD/.

USEPA, e-Manifest System. Available from United States Environmental Protection Agency, e-Manifest System (www.epa.gov/e-manifest):

“Hazardous Waste Manifest Instructions”. Instructions for revision 12-17 of USEPA Forms 8700-22 and 8700-22A, referenced in 35 Ill. Adm. Code 722.120. Available at www.epa.gov/hwgenerators/uniform-hazardous-waste-manifest-

instructions-sample-form-and-continuation-sheet. Latest Board search for updated version: August 2020.

USEPA, [OGWDW, Office of Ground Water and Drinking Water](#).

Available from United States Environmental Protection Agency, Office of Ground Water and Drinking Water, State Programs Division, 1200 Pennsylvania Ave., N.W. (Mail Code 4606M), Washington, DC 20460:

“Inventory of Injection Wells”, USEPA Form 7520-16 (Revised 8-01), referenced in 35 Ill. Adm. Code 704.148 and 704.283.

“Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells”, USEPA publication number EPA-570/9-87-002, August 1987, referenced in 35 Ill. Adm. Code 730.165.

USEPA, Receptor Analysis Branch. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

“Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised”, October 1992, USEPA publication number EPA-450/R-92-019, USEPA-approved for Appendix I to 35 Ill. Adm. Code 726.

BOARD NOTE: Also available for purchase from NTIS (see above) and on the Internet at www3.epa.gov/scram001/guidance/guide/EPA-454R-92-019_OCR.pdf.

USEPA Region 6. Available from United States Environmental Protection Agency, Region 6, Multimedia Permitting and Planning Division, 1445 Ross Avenue, Dallas, TX 75202 (phone: 214-665-7430):

“EPA RCRA Delisting Program—Guidance Manual for the Petitioner”, March 23, 2000, referenced in Section 720.122.

USGSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1103, rev 9/2003, supplemented as necessary with GSA Standard Form 1109, rev 09/1998), referenced in Section 726.303. Latest Board search for updated version: August 2020.

BOARD NOTE: Available on-line for download in various formats from www.gsa.gov/forms/forms.htm.

- b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20401, 202-783-3238, www.ecfr.gov or <https://www.govinfo.gov/app/collection/cfr>:

10 CFR 20.2006 ([20192023](#)) (Transfer for Disposal and Manifests), referenced in 35 Ill. Adm. Code 726.425 and 726.450.

Table II, column 2 in appendix B to 10 CFR 20 ([20192023](#)) (Water Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110, 730.103, and 730.151.

Appendix G to 10 CFR 20 ([20192023](#)) (Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests), referenced in 35 Ill. Adm. Code 726.440.

10 CFR 71 ([20192023](#)) (Packaging and Transportation of Radioactive Material), referenced generally in 35 Ill. Adm. Code 726.430.

10 CFR 71.5 ([20192023](#)) (Transportation of Licensed Material), referenced in 35 Ill. Adm. Code 726.425.

15 CFR 30.4(b) ([20192023](#)) (Electronic Export Information Filing, Procedures, Deadlines, and Certification Statements), referenced in 35 Ill. Adm. Code 721.139.

15 CFR 30.6 ([20192023](#)) (Electronic Export Information Data Elements), referenced in 35 Ill. Adm. Code 721.139.

21 CFR 203.3(y) ([20192023](#)) (“Prescription Drug”), referenced in 35 Ill. Adm. Code 726.600.

21 CFR 1300 through 1317 ([20192023](#)) (Drug Enforcement Administration, Department of Justice), referenced in 35 Ill. Adm. Code 726.604 and 726.606.

21 CFR 1300.01 ([20192023](#)) (Definitions Relating to Controlled Substances), referenced in 35 Ill. Adm. Code 726.604 and 726.606.

21 CFR 1300.05 ([20192023](#)) (Definitions Relating to the Disposal of Controlled Substances), referenced in 35 Ill. Adm. Code 726.606.

21 CFR 1308.11 through 1308.15 ([20192023](#)) (Schedules), referenced in 35 Ill. Adm. Code 726.606.

21 CFR 1317.90 ([20192023](#)) (Methods of Destruction), referenced in 35 Ill. Adm. Code 726.606.

21 CFR 1317.95 ([20192023](#)) (Destruction Procedures), referenced in 35 Ill. Adm. Code 726.606.

29 CFR 1910.1200 ([20192023](#)) (Hazard Communication), referenced in 35 Ill. Adm. Code 722.115.

33 CFR 153.203 ([20192023](#)) (Procedure for the Notice of Discharge), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

40 CFR 3.3 ([20192023](#)) (What Definitions Are Applicable to This Part?), referenced in Section 720.104.

40 CFR 3.10 ([20192023](#)) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 720.104.

40 CFR 3.2000 ([20192023](#)) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 720.104.

40 CFR 51.100(ii) ([20192023](#)) (Definitions), referenced in 35 Ill. Adm. Code 726.200.

Appendix W to 40 CFR 51 ([20192023](#)) (Guideline on Air Quality Models), referenced in 35 Ill. Adm. Code 726.204.

BOARD NOTE: Also available from NTIS (see above for contact information) as "Guideline on Air Quality Models", Revised 1986, USEPA publication number EPA-450/12-78-027R, NTIS document numbers PB86-245248 (Guideline) and PB88-150958 (Supplement). Appendix B to 40 CFR 52.741 ([20192023](#)) (VOM Measurement Techniques for Capture Efficiency), referenced in 35 Ill. Adm. Code 703.213, 703.352, 721.984, 721.986, 721.989, 724.982, 724.984, 724.986, 724.989, 725.983, 725.985, 725.987, and 725.990.

40 CFR 60 ([20192023](#)) (Standards of Performance for New Stationary Sources), referenced generally in 35 Ill. Adm. Code 721.104, 721.950, 721.964, 721.980, 724.964, 724.980, 725.964, and 725.980.

Subpart VV of 40 CFR 60 ([20192023](#)) (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry), referenced in 35 Ill. Adm. Code 721.989, 724.989, and 725.990.

Appendix A to 40 CFR 60 ([2019/2023](#)) (Test Methods), referenced generally in 35 Ill. Adm. Code 726.205 (in addition to the references cited below for specific methods):

Method 1 (Sample and Velocity Traverses for Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)), referenced in 35 Ill. Adm. Code 721.934, 724.933, 724.934, 725.933, 725.934, and 726.205.

Method 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), referenced in 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205.

Method 2B (Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators), referenced in 35 Ill. Adm. Code 726.205.

Method 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), referenced in 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205.

Method 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts), referenced in 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205.

Method 2E (Determination of Landfill Gas Production Flow Rate), referenced in 35 Ill. Adm. Code 726.205.

Method 2F (Determination of Stack Gas Velocity and Volumetric Flow Rate with Three-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

Method 2G (Determination of Stack Gas Velocity and Volumetric Flow Rate with Two-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

Method 2H (Determination of Stack Gas Velocity Taking into Account Velocity Decay Near the Stack Wall), referenced in 35 Ill. Adm. Code 726.205.

Method 3 (Gas Analysis for the Determination of Dry Molecular Weight), referenced in 35 Ill. Adm. Code 724.443 and 726.205.

Method 3A (Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources

(Instrumental Analyzer Procedure)), referenced in 35 Ill. Adm. Code 726.205.

Method 3B (Gas Analysis for the Determination of Emission Rate Correction Factor or Excess Air), referenced in 35 Ill. Adm. Code 726.205.

Method 3C (Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 4 (Determination of Moisture Content in Stack Gases), referenced in 35 Ill. Adm. Code 726.205.

Method 5 (Determination of Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5A (Determination of Particulate Matter Emissions from the Asphalt Processing and Asphalt Roofing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5B (Determination of Nonsulfuric Acid Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5D (Determination of Particulate Matter Emissions from Positive Pressure Fabric Filters), referenced in 35 Ill. Adm. Code 726.205.

Method 5E (Determination of Particulate Matter Emissions from the Wool Fiberglass Insulation Manufacturing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5F (Determination of Nonsulfate Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5G (Determination of Particulate Matter Emissions from Wood Heaters (Dilution Tunnel Sampling Location)), referenced in 35 Ill. Adm. Code 726.205.

Method 5H (Determination of Particulate Emissions from Wood Heaters from a Stack Location), referenced in 35 Ill. Adm. Code 726.205.

Method 5I (Determination of Low Level Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography), referenced in 35 Ill. Adm. Code 721.933, 721.934, 724.933, 724.934, 725.933, and 725.934.

Method 21 (Determination of Volatile Organic Compound Leaks), referenced in 35 Ill. Adm. Code 703.213, 721.934, 721.935, 721.963, 721.983, 724.934, 724.935, 724.963, 725.934, 725.935, 725.963, and 725.984.

Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares), referenced in 35 Ill. Adm. Code 721.933, 724.933, 724.1101, 725.933, 725.1101, and 727.900.

[Method 23 \(Determination of Polychlorinated Dibenzo-*p*-Dioxins and Polychlorinated Dibenzofurans from Stationary Sources\) referenced in 35 Ill. Adm. Code 726.204.](#)

Method 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer), referenced in 35 Ill. Adm. Code 721.934, 724.934, and 725.985.

Method 25D (Determination of the Volatile Organic Concentration of Waste Samples), referenced in 35 Ill. Adm. Code 721.983, 724.982, 725.983, and 725.984.

Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test), referenced in 35 Ill. Adm. Code 721.986, 724.986, and 725.987.

40 CFR 61 ([20192023](#)) (National Emission Standards for Hazardous Air Pollutants), referenced generally in 35 Ill. Adm. Code 721.104, 721.933, 721.950, 721.964, 721.980, 724.933, 724.964, 725.933, 725.964, and 725.980.

Subpart V of 40 CFR 61 ([20192023](#)) (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm. Code 721.989, 724.989, and 725.990.

Subpart FF of 40 CFR 61 ([20192023](#)) (National Emission Standard for Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and 725.983.

40 CFR 63 ([20192023](#)) (National Emission Standards for Hazardous Air Pollutants for Source Categories), referenced generally in 35 Ill. Adm. Code 721.293, 721.933, 721.950, 721.964, 721.980, 724.933, 724.964, 724.980, 725.933, 725.964, 725.980, and 726.200.

Subpart RR of 40 CFR 63 ([20192023](#)) (National Emission Standards for Individual Drain Systems), referenced in 35 Ill. Adm. Code 721.984, 724.984, 724.985, 725.985, and 725.986.

Subpart EEE of 40 CFR 63 (2000) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), referenced in 35 Ill. Adm. Code 703.280.

Subpart EEE of 40 CFR 63 ([20192023](#)) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (includes 40 CFR 63.1206 (When and How Must You Comply with the Standards and Operating Requirements?), 63.1215 (What are the Health-Based Compliance Alternatives for Total Chlorine?), 63.1216 (What are the Standards for Solid-Fuel Boilers that Burn Hazardous Waste?), 63.1217 (What are the Standards for Liquid-Fuel Boilers that Burn Hazardous Waste?), 63.1218 (What are the Standards for Hydrochloric Acid Production Furnaces that Burn Hazardous Waste?), 63.1219 (What are the Replacement Standards for Hazardous Waste Incinerators?), 63.1220 (What are the Replacement Standards for Hazardous Waste-Burning Cement Kilns?), and 63.1221 (What are the Replacement Standards for Hazardous Waste-Burning Lightweight Aggregate Kilns?)), referenced in Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 703.155, 703.205, 703.208, 703.221, 703.232, 703.320, 703.280, 724.440, 724.701, 724.950, 725.440, and 726.200.

Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 ([20192023](#)) (Test Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

Appendix C to 40 CFR 63 ([20192023](#)) (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), referenced in 35 Ill. Adm. Code 725.984.

Appendix D to 40 CFR 63 ([20192023](#)) (Test Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

40 CFR 136.3 (Identification of Test Procedures) ([20192023](#)), referenced in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.

40 CFR 144.70 ([20192023](#)) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 704.240.

40 CFR 232.2 ([20192023](#)) (Definitions), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 257 ([20192023](#)) (Criteria for Classification of Solid Waste Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code 739.181.

Subpart B of 40 CFR 257 ([20192023](#)) (Disposal Standards for the Receipt of Conditionally Exempt Small Quantity Generator (CESQG) Wastes at Non-Municipal Non-Hazardous Waste Disposal Units) (40 CFR 257.5 through 257.30), referenced in 35 Ill. Adm. Code 722.114.

40 CFR 258 ([20192023](#)) (Criteria for Municipal Solid Waste Landfills), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 260.21(b) ([20192023](#)) (Alternative Equivalent Testing Methods), referenced in Section 720.121.

40 CFR 261.151 ([20192023](#)) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 721.251.

Appendix III to 40 CFR 261 ([20192023](#)) (Chemical Analysis Test Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.

Appendix to 40 CFR 262 ([20192023](#)) (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), referenced in Appendix A to 35 Ill. Adm. Code 722 and 35 Ill. Adm. Code 724.986 and 725.987.

40 CFR 264.151 ([20192023](#)) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 724.251 and 727.240.

40 CFR 264.1311 ([20192023](#)) (Manifest Transactions Subject to Fees), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1312 ([20192023](#)) (User Fee Calculation Methodology), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1313 ([20192023](#)) (User Fee Revisions), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1314 ([20192023](#)) (How to Make User Fee Payments),
referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1315 ([20192023](#)) (Sanctions for Delinquent Payments),
referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1316 ([20192023](#)) (Informal Fee Dispute Resolution),
referenced in 35 Ill. Adm. Code 724.171.

Subpart FF of 40 CFR 264 ([20192023](#)) (Fees for the Electronic Hazardous
Waste Manifest Program), referenced in Sections 720.104 and 720.105.

Appendix I to 40 CFR 264 ([20192023](#)) (Recordkeeping Instructions),
referenced in Appendix A to 35 Ill. Adm. Code 724.

Appendix IV to 40 CFR 264 ([20192023](#)) (Cochran's Approximation to the
Behrens-Fisher Students' T-Test), referenced in Appendix D to 35 Ill.
Adm. Code 724.

Appendix V to 40 CFR 264 ([20192023](#)) (Examples of Potentially
Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724
and 35 Ill. Adm. Code 727.270.

Appendix VI to 40 CFR 264 ([20192023](#)) (Political Jurisdictions in Which
Compliance with § 264.18(a) Must Be Demonstrated), referenced in 35 Ill.
Adm. Code 703.306, 724.118, and 727.110.

40 CFR 265.1311 ([20192023](#)) (Manifest Transactions Subject to Fees),
referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1312 ([20192023](#)) (User Fee Calculation Methodology),
referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1313 ([20192023](#)) (User Fee Revisions), referenced in 35 Ill.
Adm. Code 725.171.

40 CFR 265.1314 ([20192023](#)) (How to Make User Fee Payments),
referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1315 ([20192023](#)) (Sanctions for Delinquent Payments),
referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1316 ([20192023](#)) (Informal Fee Dispute Resolution),
referenced in 35 Ill. Adm. Code 725.171.

Subpart FF of 40 CFR 265 ([20192023](#)) (Fees for the Electronic Hazardous Waste Manifest Program), referenced in Sections 720.104 and 720.105.

Appendix I to 40 CFR 265 ([20192023](#)) (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 725.

Appendix III to 40 CFR 265 ([20192023](#)) (EPA Interim Primary Drinking Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.

Appendix IV to 40 CFR 265 ([20192023](#)) (Tests for Significance), referenced in Appendix D to 35 Ill. Adm. Code 725.

Appendix V to 40 CFR 265 ([20192023](#)) (Examples of Potentially Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.301, 725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm. Code 725.

Appendix IX to 40 CFR 266 ([20192023](#)) (Methods Manual for Compliance with the BIF Regulations), referenced generally in Appendix I to 35 Ill. Adm. Code 726.

Section 4.0 (Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners), referenced in 35 Ill. Adm. Code 726.200 and 726.204.

Section 5.0 (Hazardous Waste Combustion Air Quality Screening Procedure), referenced in 35 Ill. Adm. Code 726.204 and 726.206.

Section 7.0 (Statistical Methodology for Bevill Residue Determinations), referenced in 35 Ill. Adm. Code 726.212.

BOARD NOTE: Also available from NTIS (see above for contact information) as “Methods Manual for Compliance with BIF Regulations: Burning Hazardous Waste in Boilers and Industrial Furnaces”, December 1990, USEPA publication number EPA-530/SW-91-010, NTIS document number PB91-120006.

40 CFR 267.151 ([20192023](#)) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 727.240.

40 CFR 270.5 ([20192023](#)) (Noncompliance and Program Reporting by the Director), referenced in 35 Ill. Adm. Code 703.305.

40 CFR 302 ([20192023](#)) (Designation, Reportable Quantities, and Notification), referenced in 35 Ill. Adm. Code 721.293.

40 CFR 403.5 ([20192023](#)) (National Pretreatment Standards: Prohibited Discharges), referenced in 35 Ill. Adm. Code 721.104 and 726.605.

40 CFR 711.15(a)(4)(i)(C) ([20192023](#)) (Designation, Reportable Quantities, and Notification), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 761 ([20192023](#)) (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.

40 CFR 761.3 ([20192023](#)) (Definitions), referenced in 35 Ill. Adm. Code 728.102 and 739.110.

40 CFR 761.60 ([20192023](#)) (Disposal Requirements), referenced in 35 Ill. Adm. Code 728.142.

40 CFR 761.65 ([20192023](#)) (Storage for Disposal), referenced in 35 Ill. Adm. Code 728.150.

40 CFR 761.70 ([20192023](#)) (Incineration), referenced in 35 Ill. Adm. Code 728.142.

Subpart B of 49 CFR 107 ([20192022](#)) (Exemptions), referenced generally in 35 Ill. Adm. Code 724.986 and 725.987.

49 CFR 171 ([20192022](#)) (General Information, Regulations, and Definitions), referenced generally in 35 Ill. Adm. Code 721.104, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 171.3 ([20192022](#)) (Hazardous Waste), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 171.8 ([20192022](#)) (Definitions and Abbreviations), referenced in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, 733.155, and 739.143.

49 CFR 171.15 ([20192022](#)) (Immediate Notice of Certain Hazardous Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 171.16 ([20192022](#)) (Detailed Hazardous Materials Incident Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 172 ([20192022](#)) (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information,

and Training Requirements), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.131, 722.132, 724.986, 725.987, 726.609, 733.114, 733.118, 733.134, 733.138, 733.152, 733.155, and 739.143.

Table to 49 CFR 172.101 ([20192022](#)) (Hazardous Materials Table), referenced in 35 Ill. Adm. Code 721.104, 722.183, 722.184, 724.112, and 725.112.

49 CFR 172.304 ([20192022](#)) (Marking Requirements), referenced in 35 Ill. Adm. Code 722.132 and 766.608.

Subpart C of 49 CFR 172 ([20192022](#)) (Shipping Papers), referenced in 35 Ill. Adm. Code 722.124 and 726.610.

Subpart D of 49 CFR 172 ([20192022](#)) (Marking), referenced in 35 Ill. Adm. Code 726.608.

Subpart E of 49 CFR 172 ([20192022](#)) (Labeling), referenced in 35 Ill. Adm. Code 722.114, 722.115, and 726.608.

Subpart F of 49 CFR 172 ([20192022](#)) (Placarding), referenced in 35 Ill. Adm. Code 722.114, 722.115, 722.133, and 726.608.

49 CFR 173 ([20192022](#)) (Shippers—General Requirements for Shipments and Packages), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 726.608, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 173.2 ([20192022](#)) (Hazardous Materials Classes and Index to Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.

49 CFR 173.12 ([20192022](#)) (Exceptions for Shipments of Waste Materials), referenced in 35 Ill. Adm. Code 724.416, 724.986, 725.416, and 725.987.

49 CFR 173.28 ([20192022](#)) (Reuse, Reconditioning, and Remanufacture of Packagings), referenced in 35 Ill. Adm. Code 725.273.

49 CFR 173.50 ([20192022](#)) (Class 1—Definitions), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.54 ([20192022](#)) (Forbidden Explosives), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.115 ([20192022](#)) (Class 2, Divisions 2.1, 2.2, and 2.3—Definitions), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 173.127 ([20192022](#)) (Class 2, Divisions 2.1, 2.2, and 2.3— Definition and Assignment of Packaging Groups), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 174 ([20192022](#)) (Carriage by Rail), referenced generally in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 175 ([20192022](#)) (Carriage by Aircraft), referenced generally in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 176 ([20192022](#)) (Carriage by Vessel), referenced generally in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 177 ([20192022](#)) (Carriage by Public Highway), referenced generally in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 177.817 ([20192022](#)) (Shipping Papers), referenced in 35 Ill. Adm. Code 722.124.

49 CFR 178 ([20192022](#)) (Specifications for Packagings), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 726.608, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 179 ([20192022](#)) (Specifications for Tank Cars), referenced in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 180 ([20192022](#)) (Continuing Qualification and Maintenance of Packagings), referenced generally in 35 Ill. Adm. Code 721.986, 724.986, 725.987, 726.608, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 190 ([20192022](#)) (Pipeline Safety Programs and Rulemaking Procedures), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 191 ([20192022](#)) (Transportation of Natural and Other Gas by Pipeline: Annual Reports, Incident Reports, and Safety-Related Condition Reports), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 192 ([20192022](#)) (Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 193 ([20192022](#)) (Liquefied Natural Gas Facilities: Federal Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 194 ([20192022](#)) (Response Plans for Onshore Oil Pipelines), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 195 ([20192022](#)) (Transportation of Hazardous Liquids by Pipeline), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 196 ([20192022](#)) (Protection of Underground Pipelines from Excavation Activity), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 198 ([20192022](#)) (Regulations for Grants to Aid State Pipeline Safety Programs), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 199 ([20192022](#)) (Drug and Alcohol Testing), referenced generally in 35 Ill. Adm. Code 721.104.

c) Federal Statutes:

Section 11 of the Atomic Energy Act of 1954 (42 USC 2014 (2018)), referenced in 35 Ill. Adm. Code 721.104 and 726.310.

Sections 301, 304, 307, and 402 of the Clean Water Act (33 USC 1311, 1314, 1337, and 1342 (2018)), referenced in 35 Ill. Adm. Code 721.293.

Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 360b(j) (2018)), referenced in Section 720.110 and 35 Ill. Adm. Code 733.109.

Section 201(ff) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(ff) (2018)), referenced in Section 726.600.

Section 102(27) of the Controlled Substances Act (21 USC 802(27) (2018) (“Ultimate User”)), referenced in 35 Ill. Adm. Code 726.606.

Section 1004 of the Resource Conservation and Recovery Act (42 USC 6903 (2018)), referenced in 35 Ill. Adm. Code 721.931, 721.951, 721.981, 724.931, 724.981, 725.931, 725.951, and 725.981.

Chapter 601 of subtitle VIII of 49 USC (49 USC 60101 through 60141 (2018)), referenced in 35 Ill. Adm. Code 721.104.

Section 1412 of the Department of Defense Authorization Act of 1986 (50 USC 1521(j)(1) (2018)), referenced in 35 Ill. Adm. Code 726.301.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section 720.120 Rulemaking

- a) Any person may petition the Board to adopt as State regulations rules that are identical in substance with ~~newly adopted~~ newly adopted federal amendments or regulations. The petition must take the form of a proposal for rulemaking under pursuant to 35 Ill. Adm. Code 102. The proposal must include a listing of all amendments to 40 CFR 260 through 268, 273, or 279 that have been made since the last preceding amendment or proposal to amend 35 Ill. Adm. Code 720 through 728, 733, or 739, under pursuant to Section 22.4(a) of the Environmental Protection Act.
- b) Any person may petition the Board to adopt amendments or additional regulations not identical in substance with federal regulations. The Such proposal must conform to 35 Ill. Adm. Code 102 and Section 22.4(b) or 22.4(c) and Title VII of the Environmental Protection Act.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 720.121 Alternative Equivalent Testing Methods

- a) The Agency has no authority to alter the universe of regulated wastes. Modification of testing methods that are stated in 35 Ill. Adm. Code 721 requires rulemaking under pursuant to Section 720.120. However, deviation from these methods is allowed under 35 Ill. Adm. Code 721, as observed, for example, in the Board Note appended to 35 Ill. Adm. Code 721.120(c).
- b) The Agency may approve alternative equivalent testing methods for a particular person's use to determine whether specified waste streams are subject to these regulations. This must be done by permit condition or letter. Any petition to the Board or request to the Agency concerning alternative equivalent testing methods must include the information required by 40 CFR 260.21(b), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
- c) The testing methods specified in 35 Ill. Adm. Code 721 or alternative equivalent testing methods approved by the Agency need not be applied to identify or distinguish waste streams that are known, admitted, or assumed to be subject to these regulations. In this case, any method may be used, subject to the Agency's authority to approve the testing procedures used.
- d) If USEPA amends the federal regulations to allow the use of a new testing method, USEPA has stated that it will incorporate the new method by reference in 40 CFR 260.11 and add it to "Test Methods for Evaluating Solid Waste,

Physical/Chemical Methods”, USEPA publication number EPA-530/SW-846, incorporated by reference in Section 720.111(b).

- e) Alternative equivalent testing methods will not be approved if the result of the approval would make the Illinois RCRA Subtitle C program less than substantially equivalent to the federal.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 720.122 Waste Delisting

- a) Any person seeking to exclude a waste from a particular generating facility from the lists in Subpart D of 35 Ill. Adm. Code 721 may file a petition, as specified in subsection (n). The Board will grant the petition if the following occur:
 - 1) The petitioner demonstrates that the waste produced by a particular generating facility does not meet any of the criteria under which the waste was listed as a hazardous or acute hazardous waste; and
 - 2) The Board determines that there is a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that ~~these such~~ factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, “EPA RCRA Delisting Program—Guidance Manual for the Petitioner”, incorporated by reference in Section 720.111(a). A waste that is so excluded, however, still may be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.
- b) **Listed Wastes and Mixtures.** A person may also petition the Board to exclude from 35 Ill. Adm. Code 721.103(a)(2)(B) or (c), a waste that is described in these Sections and is either a waste listed in Subpart D of 35 Ill. Adm. Code 721, or is derived from a waste listed in that Subpart. This exclusion may only be granted for a particular generating, storage, treatment, or disposal facility. The petitioner must make the same demonstration as required by subsection (a). ~~If Where~~ the waste is a mixture of a solid waste and one or more listed hazardous wastes or is derived from one or more listed hazardous wastes, the demonstration must be made with respect to the waste mixture as a whole; analyses must be conducted for not only those constituents for which the listed waste contained in the mixture was listed as hazardous, but also for factors (including additional constituents) that could cause the waste mixture to be a hazardous waste. A waste that is so excluded may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.

- c) Ignitable, Corrosive, Reactive and Toxicity Characteristic Wastes. If the waste is listed in codes “I”, “C”, “R”, or “E” in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:
- 1) The petitioner must demonstrate that the waste does not exhibit the relevant characteristic for which the waste was listed, as defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections. The petitioner must also show that the waste does not exhibit any of the other characteristics, defined in those Sections, using any applicable methods prescribed in those Sections; and
 - 2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that ~~these such~~ factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, “EPA RCRA Delisting Program—Guidance Manual for the Petitioner”, incorporated by reference in Section 720.111(a). A waste that is so excluded, however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.
- d) Toxic Waste. If the waste is listed in code “T” in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:
- 1) The petitioner must demonstrate that the waste ~~fulfills-meets~~ the following ~~criteria~~:
 - A) It does not contain the constituent or constituents (as defined in Appendix G of 35 Ill. Adm. Code 721) that caused USEPA to list the waste; or
 - B) Although containing one or more of the hazardous constituents (as defined in Appendix G of 35 Ill. Adm. Code 721) that caused USEPA to list the waste, the waste does not meet the criterion of 35 Ill. Adm. Code 721.111(a)(3) when considering the factors used in 35 Ill. Adm. Code 721.111(a)(3)(A) through (a)(3)(K) under which the waste was listed as hazardous.
 - 2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that ~~these such~~ factors do not warrant retaining the waste as a hazardous waste.

- 3) The petitioner must demonstrate that the waste does not exhibit any of the characteristics, defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections.
 - 4) A waste that is ~~so~~ excluded under this subsection (d), however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.
- e) Acute Hazardous Waste. If the waste is listed with the code “H” in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:
- 1) The petitioner must demonstrate that the waste does not meet the criterion of 35 Ill. Adm. Code 721.111(a)(2); and
 - 2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that these such factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, “EPA RCRA Delisting Program—Guidance Manual for the Petitioner”, incorporated by reference in Section 720.111(a).
 - 3) The petitioner must demonstrate that the waste does not exhibit any of the characteristics, defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections.
 - 4) A waste that is so excluded under this subsection (e), however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.
- f) This subsection (f) corresponds with 40 CFR 260.22(f), which USEPA has marked “reserved”. This statement maintains structural consistency with the federal regulations.
- g) This subsection (g) corresponds with 40 CFR 260.22(g), which USEPA has marked “reserved”. This statement maintains structural consistency with the federal regulations.
- h) Demonstration samples must include consist of enough representative samples, but in no case less than four samples, taken over a period of time sufficient to represent the variability or the uniformity of the waste.
- i) Each petition must include, in addition to the information required by subsection (n):
- 1) The name and address of the laboratory facility performing the sampling or tests of the waste;

- 2) The names and qualifications of the persons sampling and testing the waste;
- 3) The dates of sampling and testing;
- 4) The location of the generating facility;
- 5) A description of the manufacturing processes or other operations and feed materials producing the waste and an assessment of whether these such processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;
- 6) A description of the waste and an estimate of the average and maximum monthly and annual quantities of waste covered by the demonstration;
- 7) Pertinent data on and discussion of the factors delineated in the respective criterion for listing a hazardous waste, ~~if where~~ the demonstration is based on the factors in 35 Ill. Adm. Code 721.111(a)(3);
- 8) A description of the methodologies and equipment used to obtain the representative samples;
- 9) A description of the sample handling and preparation techniques, including techniques used for ~~extracting, containerizing, extraction, containerization,~~ and ~~preserving~~ preservation of the samples;
- 10) A description of the tests performed (including results);
- 11) The names and model numbers of the instruments used in performing the tests; and
- 12) The following statement signed by the generator or the generator's authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

- j) After receiving a petition, the Board may request any additional information that the Board needs to evaluate the petition.

- k) An exclusion will only apply to the waste generated at the individual facility covered by the demonstration and will not apply to waste from any other facility.
- l) The Board will exclude only part of the waste for which the demonstration is submitted if the Board determines that variability of the waste justifies a partial exclusion.

BOARD NOTE: See “EPA RCRA Delisting Program—Guidance Manual for the Petitioner”, incorporated by reference in Section 720.111(a).

- m) Delisting of specific wastes from specific sources that have been adopted by USEPA may be proposed as State regulations that are identical in substance [under](#) ~~pursuant to~~ Section 720.120(a).
- n) Delistings that have not been adopted by USEPA may be proposed to the Board [under](#) ~~pursuant to~~ a petition for adjusted standard [under](#) ~~pursuant to~~ Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104. The justification for the adjusted standard is as specified in subsections (a) through (g), as applicable to the waste in question. The petition must be clearly labeled as a RCRA delisting adjusted standard petition.

- 1) In accordance with 35 Ill. Adm. Code 101.304, the petitioner must serve copies of the petition, and any other documents filed with the Board, on USEPA at the following addresses:

USEPA
Office of Resource Conservation and Recovery
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460
USEPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

- 2) The Board will mail copies of all opinions and orders to USEPA at the above addresses.
- 3) In conjunction with the normal updating of the RCRA regulations, the Board will maintain, in Appendix I of 35 Ill. Adm. Code 721, a listing of all adjusted standards granted by the Board.
- o) The Agency may determine in a permit or a letter directed to a generator that, based on 35 Ill. Adm. Code 721, a waste from a particular source is not subject to these regulations. [This Agency Such a](#) finding is evidence against the Agency in any subsequent proceedings but will not be conclusive with reference to other persons or the Board.

- p) Any petition to delist directed to the Board or request for determination directed to the Agency must include a showing that the waste will be generated or managed in Illinois.
- q) The Board will not grant any petition that would render the Illinois RCRA program less stringent than if the decision were made by USEPA.
- r) Delistings apply only within Illinois. Generators must comply with 35 Ill. Adm. Code 722 for waste that is hazardous in any state to which it is to be transported.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 720.123 Petitions for Regulation as Universal Waste

- a) Any person seeking to add a hazardous waste or a category of hazardous waste to the universal waste regulations of 35 Ill. Adm. Code 733 may petition for a regulatory amendment under this Section, Section 720.120, and Subpart G of 35 Ill. Adm. Code 733.
- b) Petition and Demonstration.
 - 1) To be successful, the petitioner must demonstrate that regulation under the universal waste regulations of 35 Ill. Adm. Code 733 each of the following:
 - A) ~~That regulation under the universal waste regulations of 35 Ill. Adm. Code 733 is~~ Is appropriate for the waste or category of waste;
 - B) ~~That regulation under 35 Ill. Adm. Code 733 will~~ Will improve management practices for the waste or category of waste; and
 - C) ~~That regulation under 35 Ill. Adm. Code 733 will~~ Will improve implementing implementation of the hazardous waste program.
 - 2) The petition must include the information required by Section 720.120(b). The petition should also address as many of the factors listed in 35 Ill. Adm. Code 733.181 as are appropriate for the waste or category of waste addressed in the petition.
- c) The Board will grant or deny a petition using the factors listed in 35 Ill. Adm. Code 733.181. The decision will be based on the weight of evidence that shows the following regarding with regard to regulation under 35 Ill. Adm. Code 733:
 - 1) That it is appropriate for the waste or category of waste,;

- 2) That it will improve management practices for the waste or category of waste; and
- 3) That it will improve ~~implementing implementation of~~ the hazardous waste program.
- d) The Board may request additional information to that ~~provided set forth~~ in 35 Ill. Adm. Code 733.181, as needed to evaluate the merits of the petition.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 720.131 Solid Waste Determinations

- a) The Board will determine that those materials that are accumulated speculatively without ~~enough sufficient amounts~~ being recycled are not solid wastes if the applicant demonstrates that ~~sufficient amounts of the~~ enough material will be recycled or transferred for recycling in the following year. ~~This Board Such a~~ determination is valid only for the following year, but can be renewed, on an annual basis, by filing a new application. This determination will be based on the following criteria:
 - 1) The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur (for example, because of past practice, market factors, the nature of the material or contractual arrangements for recycling);
 - 2) The reason that the applicant has accumulated the material for one or more years without recycling 75 percent of the volume accumulated at the beginning of the year;
 - 3) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;
 - 4) The extent to which the material is handled to minimize loss; and
 - 5) Other relevant factors.
- b) The Board will determine that those materials that are reclaimed and then reused as feedstock within the original production process in which the materials were generated are not solid wastes if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:
 - 1) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;

- 2) The extent to which the material is handled before reclamation to minimize loss;
 - 3) The ~~time~~ periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;
 - 4) The location of the reclamation operation in relation to the production process;
 - 5) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;
 - 6) Whether the person that generates the material also reclaims it; and
 - 7) Other relevant factors.
- c) The Board will determine, as provided in Section 720.133, that those hazardous secondary materials that have been partially reclaimed but must be reclaimed further before recovery is completed are not solid wastes if the partial reclamation has produced a commodity-like material. A determination that a partially-reclaimed material for which the determination is sought is commodity-like will be based on whether the hazardous secondary material is legitimately recycled, as specified in Section 720.143, and on whether ~~all of~~ the following decision criteria are satisfied:
- 1) Whether the degree of partial reclamation the material has undergone is substantial, as demonstrated by using a partial reclamation process other than the process that generated the hazardous secondary material;
 - 2) Whether the ~~partially reclaimed~~ ~~partially-reclaimed~~ material has sufficient economic value that it will be purchased for further reclamation;
 - 3) Whether the ~~partially reclaimed~~ ~~partially-reclaimed~~ material is a viable substitute for a product or intermediate produced from virgin or raw materials ~~that which~~ is used in subsequent production steps;
 - 4) Whether there is a market for the ~~partially reclaimed~~ ~~partially-reclaimed~~ material, as demonstrated by known customers who are further reclaiming the material (e.g., records of sales or contracts and evidence of subsequent use, ~~like such as~~ bills of lading); and
 - 5) Whether the ~~partially reclaimed~~ ~~partially-reclaimed~~ material is handled to minimize loss.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 720.133 Procedures for Determinations

The Board will use the procedures of Subpart D of 35 Ill. Adm. Code 104 for determining whether a material is a solid waste, for determining that a hazardous secondary material is managed at a verified facility, for determining whether a particular enclosed flame combustion device is a boiler, or for evaluating an application for a non-waste determination.

- a) The application must address the relevant criteria contained in Section 720.131, 720.132, or 720.134, as applicable.
- b) This subsection (b) corresponds with 40 CFR 260.33(b), which pertains to the USEPA procedure for review of petitions. This statement maintains structural consistency with USEPA rules.
- c) Changed Circumstances.
 - 1) ~~In the event of~~ a change in circumstances that affects how a hazardous secondary material meets the relevant criteria contained in Section 720.131, 720.132, or 720.134 upon which a solid waste, verified facility, or non-waste determination has been based, the applicant must ~~send~~ submit a description of the change in circumstances to the Board as a petition for adjusted standard that requests ~~modifying modification of~~ the previously granted solid waste, boiler, or non-waste determination under which the petitioner operates or, in the alternative, a Board order that no such modification is necessary.
 - 2) The Board will do the following:
 - A) determine, based on the record, whether the hazardous secondary material continues to meet the relevant criteria that justify exclusion from definition as solid waste; and
 - B) issue an appropriate order granting or denying the petition.
- d) A solid waste, verified facility, boiler, or non-waste determination is effective for a fixed term not to exceed 10 years, except as provided in this subsection (d). No later than six months prior to the end of this term, facilities must re-apply for a solid waste, verified facility, boiler, or non-waste determination. If a facility owner or operator re-applies for a solid waste, verified facility, boiler, or non-waste determination no later than six months prior to expiration of a solid waste, verified facility, boiler, or non-waste determination, the facility may continue to operate under an expired solid waste, boiler, or non-waste determination until receiving a decision on the re-application from the Board.

- e) A facility that receives a solid waste, boiler, or non-waste determination must provide notification, as required by Section 720.142.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 720.134 Non-Waste Determinations

- a) A person generating, managing, or reclaiming hazardous secondary material may petition the Board ~~under pursuant to~~ this Section, Section 720.133 and Section 28.2 of the Act for an adjusted standard that is a formal determination that a hazardous secondary material is not discarded and therefore is not a solid waste. The Board's adjusted standard determination will be based on the criteria contained in either subsection (b) or (c), as applicable. If the Board denies the petition, the hazardous secondary material might still be eligible for a solid waste determination or verified facility determination ~~under pursuant to~~ Section 720.131 or an exclusion. A determination made by the Board ~~under pursuant to~~ this Section becomes effective upon occurrence of the first of the following two events:
- 1) After USEPA has authorized Illinois to administer this segment of the hazardous waste regulations, the determination is effective upon issuance of the Board order that grants the non-waste determination; or
 - 2) Before USEPA has granted ~~such~~ authorization, the non-waste determination becomes effective upon fulfillment of ~~all of~~ the following conditions:
 - A) The Board has granted an adjusted standard ~~that which~~ determines that the hazardous secondary material meets the criteria in either subsection (b) or (c), as applicable;
 - B) The Agency has requested that USEPA review the Board's non-waste determination; and
 - C) USEPA has approved the Board's non-waste determination.
- b) The Board will grant a non-waste determination for hazardous secondary material that is reclaimed in a continuous industrial process if the Board determines that the applicant has demonstrated that the hazardous secondary material is a part of the production process and the material is not discarded. The determination will be based on whether the hazardous secondary material is legitimately recycled, as determined ~~under pursuant to~~ Section 720.143, and on the following criteria:

- 1) The extent to which the management of the hazardous secondary material is part of the continuous primary production process and is not waste treatment;
 - 2) Whether the capacity of the production process would use the hazardous secondary material in a reasonable time frame and ensure that the hazardous secondary material will not be abandoned (for example, based on past practices, market factors, the nature of the hazardous secondary material, or any contractual arrangements);
 - 3) Whether the hazardous constituents in the hazardous secondary material are reclaimed, rather than released to the air, water, or land, at significantly higher levels, from either a statistical or from a health and environmental risk perspective, than would otherwise be released by the production process; and
 - 4) Other relevant factors ~~that which~~ demonstrate that the hazardous secondary material is not discarded, including why the hazardous secondary material cannot meet, or should not have to meet, the conditions of an exclusion under 35 Ill. Adm. Code 721.102 or 721.104.
- c) The Board will grant a non-waste determination for a hazardous secondary material that is indistinguishable in all relevant aspects from a product or intermediate if the petitioner demonstrates that the hazardous secondary material is comparable to a product or intermediate and is not discarded. The Board's determination will be based on whether the hazardous secondary material is legitimately recycled, as determined ~~under pursuant to~~ Section 720.143, and on the following criteria:
- 1) Whether market participants treat the hazardous secondary material as a product or intermediate, rather than as a waste (for example, based on the current positive value of the hazardous secondary material, stability of demand, or any contractual arrangements);
 - 2) Whether the chemical and physical identity of the hazardous secondary material is comparable to commercial products or intermediates;
 - 3) Whether the capacity of the market would use the hazardous secondary material in a reasonable time frame and ensure that the hazardous secondary material will not be abandoned (for example, based on past practices, market factors, the nature of the hazardous secondary material, or any contractual arrangements);
 - 4) Whether the hazardous constituents in the hazardous secondary material are reclaimed, rather than released to the air, water, or land, at significantly higher levels, from either a statistical or from a health and

environmental risk perspective, than would otherwise be released by the production process; and

- 5) Other relevant factors ~~that which~~ demonstrate that the hazardous secondary material is not discarded, including why the hazardous secondary material cannot meet, or should not have to meet, the conditions of an exclusion under 35 Ill. Adm. Code 721.102 or 721.104.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 720.140 Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis

- a) The Agency may decide on a case-by-case basis that persons accumulating or storing the recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2)(C) should be regulated ~~under pursuant to~~ 35 Ill. Adm. Code 721.106(b) and (c) rather than ~~under pursuant to~~ the provisions of Subpart F of 35 Ill. Adm. Code 726. The basis for this decision is that the materials are being accumulated or stored in a manner that does not protect human health and the environment because the materials or their toxic constituents have not been adequately contained, or because the materials being accumulated or stored together are incompatible. In making this decision, the Agency must consider the following factors:

- 1) The types ~~and amounts~~ of materials accumulated or stored ~~and the amounts accumulated or stored~~;
- 2) The method of accumulation or storage;
- 3) The length of time the materials have been accumulated or stored before being reclaimed;
- 4) Whether any contaminants are being released into the environment, or are likely to be so released; and
- 5) Other relevant factors.

- b) The procedures for this decision are ~~provided set forth~~ in Section 720.141.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 720.141 Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities

The Agency must use the following procedures when determining whether to regulate hazardous waste recycling activities described in 35 Ill. Adm. Code 721.106(a)(2)(C) under the provisions

of 35 Ill. Adm. Code 721.106(b) and (c) rather than under the provisions of Subpart F of 35 Ill. Adm. Code 726.

- a) If a generator is accumulating the waste, the Agency must issue a notice ~~setting forth~~stating the factual basis for the decision and stating that the person must comply with the applicable requirements of Subparts A, C, D and E of 35 Ill. Adm. Code 722. The notice will become final within 30 days, unless the person served requests a public hearing to challenge the decision. Upon receiving ~~such~~a request, the Agency must hold a public hearing. The Agency must provide notice of the hearing to the public and allow public participation at the hearing. The Agency must issue a final written memorandum of decision after the hearing stating whether ~~or not complying compliance~~with 35 Ill. Adm. Code 722 is required, and ~~setting forth~~stating the reasons for the Agency's decision, including all findings of fact and conclusions of law. ~~The Such~~memorandum of decision will constitute a final administrative action, and may be appealed to the Board. The decision becomes effective 35 days after service of the decision unless the Agency specifies a later date or unless an appeal has been filed with the Board. The decision may be appealed to the Board by any person who participated in the hearing. Proceedings before the Board must be ~~in general accordance with the according to the~~ rules ~~set forth~~in 35 Ill. Adm. Code 105.
- b) If the person is accumulating the recyclable material as a storage facility, the notice must state that the person must obtain a permit in accordance with all applicable provisions of 35 Ill. Adm. Code 702, 703, and 705. The owner or operator of the facility must apply for a permit within no less than 60 days and no more than six months ~~after of~~notice, as specified in the notice. If the owner or operator of the facility wishes to challenge the Agency's decision, it may do so in its permit application, in a public hearing held on the draft permit, or in comments filed on the draft permit or on the notice of intent to deny the permit. The fact sheet accompanying the permit will specify the reasons for the Agency's determination. The question of whether the Agency's decision was proper will remain open for consideration during the public comment period discussed under Subparts D and E of 35 Ill. Adm. Code 705, and in any subsequent hearing.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 720.142 Notification Requirement for Hazardous Secondary Materials

- a) A facility that manages hazardous secondary materials ~~that which~~are excluded from regulation under 35 Ill. Adm. Code 721.104(a)(23), (a)(24), or (a)(27) must send a notification to the Agency, Bureau of Land. The notification must occur prior to operating under the regulatory provision and before March 1 of every even-numbered calendar year thereafter using a copy of Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12). The notification must include the following information:

- 1) The name, address, and USEPA identification number (if applicable) of the facility;
 - 2) The name and telephone number of a contact person for the facility;
 - 3) The NAICS code of the facility;
~~BOARD NOTE:~~ Determined using the “North American Industry Classification System”, incorporated by reference in Section 720.111.
 - 4) The regulation under which the facility will manage the hazardous secondary materials;
 - 5) For reclaimers and intermediate facilities managing hazardous secondary materials ~~in accordance with~~under 35 Ill. Adm. Code 721.104(a)(24) or (a)(25), whether the reclaimer or intermediate facility has financial assurance (not applicable for persons managing hazardous secondary materials generated and reclaimed under the control of the generator);
 - 6) When the facility began or expects to begin managing the hazardous secondary materials in accordance with the regulation;
 - 7) A list of hazardous secondary materials that the facility will manage according to the regulation (reported as the USEPA hazardous waste numbers that would apply if the hazardous secondary materials were managed as hazardous wastes);
 - 8) For each hazardous secondary material, whether the hazardous secondary material, or any portion thereof, will be managed in a land-based unit;
 - 9) The quantity of each hazardous secondary material to be managed annually; and
 - 10) The certification (included in USEPA Form 8700-12) signed and dated by an authorized representative of the facility.
- b) If a facility that manages hazardous secondary material has submitted a notification, but then subsequently ceases managing hazardous secondary materials in ~~accordance with~~compliance with a regulation listed in subsection (a), the facility owner or operator must notify the Agency within 30 days after the cessation using a copy of USEPA Form 8700-12. For ~~purposes of~~ this Section, a facility has stopped managing hazardous secondary materials if the facility no longer generates, manages, or reclaims hazardous secondary materials under the regulation listed in subsection (a), and the facility owner or operator does not expect to manage any amount of hazardous secondary materials for at least one year.

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

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 720.143 Legitimate Recycling of Hazardous Secondary Materials

- a) Recycling of hazardous secondary materials for the ~~purpose of the~~ exclusions or exemptions from the hazardous waste regulations must be legitimate. Hazardous secondary material that is not the subject of legitimate recycling is discarded material and is a solid waste. A determination that an activity is legitimate recycling must address ~~all the requirements of~~ this subsection (a) and must consider ~~the requirements of~~ subsection (b).
 - 1) Legitimate recycling must involve a hazardous secondary material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process. The hazardous secondary material provides a useful contribution if it fulfills one of the following criteria:
 - A) The material contributes valuable ingredients to a product or intermediate;
 - B) The material replaces a catalyst or carrier in the recycling process;
 - C) The material is the source of a valuable constituent recovered in the recycling process;
 - D) The material is recovered or regenerated by the recycling process; or
 - E) The material is used as an effective substitute for a commercial product.
 - 2) The recycling process must produce a valuable product or intermediate. The product or intermediate is valuable if either of the following is true:
 - A) The product or intermediate is sold to a third party; or
 - B) The product or intermediate is used by the recycler or the generator as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process.
 - 3) The generator and the recycler must manage the hazardous secondary material as a valuable commodity when it is under their control. [If Where](#)

there is an analogous raw material, the hazardous secondary material must be managed, at a minimum, in a manner consistent with the management of the raw material or in an equally protective manner. ~~If Where~~ there is no analogous raw material, the hazardous secondary material must be contained. Hazardous secondary materials that are released to the environment and ~~that which~~ are not recovered immediately are discarded material.

- b) The following factor must be considered in ~~determining making a determination as to~~ the overall legitimacy of a specific recycling activity.
 - 1) The product of the recycling process fulfills ~~all of~~ the following criteria:
 - A) The product must not contain significant concentrations of any hazardous constituents found in Appendix H of 35 Ill. Adm. Code 721 that are not found in analogous products;
 - B) The product must not contain concentrations of hazardous constituents found in Appendix H of 35 Ill. Adm. Code 721 at levels that are significantly elevated from those found in analogous products; and
 - C) The product must not exhibit a hazardous characteristic (as defined in Subpart C of 35 Ill. Adm. Code 721) that analogous products do not exhibit.
 - 2) In ~~determining making a determination~~ that a hazardous secondary material is legitimately recycled, persons must evaluate all factors and consider legitimacy as a whole. If, after ~~carefully evaluating careful evaluation of~~ these considerations, the factor in this subsection (b) is not met, then this fact may indicate that the material is not legitimately recycled. However, the factor in this subsection (b) does not have to be met for the recycling to be considered legitimate. In evaluating the extent to which this factor is met and in determining whether a process that does not meet this factor is still legitimate, persons can consider exposure from toxics in the product, the bioavailability of the toxics in the product and other relevant considerations.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

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

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9 at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill.

Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1281, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9108, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6584, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 12760, effective July 17, 2003; amended in R04-16 at 28 Ill. Reg. 10693, effective July 19, 2004; amended in R05-8 at 29 Ill. Reg. 6003, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2992, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 791, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11786, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 986, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18611, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17734, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. 3213, effective March 4, 2013; amended in R14-13 at 38 Ill. Reg. 12442, effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1607, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11367, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 21673, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 496, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5884, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15142, effective September 3, 2020; amended in R21-13 at 48 Ill. Reg. _____, effective _____.

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section 721.120 General

- a) A solid waste, as defined in Section 721.102, ~~that which~~ is not excluded from regulation as a hazardous waste under Section 721.104(b), is a hazardous waste if it exhibits any of the characteristics identified in this Subpart C.

BOARD NOTE: 35 Ill. Adm. Code 722.111 ~~sets forth~~states the generator's responsibility to determine whether the generator's waste exhibits one or more characteristics identified in this Subpart C.

- b) A hazardous waste that is identified by a characteristic in this Subpart C is assigned every USEPA hazardous waste number that is applicable as ~~set forth~~specified in this Subpart C. This number must be used in complying with the notification requirements of Section 3010 of RCRA (42 USC 6930) and all applicable recordkeeping and reporting requirements under 35 Ill. Adm. Code 702, 703, and 722 through 728.

- c) For ~~purposes of~~ this Subpart C, a sample obtained using any of the applicable sampling methods specified in Appendix A is a representative sample within the meaning of 35 Ill. Adm. Code 720.

BOARD NOTE: Since the Appendix A sampling methods are not being formally adopted, a person who desires to employ an alternative sampling method is not required to demonstrate the equivalency of the person's method under the procedures set forth in 35 Ill. Adm. Code 720.121.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 721.121 Characteristic of Ignitability

- a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:
- 1) It is a liquid, other than ~~a an aqueous~~ solution containing less than 24 percent alcohol by volume ~~and at least 50 percent water by weight, that~~ and has a flash point less than 60°C (140°F), as determined by one of the following ASTM standards: D 93-79, D 93-80, D 3278-78, D 8174-18, or D 8175-18, each incorporated by reference in 35 Ill. Adm. Code 720.111(a), as a Pensky-Martens Closed Cup Tester, using the test method specified in SW-846 Test Methods 1010B or 1020C-ASTM D 93-85 (Standard Test Methods for Flash Point by Pensky-Martens Closed Tester), or a Setaflash Closed Cup Tester, using the test method specified in ASTM D 3828-87, (Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester), each incorporated by reference in 35 Ill. Adm. Code 720.111(a).
 - 2) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, ~~absorbing~~ absorption of moisture, or

spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.

- 3) It is ~~an ignitable compressed gas—a flammable gas, as defined in federal 49 CFR 173.115 (Class 2, Divisions 2.1, 2.2, and 2.3—Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and as determined by the test methods described in that regulation or equivalent test methods approved by the Board (35 Ill. Adm. Code 720.120).~~

A) The term “compressed gas” designates any material or mixture having in the container an absolute pressure exceeding 40 p.s.i. at 70 °F or, regardless of the pressure at 70 °F, having an absolute pressure exceeding 104 p.s.i. at 130 °F. Alternatively, the term “compressed gas” designates any liquid flammable material having a vapor pressure exceeding 40 p.s.i. absolute at 100 °F, as determined by ASTM D 323.

B) A compressed gas is characterized as ignitable if any one of the following occurs:

- i) Either a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent regardless of the lower limit. These limits must be determined at atmospheric temperature and pressure. The method of sampling and test procedure must be ASTM E 681-85, incorporated by reference in 35 Ill. Adm. Code 720.111, or other equivalent methods approved by the Associate Administrator, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation.
- ii) It is determined to be flammable or extremely flammable using 49 CFR 173.115(l), incorporated by reference in 35 Ill. Adm. Code 720.111.

~~BOARD NOTE: Corresponding 49 CFR 261.21(a)(3) uses “ignitable compressed gas” based on the outmoded USDOT hazard class “flammable compressed gas”, and it replicates the text from former 49 CFR 173.300(b) (1980) for the definition. In 1990, USDOT replaced that former hazard class with “flammable gas”, as defined at 49 CFR 173.115. See 55 Fed. Reg. 52402, 53433 (December 21, 1990) (USDOT rulemaking replacing the old hazard class with the new one). The Board has chosen to avoid major problems inherent to USEPA’s approach (the use of obsolete methods and USDOT regulatory mechanisms for the outmoded hazard class). The Board has instead updated the Illinois provision to correspond with the current USDOT regulations and used the~~

~~“flammable gas” hazard class, together with its associated current methods.~~

- 4) It is an oxidizer, as defined in 49 CFR 173.127 (Class 5, Division 5.1— Definition and Assignment of Packaging Groups), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
~~BOARD NOTE: Corresponding 40 CFR 261.21(a)(4) uses “oxidizer”, and it replicates the text from former 49 CFR 173.151 (1980) for the definition. Further, corresponding 40 CFR 261.21(a)(4) adds the definition of “organic peroxide” from former 49 CFR 173.151a to the definition of “oxidizer”. In 1990, USDOT replaced that former definition of the hazard class with a new definition at 49 CFR 173.127, which classifies an oxidizer as a Division 5.1 material. See 55 Fed. Reg. 52402, 53433 (Dec. 21, 1990) (USDOT rulemaking replacing the old hazard class with the new one). The Board has chosen to avoid major problems inherent to USEPA’s approach (the use of obsolete methods and USDOT regulatory mechanisms for the outmoded hazard class). The Board has instead updated the Illinois provision to correspond with the current USDOT regulations, used the “oxidizer” hazard class, together with its associated current methods, and omitted the addition of “organic peroxide” to the definition.~~
- A) An organic compound containing the bivalent -O-O- structure and which may be considered a derivative of hydrogen peroxide where one or more of the hydrogen atoms have been replaced by organic radicals must be classed as an organic peroxide unless:
- i) The material ~~is meets the definition of a~~ Division 1.1, 1.2, or 1.3 explosive, as defined in 40 CFR § 261.23(a)(8), in which case it must be classed as an explosive;
 - ii) ~~Offering the~~ The material for transportation is forbidden ~~under to be offered for transportation according to~~ 49 CFR 172.101 and 49 CFR 173.21~~;~~;
 - iii) ~~The~~ It is determined that the predominant hazard of the material containing an organic peroxide is other than that of an organic peroxide~~;~~; or
 - iv) According to data on file with the Pipeline and Hazardous Materials Safety Administration in the U.S. Department of Transportation, it has been determined that the material does not present a hazard in transportation~~.~~.
- b) A solid waste that exhibits the characteristic of ignitability has the USEPA hazardous waste number of D001.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 721.124 Toxicity Characteristic

- a) A solid waste (except manufactured gas plant waste) exhibits the characteristic of toxicity if, using Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, USEPA publication number EPA-530/SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111(a), the extract from a representative sample of the waste contains any of the contaminants listed in the table in subsection (b) at a concentration equal to or greater than the respective value given in that table. ~~If Where~~ the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Method 1311, is ~~considered to be~~ the extract for ~~the purpose of~~ this Section.

BOARD NOTE: The reference to the “EP toxicity test” in 35 Ill. Adm. Code 808.410(b)(4) is to be understood as referencing the test required by this Section.

- b) A solid waste that exhibits the characteristic of toxicity has the USEPA hazardous waste number specified in the following table that corresponds to the toxic contaminant causing it to be hazardous.

MAXIMUM CONCENTRATION OF CONTAMINANTS FOR THE TOXICITY CHARACTERISTIC

| USEPA Hazardous Waste No. | Contaminant | CAS Number | Note | Regulatory Level (mg/ℓ) |
|---------------------------------|----------------------|------------|------|----------------------------|
| D004 | Arsenic | 7440-38-2 | | 5.0 |
| D005 | Barium | 7440-39-3 | | 100.0 |
| D018 | Benzene | 71-43-2 | | 0.5 |
| D006 | Cadmium | 7440-43-9 | | 1.0 |
| D019 | Carbon tetrachloride | 56-23-5 | | 0.5 |
| D020 | Chlordane | 57-74-9 | | 0.03 |
| D021 | Chlorobenzene | 108-90-7 | | 100.0 |
| D022 | Chloroform | 67-66-3 | | 6.0 |
| D007 | Chromium | 7440-47-3 | | 5.0 |
| D023 | o-Cresol | 95-48-7 | 2 | 200.0 |
| D024 | m-Cresol | 108-39-4 | 2 | 200.0 |
| D025 | p-Cresol | 106-44-5 | 2 | 200.0 |
| D026 | Cresol | | 2 | 200.0 |
| D016 | 2,4-D | 94-75-7 | | 10.0 |
| D027 | 1,4-Dichlorobenzene | 106-46-7 | | 7.5 |
| D028 | 1,2-Dichloroethane | 107-06-2 | | 0.5 |
| D029 | 1,1-Dichloroethylene | 75-35-4 | | 0.7 |

| | | | | |
|------|------------------------------|-----------|---|-------|
| D030 | 2,4-Dinitrotoluene | 121-14-2 | 1 | 0.13 |
| D012 | Endrin | 72-20-8 | | 0.02 |
| D031 | Heptachlor (and its epoxide) | 76-44-8 | | 0.008 |
| D032 | Hexachlorobenzene | 118-74-1 | 1 | 0.13 |
| D033 | Hexachlorobutadiene | 87-68-3 | | 0.5 |
| D034 | Hexachloroethane | 67-72-1 | | 3.0 |
| D008 | Lead | 7439-92-1 | | 5.0 |
| D013 | Lindane | 58-89-9 | | 0.4 |
| D009 | Mercury | 7439-97-6 | | 0.2 |
| D014 | Methoxychlor | 72-43-5 | | 10.0 |
| D035 | Methyl ethyl ketone | 78-93-3 | | 200.0 |
| D036 | Nitrobenzene | 98-95-3 | | 2.0 |
| D037 | Pentachlorophenol | 87-86-5 | | 100.0 |
| D038 | Pyridine | 110-86-1 | 1 | 5.0 |
| D010 | Selenium | 7782-49-2 | | 1.0 |
| D011 | Silver | 7440-22-4 | | 5.0 |
| D039 | Tetrachloroethylene | 127-18-4 | | 0.7 |
| D015 | Toxaphene | 8001-35-2 | | 0.5 |
| D040 | Trichloroethylene | 79-01-6 | | 0.5 |
| D041 | 2,4,5-Trichlorophenol | 95-95-4 | | 400.0 |
| D042 | 2,4,6-Trichlorophenol | 88-06-2 | | 2.0 |
| D017 | 2,4,5-TP (Silvex) | 93-72-1 | | 1.0 |
| D043 | Vinyl chloride | 75-01-4 | | 0.2 |

Notes to Table:

- 1 Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.
- 2 If o-, m-, p-cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200.0 mg/l.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

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

PART 722
 STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

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| 722.105 | Electronic Reporting |
| 722.110 | Purpose, Scope, and Applicability |
| 722.111 | Hazardous Waste Determination |
| 722.112 | USEPA Identification Numbers (Repealed) |
| 722.113 | Generator Category Determination |
| 722.114 | Conditions for Exemption for a Very Small Quantity Generator |
| 722.115 | Satellite Accumulation Area Regulations for a Small Quantity Generator or Large Quantity Generator |
| 722.116 | Conditions for Exemption for a Small Quantity Generator That Accumulates Hazardous Waste |
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| 722.118 | USEPA Identification Numbers and Re-Notification for a Small Quantity Generator or Large Quantity Generator |

SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

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| 722.125 | Electronic Manifest Signatures |
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SUBPART C: PRE-TRANSPORT REQUIREMENTS APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

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SUBPART D: RECORDKEEPING AND REPORTING REQUIREMENTS APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

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| 722.140 | Recordkeeping |
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| | |
|---------|---|
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| 722.151 | Definitions (Repealed) |
| 722.152 | General Requirements (Repealed) |
| 722.153 | Notification of Intent to Export (Repealed) |
| 722.154 | Special Manifest Requirements (Repealed) |
| 722.155 | Exception Report (Repealed) |
| 722.156 | Annual Reports (Repealed) |
| 722.157 | Recordkeeping (Repealed) |
| 722.158 | International Agreements (Repealed) |
| 722.160 | Imports of Hazardous Waste (Repealed) |

SUBPART G: FARMERS

| | |
|---------|---------|
| Section | |
| 722.170 | Farmers |

SUBPART H: TRANSBOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL

| | |
|---------|--|
| Section | |
| 722.180 | Applicability |
| 722.181 | Definitions |
| 722.182 | General Conditions |
| 722.183 | Exports of Hazardous Waste |
| 722.184 | Imports of Hazardous Waste |
| 722.185 | Contracts (Repealed) |
| 722.186 | Provisions Relating to Recognized Traders (Repealed) |
| 722.187 | Reporting and Recordkeeping (Repealed) |
| 722.189 | OECD Waste Lists (Repealed) |

SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS WASTE DETERMINATION AND ACCUMULATION OF UNWANTED MATERIAL FOR LABORATORIES OWNED BY ELIGIBLE ACADEMIC ENTITIES

| | |
|---------|--|
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| 722.300 | Definitions |
| 722.301 | Applicability |
| 722.302 | Opting into the Subpart K Requirements |
| 722.303 | Notice of Election into the Subpart K Requirements |
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| 722.305 | Summary of the Requirements of this Subpart K |
| 722.306 | Container Standards in the Laboratory |
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| 722.308 | Removing Unwanted Material from the Laboratory |

- 722.309 Hazardous Waste Determination and Removal of Unwanted Material from the Laboratory
- 722.310 Hazardous Waste Determination in the Laboratory
- 722.311 Hazardous Waste Determination at an On-Site Central Accumulation Area
- 722.312 Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal Facility
- 722.313 Laboratory Clean-Outs
- 722.314 Laboratory Management Plan
- 722.315 Unwanted Material That Is Not Solid Waste or Hazardous Waste
- 722.316 Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity

SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION

Section

- 722.330 Applicability
- 722.331 Definitions for this Subpart L
- 722.332 Conditions for a Generator Managing Hazardous Waste from an Episodic Event
- 722.333 Request to Manage One Additional Episodic Event Per Calendar Year

SUBPART M: PREPAREDNESS, PREVENTION, AND EMERGENCY PROCEDURES FOR LARGE QUANTITY GENERATORS

Section

- 722.350 Applicability
- 722.351 Maintenance and Operation of Facility
- 722.352 Required Equipment
- 722.353 Testing and Maintenance of Equipment
- 722.354 Access to Communications or Alarm System
- 722.355 Required Aisle Space
- 722.356 Arrangements with Local Authorities
- 722.360 Purpose and Implementation of Contingency Plan
- 722.361 Content of Contingency Plan
- 722.362 Copies of Contingency Plan
- 722.363 Amendment of Contingency Plan
- 722.364 Emergency Coordinator
- 722.365 Emergency Procedures

722.APPENDIX A Hazardous Waste Manifest (Repealed)

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at

10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg. 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18817, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17888, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8773, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17763, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1700, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11717, effective August 9, 2016; recodified at 42 Ill. Reg. 11553; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22047, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 563, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5955, May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15263, effective September 3, 2020; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg. _____, effective _____.

Section 722.181 Definitions

In addition to the definitions in 35 Ill. Adm. Code 720.110, the following definitions apply to [this](#) Subpart H and to other provisions within [this](#) Part 722 as specifically indicated:

[“Amber control procedures”](#) means the controls listed in Section D of Annex A ([“Amber Control Procedure”](#)) to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: The Board added this definition.

[“Amber waste”](#) means a waste listed in Appendix 4 ([“List of Wastes Subject to the Amber Control Procedure”](#)) to Annex A and in Annex C ([“OECD Consolidated List of Wastes Subject to the Amber Control Procedure”](#)) to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: The Board added this definition.

[“Competent authority”](#) means the regulatory authority or authorities of countries concerned having jurisdiction over transboundary movements of wastes.

BOARD NOTE: Under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention), party countries are required to establish or designate competent authorities to facilitate implementation of the Convention. Basel Convention, art. 5 (as amended through May 27, 2014). The Basel Convention, United Nations Environment Programme maintains an on-line list of competent authorities by country: <http://www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx>.

““Countries concerned”” means the countries of export or import and any countries of transit. Use of singular ““concerned country”” is contemplated within this definition if the text refers only to a single country.

““Country of export”” means any country from which a transboundary movement of hazardous waste is planned to be initiated or is initiated.

““Country of import”” means any country to which a transboundary movement of hazardous waste is planned or takes place for the purpose of submitting the waste to recovery or disposal operations in that country.

““Country of transit”” means any country other than the country of export or country of import across which a transboundary movement of waste is planned to be initiated or takes place.

““Disposal operations”” means activities that do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use, or alternate uses, which include the following:

- D1 Release or Deposit into or onto land, other than by any of operations D2 through D5 or D12.
- D2 Land treatment, such as biodegradation of liquids or sludges in soils.
- D3 Deep injection, such as injection into wells, salt domes, or naturally occurring repositories.
- D4 Surface impoundment, such as placing of liquids or sludges into pits, ponds, or lagoons.
- D5 Specially engineered landfill, such as placement into lined discrete cells that are capped and isolated from one another and the environment.
- D6 Release into a water body other than a sea or ocean, and other than by operation D4.

- D7 Release into a sea or ocean, including sea-bed insertion, other than by operation D4.
- D8 Biological treatment not specified elsewhere in operations D1 through D12 that results in final compounds or mixtures that are discarded by means of any of operations D1 through D12.
- D9 Physical or chemical treatment not specified elsewhere in operations D1 through D12, such as evaporation, drying, calcination, neutralization, or precipitation, that results in final compounds or mixtures that are discarded by means of any of operations D1 through D12.
- D10 Incineration on land.
- D11 Incineration at sea.
- D12 Permanent storage.
- D13 Interim Bblending or mixing, prior to any of operations D1 through D12.
- D14 Interim Repackaging, prior to any of operations D1 through ~~D13~~D12.
- D15 Interim storage, prior to any of operations D1 through D12 ~~(for transboundary movements other than with Canada).~~
- DC15 Release, including the venting of compressed or liquified gases, or treatment, other than by any of operations D1 to D12 (for transboundary movements with Canada only).
- DC16 Testing of a new technology to dispose of a hazardous waste (for transboundary movements with Canada only).
- ~~DC17 Interim storage, prior to any of operations D1 through D12 (for transboundary movements with Canada only).~~

“Export” means the transportation of hazardous waste from a location under the jurisdiction of the United States to a location under the jurisdiction of another country, or a location not under the jurisdiction of any country, for the purposes of recovery or disposal operations at the destination.

“Exporter” (designated as “primary exporter” in the certification statement on the RCRA hazardous waste manifest (USEPA Form 8700-22)) means either the person domiciled in the United States that originates the movement document in

~~compliance accordance~~ with Section 722.183(d) or the manifest in ~~compliance accordance~~ with Subpart B specifying a foreign receiving facility as the destination of the hazardous waste or any recognized trader that proposes export of the hazardous wastes for recovery or disposal operations in the country of import.

"Foreign exporter" means the person under the jurisdiction of the country of export that has, or will have at the time the planned transboundary movement ~~startseommences~~, possession or other forms of legal control of the hazardous waste and that proposes shipment of hazardous waste to the United States for recovery or disposal operations.

"Foreign importer" means the person assigned possession or other form of legal control of the hazardous waste ~~once upon receipt of~~ the exported hazardous waste is received in the country of import.

"Foreign receiving facility" means a facility that operates or is authorized to operate under the importing country's ~~applicable~~ domestic law to receive the hazardous wastes and to perform recovery or disposal operations on them.

"Green control procedures" means the controls listed in Section C of Annex A ("Green Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: The Board added this definition.

"Green waste" means a waste listed in Appendix 3 ("List of Wastes Subject to the Green Control Procedures") to Annex A and in Annex B ("OECD Consolidated List of Wastes Subject to the Green Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: The Board added this definition.

"Import" means the transportation of hazardous waste from a location under the jurisdiction of another country to a location under the jurisdiction of the United States for the ~~purposes of~~ recovery or disposal operations at the destination.

"Importer" means the person that is assigned possession or other form of legal control of the hazardous waste at the time the imported hazardous waste is received in the United States.

"OECD" means the Organisation for Economic Co-operation and Development.

"OECD area" means all land or marine areas under the national jurisdiction of any OECD member country. When the regulations refer to shipments to or from an OECD member country, this means OECD area.

““OECD Guidance Manual”” means ““Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, As Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations””, 2009 (also called ““Guidance Manual for the Control of Transboundary Movements of Recoverable Materials”” in OECD documents), but only the segments incorporated by reference in 35 Ill. Adm. Code 722.111(a), which ~~state set forth~~ the substantive requirements of OECD decision C(2001)107/FINAL, as amended by C(2004)20; C(2005)141 and C(2008)156.

BOARD NOTE: The Board added this definition. Although USEPA conventionally refers to the OECD requirements by the designation ““C(2001)107/FINAL””, USEPA incorporated the OECD Guidance Manual by reference for the substance of the OECD requirements. The substance of the OECD requirements requires reference to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention) for full meaning, and the OECD Guidance Manual includes Annexes A through C, which present the full text of OECD decision C(2001)107/FINAL and the Basel Convention. For these reasons, the Board refers directly to the OECD Guidance Manual and incorporates Annexes A through C of the Guidance Manual by reference.

““OECD member country”” means any of the countries that are members of the OECD and participate in the OECD Guidance Manual.

BOARD NOTE: Corresponding 40 CFR 262.81 states that USEPA provides a list of OECD member countries on the Internet. (<https://www.epa.gov/hwgenerators/international-agreements-transboundary-shipments-hazardous-waste#oecd>).

““Receiving facility”” means a facility within the jurisdiction of the United States that operates or is authorized to operate to receive hazardous wastes and to perform recovery or disposal operations on them under RCRA and other ~~applicable~~ domestic laws.

““Recognized trader”” means a person that, with appropriate authorization of countries concerned, acts in the role of principal to purchase and subsequently sell wastes; this person has legal control of ~~the such~~ wastes from time of purchase to time of sale; ~~the such a~~ person may act to arrange and facilitate transboundary movements of wastes destined for recovery operations.

““Recovery facility”” means a facility that, under ~~applicable~~ domestic law, is operating or is authorized to operate in the country of import to receive wastes and to perform recovery operations on them.

““Recovery operations”” means activities leading to resource recovery, recycling, reclamation, direct re-use, or alternative uses, which include the following types of operations:

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy,
- R2 Solvent reclamation or regeneration,
- R3 Recycling or reclamation of organic substances that are not used as solvents,
- R4 Recycling or reclamation of metals and metal compounds,
- R5 Recycling or reclamation of other inorganic materials,
- R6 Regeneration of acids or bases,
- R7 Recovery of components used for pollution abatement,
- R8 Recovery of components from used catalysts,
- R9 Used oil re-refining or other reuses of previously used oil,
- R10 Land treatment resulting in benefit to agriculture or ecological improvement,
- R11 Uses of residual materials obtained from any of the operations numbered R1 through R10 or RC 1 (for transboundary shipments other than with Canada),
- R12 Interim E Exchange of wastes before recycling using for submission to any of the operations numbered R1 through R11 or RC 1 (for transboundary shipments other than with Canada), and
- R13 Interim A Accumulation of material intended for any operation numbered R1 through R12 1 or RC 1 (for transboundary shipments other than with Canada).
- RC14 Recovery or regeneration of a substance or use or re-use of a recyclable material, other than by any of operations R1 through R10 (for transboundary shipments with Canada only).
- ~~RC15~~ RC2 Testing of a new technology to recycle a hazardous recyclable material (for transboundary shipments with Canada only).
- ~~RC3-16~~ RC14 Interim storage prior to any of operations R1 through R11 or RC14 (for transboundary shipments with Canada only).

“Transboundary movement” means any movement of hazardous wastes from an area under the national jurisdiction of one country to an area under the national jurisdiction of another country.

“USEPA Acknowledgment of Consent” or “AOC” means the letter USEPA sends to the exporter documenting the specific terms of the country of import’s consent and any countries of transit’s consents.

BOARD NOTE: Corresponding 40 CFR 262.81 provides that the AOC meets the definition of “export license” in 15 CFR 30.1.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 722.183 Exports of Hazardous Waste

- a) General Export Requirements. Except as provided in subsections (a)(5) and (a)(6), an exporter that receives an AOC from USEPA before December 31, 2016 is subject to that approval and the requirements listed in the AOC as they existed at the time of that approval until the approval period expires. All other exports of hazardous waste are prohibited unless the following conditions are fulfilled:
 - 1) The exporter complies with the contract requirements in subsection (f);
 - 2) The exporter complies with the notification requirements in subsection (b);
 - 3) The exporter receives an AOC from USEPA documenting consent from the countries of import and transit (and original country of export if exporting previously imported hazardous waste);
 - 4) The exporter ensures compliance with the movement documents requirements in subsection (d);
 - 5) The exporter ensures compliance with the manifest instructions for export shipments in subsection (c); and
 - 6) The exporter or a U.S. authorized agent must submit electronic export information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in ~~compliance accordance~~ with 15 CFR 30.4(b), incorporated by reference in 35 Ill. Adm. Code 720.111, and includes the following items in the EEI, along with the other information required under 15 CFR 30.6, incorporated by reference in 35 Ill. Adm. Code 720.111:
 - A) The USEPA license code;

- B) The commodity classification code for each hazardous waste per 15 CFR 30.6(a)(12), incorporated by reference in 35 Ill. Adm. Code 720.111;
- C) The USEPA consent number for each hazardous waste;
- D) The country of ultimate destination code per 15 CFR 30.6(a)(5), incorporated by reference in 35 Ill. Adm. Code 720.111;
- E) The date of export per 15 CFR 30.6(a)(2), incorporated by reference in 35 Ill. Adm. Code 720.111;
- F) The RCRA hazardous waste manifest tracking number, if required;
- G) The quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 CFR 30.6(a)(15), incorporated by reference in 35 Ill. Adm. Code 720.111; or
- H) The USEPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

b) Notifications

- 1) General Notifications. At least 60 days before the first shipment of hazardous waste is expected to leave the United States, the exporter must provide notification in English to USEPA of the proposed transboundary movement. Notifications must be submitted electronically using USEPA's Waste Import Export Tracking System (WIETS), or its successor system. The notification may cover up to one year of shipments of one or more hazardous wastes being sent to the same recovery or disposal facility, and the notification must include all of the following information:
 - A) The exporter name and USEPA identification number, address, telephone, fax numbers, and email address;
 - B) The foreign receiving facility name, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;

- C) The foreign importer name (if not the owner or operator of the foreign receiving facility), address, telephone, fax numbers, and email address;
- D) The intended transporters or their agents; address, telephone, fax, and email address;
- E) "U.S." as the country of export name, "USA01" as the relevant competent authority code, and the intended U.S. ports of exit;
- F) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and the ports of entry and exit for each country of transit;
- G) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and port of entry for the country of import;
- H) A statement of whether the notification covers a single shipment or multiple shipments;
- I) The start and end dates requested for transboundary movements;
- J) The planned means of transport;
- K) A description of each hazardous waste, including whether each hazardous waste is regulated universal waste under 35 Ill. Adm. Code 733, spent lead-acid batteries being exported for recovery of lead under Subpart G of 35 Ill. Adm. Code 726, or industrial ethyl alcohol being exported for reclamation under 35 Ill. Adm. Code 721.106(a)(3)(A); the estimated total quantity of each waste in either metric tons or cubic meters; the applicable USEPA hazardous waste numbers for each hazardous waste; the applicable waste code from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each waste;
- L) Specification of the recovery or disposal operations, as defined in Section 722.181.
- M) A declaration and certification signed by the exporter that states as follows:

I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.

Name:

Signature:

Date:

BOARD NOTE: The United Nations Environment Programme, Basel Convention maintains an on-line list of competent authorities by country (www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx). The European Commission maintains a list of competent authorities for European Union members (ec.europa.eu/environment/waste/shipments/pdf/list_competent_authorities.pdf).

- 2) Exports to Pre-Consented Recovery Facilities in OECD Member Countries. If the recovery facility is located in an OECD member country and has been pre-consented by the competent authority of the OECD member country to recover the waste sent by exporters located in other OECD member countries, the notification may cover up to three years of shipments. A notification proposing export to a preconsented facility in an OECD member country must include all information listed in subsections (b)(1)(A) through (b)(1)(M) and additionally state that the facility is preconsented. The exporter must submit the notification to USEPA using the ~~allowable~~ methods listed in subsection (b)(1) at least ten days before the first shipment is expected to leave the United States.
- 3) Notifications Listing Interim Recycling Operations or Interim Disposal Operations. If the foreign receiving facility listed in subsection (b)(1)(B) will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, the notification submitted according to subsection (b)(1) must also include the final foreign recovery or disposal facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12 the final foreign recovery or disposal facility will employ. For transboundary movements to Canada, in addition to the ~~foregoing~~ foreign receiving facilities listed in subsection (b)(1)(B), if the foreign receiving facility will engage in interim recovery operations ~~RC16~~ or interim disposal operations ~~DC17~~, the notification submitted according to subsection (b)(1) must also include the final foreign recovery or disposal facility name, address, telephone, fax

numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11, RC~~141~~ to RC~~215~~, D1 through D12, and DC1~~5~~ to ~~DC16-DC2~~ the final foreign recovery or disposal facility will employ. The recovery and disposal operations in this subsection are defined in Section 722.181.

- 4) Renotifications. When the exporter wishes to change any of the information specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters), the exporter must submit a renotification of the changes to USEPA using the ~~allowable~~ methods in subsection (b)(1). Any shipment using the requested changes cannot take place until the countries of import and transit consent to the changes and the exporter receives an USEPA AOC letter documenting the countries' consents to the changes.
- 5) If the proposed country of import and recovery or disposal operations are not covered under an international agreement to which both the United States and the country of import are parties, USEPA will coordinate with the Department of State to provide the complete notification to the country of import and any countries of transit. In all other cases, USEPA will provide the notification directly to the country of import and any countries of transit. A notification is complete when USEPA receives a notification that USEPA determines satisfies the requirements of subsections (b)(1)(A) through (b)(1)(M).
- 6) If the countries of import and transit consent to the proposed transboundary movements of the hazardous wastes, USEPA will forward an USEPA AOC letter to the exporter documenting the countries' consents. Where any of the countries of import and transit objects to the proposed transboundary movements of the hazardous waste or withdraws a prior consent, USEPA stated that it will notify the exporter.
- 7) Export of hazardous wastes for recycling or disposal operations that were originally imported into the United States for recycling or disposal operations in a third country is prohibited unless an exporter in the United States complies with the export requirements in Section 722.183, including providing notification to USEPA in ~~compliance accordance~~ with subsection (b)(1). In addition to listing all required information in subsections (b)(1)(A) through (b)(1)(M), the exporter must provide the original consent number issued for the initial import of the wastes in the notification, and receive an AOC from USEPA documenting the consent of the competent authorities in new country of import, the original country of export, and any transit countries prior to reexport.

- 8) Upon request by USEPA, the exporter must furnish to USEPA any additional information which the country of import requests ~~in order~~ to respond to a notification.
- c) RCRA Manifest Instructions for Export Shipments. The exporter must comply with the manifest requirements of Sections 722.120 through 722.123, with the following exceptions:
- 1) (Block 8): ~~Instead of In lieu of~~ the name, site address and USEPA ID number of the designated facility, the exporter must enter the name and site address of the foreign receiving facility;
 - 2) (Block 16): In the International Shipments block, the exporter must check the export box and enter the port of exit (city and state) from the United States.
 - 3) The exporter must list the consent number from the AOC for each hazardous waste listed on the manifest, matched to the relevant list number for the hazardous waste from block 9b. If additional space is needed, the exporter should use Continuation Sheets (USEPA Form 8700–22A).
 - 4) The exporter may obtain the manifest from any source that is registered with the USEPA as a supplier of manifests (e.g., a state, a waste handler, or a commercial forms printer).
BOARD NOTE: USEPA maintains a listing of registered sources at <https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry>
- d) Movement Document Requirements for Export Shipments
- 1) An exporter must ensure that a movement document meeting the conditions of subsection (d)(2) accompanies each transboundary movement of hazardous wastes from the initiation of the shipment until the wastes reach the foreign receiving facility, including cases where the hazardous waste is stored or sorted by the foreign importer ~~before prior to~~ shipment to the foreign receiving facility, except as follows:
 - A) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the exporter must forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if exported by water.
 - B) For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the

exporter must forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if exported by rail.

- 2) The movement document must include the following:
 - A) The corresponding consent numbers and USEPA hazardous waste numbers for the listed hazardous waste from the relevant USEPA AOCs;
 - B) The shipment number and the total number of shipments from the USEPA AOC;
 - C) The exporter name and USEPA identification number, address, telephone, fax numbers, and email address;
 - D) The foreign receiving facility name, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;
 - E) The foreign importer name (if not the owner or operator of the foreign receiving facility), address, telephone, fax numbers, and email address;
 - F) A description of each hazardous waste; the quantity of each hazardous waste in the shipment; the applicable hazardous waste numbers for each hazardous waste; the applicable OECD waste code for each hazardous waste from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each hazardous waste;
 - G) The date movement ~~started~~[commenced](#);
 - H) The name (if not exporter), address, telephone, fax numbers, and email of company originating the shipment;
 - I) The company name, USEPA identification number, address, telephone, fax, and email address of each transporter;
 - J) Identification (license, registered name, or registration number) of means of transport, including types of packaging;
 - K) Any special precautions to be taken by transporters;

- L) A declaration and certification signed and dated by the exporter that the information in the movement document is complete and correct;
 - M) The appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the foreign receiving facility);
 - N) Each U.S. person that has physical custody of the hazardous waste from the time the movement ~~starts commences~~ until it arrives at the foreign receiving facility must sign the movement document (e.g., transporter, foreign importer, and owner or operator of the foreign receiving facility); and
 - O) As part of the contract requirements ~~in per~~ subsection (f), the exporter must require that the foreign receiving facility send a copy of the signed movement document to the competent authorities of the countries of import and transit to confirm receipt within three working days of shipment delivery to the exporter. The exporter must additionally require that the foreign receiving facility send a copy to USEPA at the same time using the WIETS described in subsection (b)(1).
- e) **Duty to Return or Re-Export Hazardous Wastes.** When a transboundary movement of hazardous wastes cannot be completed in ~~compliance accordance~~ with the terms of the contract or the consents and alternative arrangements cannot be made to recover or dispose of the waste in an environmentally sound manner in the country of import, the exporter must ensure that the hazardous waste is returned to the United States or reexported to a third country. If the waste must be returned, the exporter must provide for the return of the hazardous waste shipment within ninety days from the time the country of import informs USEPA of the need to return the waste or ~~such~~ other period of time as the concerned countries agree. In all cases, the exporter must submit an exception report to USEPA in ~~compliance accordance~~ with subsection (h).
- f) **Export Contract Requirements**
- 1) Exports of hazardous waste are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). A contract or equivalent arrangements for export of hazardous waste must be executed by the exporter, foreign importer (if different from the foreign receiving facility), and the owner or operator of the foreign receiving facility. The contract or equivalent arrangements must specify responsibilities for each of the exporter, the

foreign importer, and the owner or operator of the foreign receiving facility. A contract or equivalent arrangements is valid for the purposes only if each person assuming obligations under the contracts or equivalent arrangements has appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.

- 2) A contract or equivalent arrangements must specify the name and USEPA identification number of the following:
 - A) The company from where each export shipment of hazardous waste is initiated;
 - B) Each person who will have physical custody of the hazardous wastes;
 - C) Each person who will have legal control of the hazardous wastes; and
 - D) The foreign receiving facility.

- 3) A contract or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the hazardous waste if its disposition cannot be carried out as described in the notification of intent to export. For this contingency, contracts must specify the following:
 - A) That the transporter or foreign receiving facility ~~in having actual possession of~~ or physical control over the hazardous wastes will immediately inform the exporter, USEPA, and either the competent authority of the country of transit or the competent authority of the country of import of the need to make alternate management arrangements; and
 - B) That the person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations, including arranging the return of hazardous wastes, providing the notification for re-export to the competent authority in the country of import, including the equivalent of the information required in subsection (b)(1) and the original consent number issued for the initial export of the hazardous wastes in the notification, and obtaining consent from USEPA and the competent authorities in the new country of import and any transit countries, as necessary, prior to re-export.

- 4) A contract must require that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working

days of shipment delivery to the exporter and to the competent authorities of the countries of import and transit. The contract must additionally require that the foreign receiving facility send a copy to USEPA at the same time using the WIETS described in subsection (b)(1).

- 5) A contract must require that the foreign receiving facility send a copy of the signed and dated confirmation of recovery or disposal to the exporter and to the competent authority of the country of import, as soon as possible, ~~within but no later than~~ thirty days after completing recovery or disposal on the waste in the shipment and ~~within no later than~~ one calendar year ~~after receiving following receipt of~~ the waste. The contract must additionally require that the foreign receiving facility send a copy to USEPA at the same time using the WIETS described in subsection (b)(1).
- 6) A contract must require that the foreign importer or the foreign receiving facility that performed interim recycling operations R12, R13, or ~~RC16~~RC3, or interim disposal operations D13 through D15 ~~or DC17~~, (recovery and disposal operations defined in 35 Ill. Adm. Code 722.181) do the appropriate of the following:
 - A) Provide the notification required in subsection (f)(3)(B) ~~before~~ ~~prior to~~ any re-export of the hazardous wastes to a final foreign recovery or disposal facility in a third country; and
 - B) Promptly send copies of the confirmation of recovery or disposal that it receives from the final foreign recovery or disposal facility to the competent authority of the country of import within one year of shipment delivery to the final foreign recovery or disposal facility that performed one of recovery operations R1 through R11, or ~~RC16~~RC1 or one of disposal operations D1 through D12, ~~DC15~~DC1, or ~~DC16~~DC2. The contracts must additionally require that the foreign facility send copies to USEPA at the same time using the WIETS described in subsection (b)(1).
- 7) A contract or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of the country of import and any countries of transit, in ~~compliance accordance~~ with ~~applicable~~ national or international law requirements.

BOARD NOTE: Financial guarantees required by competent ~~authorities~~ ~~authoritiess~~ are intended to provide for alternate recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out ~~as foreseen~~. The United States does not require ~~such~~ financial guarantees at this time; however, some OECD member countries and other foreign countries do. It is the responsibility of the exporter to ascertain

and comply with any foreign requirements; in some cases, persons or facilities located in those OECD member countries or other foreign countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

- 8) A contract or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of ~~this~~ Subpart H.
 - 9) Upon request by USEPA or the Agency, U.S. exporters, importers, or recovery facilities must submit to the requestor copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity).
- g) Annual Reports. The exporter must file an annual report with USEPA ~~by no later than~~ March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all ~~such~~ hazardous waste exported during the previous calendar year. ~~Before~~~~Prior to~~ December 31, 2018, the exporter must mail or hand-deliver annual reports to USEPA for all shipments made the previous calendar year using one of the appropriate of the addresses specified in Section 722.182(e), or submit to USEPA using the WIETS described in subsection (b)(1) if the exporter has electronically filed USEPA information in AES ~~under per~~ subsection (a)(6)(A)(i). Subsequently, the exporter must submit annual reports to USEPA using the WIETS described in subsection (b)(1). The annual report must include all ~~of~~ the following information:
- 1) The USEPA identification number, name, and mailing and site address of the exporter filing the report;
 - 2) The calendar year covered by the report;
 - 3) The name and site address of each foreign receiving facility;
 - 4) By foreign receiving facility, for each hazardous waste exported:
 - A) A description of the hazardous waste;
 - B) The applicable USEPA hazardous waste numbers (from Subpart C or D of 35 Ill. Adm. Code 721) for each waste;
 - C) The applicable waste code from the appropriate OECD waste list in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111;

- D) The applicable USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111;
- E) The name and USEPA identification number (where applicable) for each transporter used over the calendar year covered by the report; and
- F) The consent numbers under which the hazardous waste was shipped, and for each consent number, the total amount of the hazardous waste and the number of shipments exported during the calendar year covered by the report;

5) In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kg but less than 1,000 kg in a calendar month, and except for hazardous waste for which information was already provided ~~under pursuant to~~ Section 722.141:

- A) A description of the efforts ~~taken undertaken~~ during the year to reduce the volume and toxicity of the waste generated; and
- B) A description of the changes in volume and toxicity of the waste ~~actually~~ achieved during the year in comparison to previous years to the extent ~~the such~~ information is available for years ~~before prior to~~ 1984; and

6) A certification signed by the exporter that states:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

h) Exception Reports

1) The exporter must file an exception report ~~instead in lieu~~ of the requirements of Section 722.142 (if applicable) with USEPA if any of the following occurs:

- A) The exporter has not received a copy of the RCRA hazardous waste manifest (if applicable) signed by the transporter identifying the point of departure of the hazardous waste from the United

States within 45 days from the date hazardous waste was accepted by the initial transporter, in which case the exporter must file the exception report within the next 30 days;

- B) The exporter has not received a written confirmation of receipt from the foreign receiving facility in ~~compliance accordance~~ with subsection (d) within 90 days from the date the waste was accepted by the initial transporter in which case the exporter must file the exception report within the next 30 days; or
- C) The foreign receiving facility notifies the exporter, or the country of import notifies USEPA, of the need to return the shipment to the U.S. or arrange alternate management, in which case the exporter must file the exception report within 30 days of notification, or one day ~~before prior to~~ the date the return shipment ~~starts commences~~, whichever is sooner.

- 2) ~~Before Prior to~~ December 31, 2018, exception reports must be mailed or hand delivered to USEPA using the addresses listed in Section 722.182(e). Subsequently, exception reports must be submitted to USEPA using the WIETS described in subsection (b)(1).

i) Recordkeeping

- 1) The exporter must keep the following records in subsections (i)(1)(A) through (i)(1)(E) and provide them to USEPA or Agency personnel upon request:
 - A) A copy of each notification of intent to export and each USEPA AOC ~~for a period of~~ at least three years from the date the hazardous waste was accepted by the initial transporter;
 - B) A copy of each annual report ~~for a period of~~ at least three years from the due date of the report;
 - C) A copy of any exception reports and a copy of each confirmation of receipt (i.e., movement document) sent by the foreign receiving facility to the exporter for at least three years from the date the hazardous waste was accepted by the initial transporter;
 - D) A copy of each confirmation of recovery or disposal sent by the foreign receiving facility to the exporter for at least three years from the date that the foreign receiving facility completed interim or final processing of the hazardous waste shipment; and

E) A copy of each contract or equivalent arrangement established ~~per~~ under Section 722.185 for at least three years after the date the contract expired ~~from the expiration date of the contract~~ or equivalent arrangement.

- 2) The exporters may satisfy these recordkeeping requirements by keeping ~~retaining~~ electronically submitted documents in the exporter's account on USEPA's WIETS, if the provided that copies are readily available for viewing and production if requested by any USEPA or Agency inspector. An ~~No~~ exporter may not be held liable for the inability to produce the such documents for inspection under this section if the exporter can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS for which the exporter has ~~bears~~ no responsibility.
- 3) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by USEPA or the Agency.

BOARD NOTE: Any Agency request for extended records retention under ~~this~~ subsection (i)(3) is subject to Board review underpursuant to Section 40 of the Act.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 722.184 Imports of Hazardous Waste

a) General Import Requirements

- 1) ~~With the exception of~~ Except for subsection (a)(5), the importer of a shipment covered under a consent from USEPA to the country of export issued before December 31, 2016 is subject to that approval and the requirements that existed at the time of that approval until ~~such time~~ the approval period expires. Otherwise, any person that imports hazardous waste from a foreign country into the United States must comply with the requirements of this Part and the special requirements of this Subpart H.
- 2) Where the country of export does not require the foreign exporter to submit a notification and obtain consent to the export prior to shipment, the importer must submit a notification to USEPA in compliance ~~accordance~~ with subsection (b).
- 3) The importer must comply with the contract requirements in subsection (f).

- 4) The importer must ensure compliance with the movement documents requirements in subsection (d); and
 - 5) The importer must ensure compliance with the manifest instructions for import shipments in subsection (c).
- b) Notifications. Where the competent authority of the country of export does not regulate the waste as hazardous waste and, ~~thus,~~ does not require the foreign exporter to submit ~~to it~~ a notification proposing export and obtain consent from USEPA and the competent authorities for the countries of transit, but USEPA does regulate the waste as hazardous waste, the following requirements apply:
- 1) The importer is required to provide notification in English to USEPA of the proposed transboundary movement of hazardous waste at least sixty days before the first shipment is expected to depart the country of export. A notification submitted prior to the electronic import-export reporting compliance date must be mailed or hand delivered to USEPA at the addresses specified in Section 722.182(e). Notifications submitted on or after the electronic import-export reporting compliance date must be submitted electronically using USEPA's WIETS. The notification may cover up to one year of shipments of one or more hazardous wastes being sent from the same foreign exporter, and must include all ~~of~~ the following information:
 - A) The foreign exporter name, address, telephone, fax numbers, and email address;
 - B) The receiving facility name, USEPA identification number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;
 - C) The importer name (if not the owner or operator of the receiving facility), USEPA identification number, address, telephone, fax numbers, and email address;
 - D) The intended transporters or their agents; address, telephone, fax, and email address;
 - E) "U.S." as the country of import, "USA01" as the relevant competent authority code, and the intended U.S. ports of entry;
 - F) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 codecode, any code for the OECD/Basel competent authority, and the ports of entry and exit for each country of transit;

- G) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and port of exit for the country of export;
- H) A statement of whether the notification covers a single shipment or multiple shipments;
- I) The start and end dates requested for transboundary movements;
- J) The planned means of transport;
- K) A description of each hazardous waste, including whether each hazardous waste is regulated universal waste under 35 Ill. Adm. Code 733, spent lead-acid batteries being exported for recovery of lead under Subpart G of 35 Ill. Adm. Code 726, or industrial ethyl alcohol being exported for reclamation under 35 Ill. Adm. Code 721.106(a)(3)(A); the estimated total quantity of each hazardous waste; the applicable USEPA hazardous waste numbers for each hazardous waste; the applicable waste code from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each hazardous waste;
- L) Specification of the recovery or disposal operations, as defined in Section 722.181; and
- M) A declaration and certification signed by the exporter that states [the following as follows](#):

I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.

Name:

Signature:

Date:

BOARD NOTE: The United States does not currently require financial assurance for these waste shipments.

BOARD NOTE: The United Nations Environment Programme, Basel Convention maintains an on-line list of competent authorities by country (www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx). The European Commission maintains a list of competent authorities for European Union members (ec.europa.eu/environment/waste/shipments/pdf/list_competent_authorities.pdf).

- 2) Notifications Listing Interim Recycling Operations or Interim Disposal Operations. If the receiving facility listed in subsection (b)(1)(B) will engage in any of the interim recovery operations R12, ~~or R13,~~ or [RC3](#) or interim disposal operations D13 through D15, the notification submitted according to subsection (b)(1) must also include the final recovery or disposal facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11, [RC1](#), and D1 through D12, will be employed at the final recovery or disposal facility. The recovery and disposal operations in this subsection are defined in Section 722.181.
- 3) Renotifications. ~~When-If~~ the foreign exporter wishes to change any of the conditions specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters), the importer must submit a renotification of the changes to USEPA using the [allowable](#) methods in subsection (b)(1). Any shipment using the requested changes cannot take place until USEPA and the countries of transit consent to the changes and the importer receives an USEPA AOC letter documenting the consents to the changes.
- 4) A notification is complete when USEPA determines the notification satisfies the requirements of subsections (b)(1)(A) through (b)(1)(M).
- 5) ~~Where-If~~ USEPA and the countries of transit consent to the proposed transboundary movements of the hazardous wastes, USEPA will forward an USEPA AOC letter to the importer documenting the countries' consents and USEPA's consent. ~~Where-If~~ any of the countries of transit or USEPA objects to the proposed transboundary movements of the hazardous waste or withdraws a prior consent, USEPA will notify the importer.
- 6) Export of Hazardous Wastes Originally Imported into the United States. Export of hazardous wastes that were originally imported into the United States for recycling or disposal operations is prohibited unless an exporter in the United States complies with the export requirements in Section 722.183(b)(7).

c) RCRA Manifest Instructions for Import Shipments

- 1) When importing hazardous waste, the importer must meet all the requirements of Section 722.120 for the manifest, with the following exceptions:
 - A) (Block 5): In place of the generator's name, address and USEPA identification number, the name and address of the foreign generator and the importer's name, address and USEPA identification number must be used.
 - B) (Block 15): In place of the generator's signature on the certification statement, the importer or its agent must sign and date the certification and obtain the signature of the initial transporter.
- 2) The importer may obtain the manifest form from any source that is registered with the USEPA as a supplier of manifests (e.g., a state, a waste handler, or a commercial forms printer).
BOARD NOTE: USEPA maintains a listing of registered sources at <https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry>
- 3) In the International Shipments block (block 16), the importer must check the import box and enter the point of entry (city and state) into the United States.
- 4) The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to USEPA in [compliance](#) ~~accordance~~ with 35 Ill. Adm. Code 724.171(a)(3) and 725.171(a)(3).
- 5) ~~Instead In lieu~~ of the requirements of Section 722.120(d), ~~where if~~ a shipment cannot be delivered for any reason to the receiving facility, the importer must instruct the transporter in writing via fax, email, or mail to do the following:
 - A) Return the hazardous waste to the foreign exporter or designate another facility within the United States; and
 - B) Revise the manifest in accordance with the importer's instructions.

d) Movement Document Requirements for Import Shipments

- 1) The importer must ~~make sure ensure~~ that a movement document meeting the conditions of subsection (d)(2) accompanies each transboundary movement of hazardous wastes from the initiation of the shipment in the

country of export until it reaches the receiving facility, including cases in which the hazardous waste is stored or sorted by the importer ~~before~~ ~~prior~~ to shipment to the receiving facility, except as provided in subsections (d)(1)(A) and (d)(1)(B).

- A) For shipments of hazardous waste within the United States by water (bulk shipments only), the importer must forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if imported by water.
- B) For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the importer must forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if imported by rail.

2) The movement document must include the following:

- A) The corresponding USEPA AOC numbers and USEPA hazardous waste numbers for the listed waste;
- B) The shipment number and the total number of shipments under the USEPA AOC number;
- C) The foreign exporter name, address, telephone, fax numbers, and email address;
- D) The receiving facility name, USEPA identification number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;
- E) The importer name (if not the owner or operator of the receiving facility), USEPA identification number, address, telephone, fax numbers, and email address;
- F) A description of each hazardous waste, quantity of each hazardous waste in the shipment; the applicable hazardous waste numbers for each hazardous waste; the applicable waste code for each hazardous waste from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each hazardous waste;

- G) The date movement ~~started~~~~commenced~~;
 - H) The name (if not the foreign exporter), address, telephone, fax numbers, and email of the foreign company originating the shipment;
 - I) The company name, USEPA identification number, address, telephone, fax, and email address of all transporters;
 - J) Identification (license, registered name or registration number) of the means of transport, including types of packaging;
 - K) Any special precautions to be taken by transporters;
 - L) A declaration and certification signed and dated by the foreign exporter that the information in the movement document is complete and correct;
 - M) The appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the receiving facility);
 - N) Each person that has physical custody of the waste from the time the movement ~~starts~~ ~~commences~~ until it arrives at the receiving facility must sign the movement document (e.g., transporter, importer, and owner or operator of the receiving facility); and
 - O) The receiving facility must send a copy of the signed movement document to the competent authorities of the countries of export and transit to confirm receipt within three working days after shipment delivery to the foreign exporter. For shipments received on or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS.
- e) Duty to Return or Export Hazardous Wastes. ~~When-If~~ a transboundary movement of hazardous wastes cannot be completed in ~~compliance accordance~~ with the terms of the contract or the consents, the provisions of subsection (f)(4) apply. If alternative arrangements cannot be made to recover the hazardous waste in an environmentally sound manner in the United States, the hazardous waste must be returned to the country of export or exported to a third country. The provisions of subsection (b)(6) apply to any hazardous waste shipments to be exported to a third country. If the return shipment will cross any transit country, the return shipment may only occur after USEPA provides notification to and obtains consent from the competent authority of the country of transit, and provides a copy of that consent to the importer.

f) Import Contract Requirements

- 1) Imports of hazardous waste must occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). A contract or equivalent arrangements must specify responsibilities for each of the foreign exporter, the importer, and the owner or operator of the receiving facility, and each must execute the contract or equivalent arrangements. A contract or equivalent arrangements is valid for ~~the purposes of~~ hazardous waste import only if all persons assuming obligations under the contract or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.
- 2) Contracts or equivalent arrangements must specify the name and USEPA identification number, where available, of the following persons:
 - A) The foreign company from which each import shipment of hazardous waste is initiated;
 - B) Each person that will have physical custody of the hazardous wastes;
 - C) Each person that will have legal control of the hazardous wastes; and
 - D) The receiving facility.
- 3) A contract or equivalent arrangements must specify the use of a movement document in ~~compliance accordance~~ with Section 722.184(d).
- 4) A contract or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the hazardous waste if the wastes' disposition cannot be carried out as described in the notification of intent to export submitted by either the foreign exporter or the importer. In ~~these such~~ cases, the contract must specify ~~each of~~ the following:
 - A) That the transporter or receiving facility ~~in having actual~~ possession or physical control over the hazardous wastes will immediately inform the foreign exporter, the importer, and the competent authority where the shipment is located of the need to arrange alternate management or return; and
 - B) That the person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in

compliance with applicable laws and regulations, including arranging the return of the hazardous wastes, if necessary, providing the notification for re-export as required by Section 722.183(b)(7).

5) A contract must specify that the importer or the receiving facility performing interim recycling operations R12, R13, or ~~RC16-RC3~~ or interim disposal operations D13 through D15 ~~or DC15 through DC17~~, as appropriate, will provide the notification required by Section 722.183(b)(7) prior to the re-export of hazardous waste. The recovery and disposal operations in this subsection are defined in Section 722.181.

6) A contract or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any countries concerned, in ~~compliance accordance~~ with applicable national or international law requirements.

BOARD NOTE: Financial guarantees required by competent authorities are intended to provide for alternate recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require ~~such~~ financial guarantees at this time; however, some OECD Member countries or other foreign countries do. It is the responsibility of the importer to ascertain and comply with any financial requirements; in some cases, persons or facilities located in those countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

7) A contract or equivalent arrangements must contain provisions requiring each contracting party to comply with all ~~applicable~~ requirements of ~~this~~ Subpart H.

8) Upon request by USEPA, an importer or disposal or recovery facility must submit to USEPA copies of the contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity).

g) Confirmation of Recovery or Disposal. The receiving facility must do the following:

1) Send copies of the signed and dated confirmation of recovery or disposal to the foreign exporter and to the competent authority of the country of export, as soon as possible, ~~within but no later than~~ thirty days after completing recovery or disposal of the waste in the shipment and ~~within no later than~~ one calendar year ~~after receiving following receipt~~ of the waste. For shipments recycled or disposed of on or after the electronic

import-export reporting compliance date, reporting to USEPA must occur electronically using USEPA's WIETS.

- 2) If the receiving facility performed any of recovery operations R12, R13, or ~~RC163~~, or disposal operations D13 through D15, ~~or DC17~~, the receiving facility must promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or ~~RC14 RC1~~ to ~~RC15~~~~RC3~~, or one of disposal operations D1 through D12, or ~~DC15 DC1~~ to ~~DC16~~~~DC2~~, to the competent authority of the country of export within one year of shipment delivery. For confirmations received on or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS, or its successor system. The recovery and disposal operations in this subsection (g)(2) are defined in Section 722.181.

h) Recordkeeping

- 1) The importer must keep the following records and provide them to USEPA or the Agency upon request:
 - A) A copy of each notification that the importer sends to USEPA under subsection (b)(1) and each USEPA AOC the importer receives in response ~~for a period of~~ at least three years from the date the hazardous waste was accepted by the initial foreign transporter; and
 - B) A copy of each contract or equivalent arrangement established per subsection (f) for at least three years from the ~~date the contract expires~~ ~~expiration date of the contract~~ or equivalent arrangement.
- 2) The receiving facility must keep the following records:
 - A) A copy of each confirmation of receipt (i.e., movement document) that the receiving facility sends to the foreign exporter for at least three years from the date it received the hazardous waste;
 - B) A copy of each confirmation of recovery or disposal that the receiving facility sends to the foreign exporter for at least three years from the date that it completed processing the waste shipment;
 - C) For the receiving facility that performed any of recovery operations R12, R13, or ~~RC16~~~~RC3~~, or disposal operations D13 through D15, ~~or DC17~~ (recovery and disposal operations defined in Section 722.181), a copy of each confirmation of recovery or

disposal that the final recovery or disposal facility sent to the receiving facility for at least three years from the date that the final recovery or disposal facility completed processing the waste shipment; and

D) A copy of each contract or equivalent arrangement established ~~under per~~ subsection (f) for at least three years ~~from after the contract expires~~ ~~the expiration date of the contract~~ or equivalent arrangement.

3) An ~~importers-importer~~ or receiving facility may satisfy these recordkeeping requirements by ~~keeping retaining~~ electronically submitted documents in the importer's or receiving facility's account on USEPA's WIETS, ~~if the provided that~~ copies are readily available for viewing and production if requested by any USEPA or Agency inspector. ~~An No~~ importer or receiving facility may ~~not~~ be held liable for the inability to produce ~~thesueh~~ documents for inspection under this Section if the importer or receiving facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS for which the importer or receiving facility ~~has bears~~ no responsibility.

4) The periods of retention referred to in this Section are extended automatically during ~~the course of~~ any unresolved enforcement action regarding the regulated activity or as requested in writing by USEPA or the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (h)(4) is subject to Board review ~~under pursuant to~~ Section 40 of the Act.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

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

PART 724
STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
724.101

Purpose, Scope, and Applicability

- 724.103 Relationship to Interim Status Standards
- 724.104 Electronic Reporting

SUBPART B: GENERAL FACILITY STANDARDS

- Section
- 724.110 Applicability
- 724.111 USEPA Identification Number
- 724.112 Required Notices
- 724.113 General Waste Analysis
- 724.114 Security
- 724.115 General Inspection Requirements
- 724.116 Personnel Training
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- 724.118 Location Standards
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- Section
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SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

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SUBPART G: CLOSURE AND POST-CLOSURE CARE

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SUBPART H: FINANCIAL REQUIREMENTS

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SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

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- 724.APPENDIX D Cochran's Approximation to the Behrens-Fisher Student's T-Test
- 724.APPENDIX E Examples of Potentially Incompatible Waste
- 724.APPENDIX I Groundwater Monitoring List

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

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636,

effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9833, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5115, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6635, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3725, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6009, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6365, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3196, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 893, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12365, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1106, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18873, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17965, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17773, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1724, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11726, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22614, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 601, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5999, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15347, effective September 3, 2020; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg. _____, effective _____.

Section 724.112 Required Notices

- a) The owner or operator of a facility that is arranging to receive hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722 from a foreign source must submit the following required notices:
 - 1) As required by 35 Ill. Adm. Code 722.184(b), for imports where the competent authority of the country of export does not require the foreign exporter to submit to it a notification proposing export and obtain consent from USEPA and the competent authorities for the countries of transit, ~~the such~~ owner or operator of the facility, if acting as the importer, must provide notification of the proposed transboundary movement in English to USEPA using the ~~allowable~~ methods listed in 35 Ill. Adm. Code 722.182(e) at least 60 days before the first shipment is expected to depart the country of export. The notification may cover up to one year of shipments of wastes having similar physical and chemical characteristics; the same United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111; the same USEPA hazardous waste numbers (from Subpart C or D of 35 Ill. Adm. Code 721); the waste codes from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and being sent from the same foreign exporter.
 - 2) As required by 35 Ill. Adm. Code 722.184(d)(2)(O), a copy of the movement document ~~with bearing~~ all ~~the~~ required signatures within three

working days after ~~receiving receipt of~~ the shipment to the foreign exporter; to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste, respectively; and, on or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's Waste Import Export Tracking System (WIETS). The original of the signed movement document must be maintained at the facility for at least three years. 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~~ if copies are readily available for viewing and production ~~if requested upon request~~ by any USEPA or Agency inspector. ~~An~~ ~~No~~ owner or operator of a facility may ~~not~~ 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 ~~and for which~~ the owner or operator of a facility ~~has bears~~ no responsibility.

- 3) As required by 35 Ill. Adm. Code 722.184(f)(4), if the facility has physical control of the waste and it must be sent to an alternate facility or returned to the country of export, ~~the such~~ owner or operator of the facility must inform USEPA, using the ~~allowable~~ methods listed in 35 Ill. Adm. Code 722.184(b)(1) of the need to return or arrange alternate management of the shipment.
- 4) As required by 35 Ill. Adm. Code 722.184(g), the facility owner or operator must do the following:
 - A) The owner or operator must send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, ~~within but no later than~~ 30 days after completing recovery or disposal on the waste in the shipment and ~~within no later than~~ one calendar year ~~after receiving following receipt of~~ the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste. For shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS.
 - B) If the facility performed any of recovery operations R12, R13, or ~~RC16-RC3~~ or disposal operations D13 through D15 ~~or DC17~~, the owner or operator must promptly; ~~send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility~~ within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11 or ~~RC16-RC1 to RC2~~, or one of

disposal operations D1 through D12 or ~~DC15-DC1~~ or to DC16DC2, ~~send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility~~ to the competent authority of the country of export that controls the shipment as an export of hazardous waste. On or after the electronic import-export reporting compliance date, the owner or operator must make this submission to USEPA electronically using USEPA's WIETS, or its successor system. The recovery and disposal operations in this subsection (a)(4)(B) are defined in 35 Ill. Adm. Code 722.181.

- b) The owner or operator of a facility that receives hazardous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that the owner or operator has the appropriate permits for, and will accept, the waste that the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record.
- c) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of this Part and 35 Ill. Adm. Code 702 and 703.

BOARD NOTE: An owner's or operator's failure to notify the new owner or operator of the requirements of this Part in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

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

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

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| 725.328 | Closure and Post-Closure Care |
| 725.329 | Special Requirements for Ignitable or Reactive Wastes |
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| 725.359 | Response Actions |
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SUBPART M: LAND TREATMENT

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SUBPART N: LANDFILLS

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SUBPART O: INCINERATORS

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| 725.441 | Waste Analysis |
| 725.445 | General Operating Requirements |
| 725.447 | Monitoring and Inspections |
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| 725.452 | Interim Status Incinerators Burning Particular Hazardous Wastes |

SUBPART P: THERMAL TREATMENT

| | |
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SUBPART Q: CHEMICAL, PHYSICAL, AND BIOLOGICAL TREATMENT

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| 725.500 | Applicability |
| 725.501 | General Operating Requirements |
| 725.502 | Waste Analysis and Trial Tests |
| 725.503 | Inspections |
| 725.504 | Closure |
| 725.505 | Special Requirements for Ignitable or Reactive Wastes |
| 725.506 | Special Requirements for Incompatible Wastes |

SUBPART R: UNDERGROUND INJECTION

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SUBPART W: DRIP PADS

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| 725.541 | Assessment of Existing Drip Pad Integrity |
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SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

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| 725.932 | Standards: Process Vents |
| 725.933 | Standards: Closed-Vent Systems and Control Devices |
| 725.934 | Test Methods and Procedures |

725.935 Recordkeeping Requirements

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section

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725.952 Standards: Pumps in Light Liquid Service
725.953 Standards: Compressors
725.954 Standards: Pressure Relief Devices in Gas/Vapor Service
725.955 Standards: Sampling Connecting Systems
725.956 Standards: Open-Ended Valves or Lines
725.957 Standards: Valves in Gas/Vapor or Light Liquid Service
725.958 Standards: Pumps, Valves, Pressure Relief Devices, Flanges, and Other
Connectors
725.959 Standards: Delay of Repair
725.960 Standards: Closed-Vent Systems and Control Devices
725.961 Percent Leakage Alternative for Valves
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725.963 Test Methods and Procedures
725.964 Recordkeeping Requirements

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

Section

725.980 Applicability
725.981 Definitions
725.982 Schedule for Implementation of Air Emission Standards
725.983 Standards: General
725.984 Waste Determination Procedures
725.985 Standards: Tanks
725.986 Standards: Surface Impoundments
725.987 Standards: Containers
725.988 Standards: Closed-Vent Systems and Control Devices
725.989 Inspection and Monitoring Requirements
725.990 Recordkeeping Requirements
725.991 Alternative Tank Emission Control Requirements (Repealed)

SUBPART DD: CONTAINMENT BUILDINGS

Section

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

SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

Section

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| 725.1200 | Applicability |
| 725.1201 | Design and Operating Standards |
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| 725.APPENDIX A | Recordkeeping Instructions |
| 725.APPENDIX B | EPA Report Form and Instructions (Repealed) |
| 725.APPENDIX C | USEPA Interim Primary Drinking Water Standards |
| 725.APPENDIX D | Tests for Significance |
| 725.APPENDIX E | Examples of Potentially Incompatible Wastes |
| 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].

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

amended in R07-5/R07-14 at 32 Ill. Reg. 12566, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1155, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18890, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 18052, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17811, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1746, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11830, effective August 9, 2016; amended in 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 R20-8/R20-16 at 44 Ill. Reg. 15374, effective September 3, 2020; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg. _____, effective _____.

Section 725.112 Required Notices

- a) Receipt from a Foreign Source. The owner or operator of a facility that has arranged to receive hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722, from a foreign source must submit the following required notices:
 - 1) As required by 35 Ill. Adm. Code 722.184(b), for imports where the competent authority of the country of export does not require the foreign exporter to submit to it a notification proposing export and obtain consent from USEPA and the competent authorities for the countries of transit, the owner or operator of the facility, if acting as the importer, must provide notification of the proposed transboundary movement in English to USEPA using the allowable methods listed in 35 Ill. Adm. Code 722.184(b)(1) at least 60 days before the first shipment is expected to depart the country of export. The notification may cover up to one year of shipments of wastes having similar physical and chemical characteristics; the same United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111; the same USEPA hazardous waste waste numbers; and the same applicable OECD waste codes from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and being sent from the same foreign exporter.
 - 2) As required by 35 Ill. Adm. Code 722.184(d)(2)(O), a copy of the movement document ~~with bearing~~ all the required signatures within three working days after ~~receiving receipt of~~ the shipment to the foreign exporter; to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively; and on or after the electronic import-export reporting compliance date, to EPA electronically using USEPA's Waste Import Export Tracking System (WIETS). The original of the signed movement document must be maintained at the facility for at least three years. 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 upon request~~ by any USEPA or Agency inspector. ~~An 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.

- 3) As required by 35 Ill. Adm. Code 722.184(f)(4), if the facility has physical control of the waste and it must be sent to an alternate facility or returned to the country of export, ~~the such~~ owner or operator of the facility must inform USEPA, using the ~~allowable~~ methods listed in 35 Ill. Adm. Code 722.184(b)(1) of the need to return or arrange alternate management of the shipment.
 - 4) As required by 35 Ill. Adm. Code 722.184(g), ~~the such~~ owner or operator must:
 - A) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but ~~within no later than~~ thirty days after completing recovery or disposal on the waste in the shipment and ~~within no later than~~ one calendar year ~~after receiving following receipt of~~ the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste. For shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS.
 - B) If the facility performed any of recovery operations R12, R13, or ~~RC16-RC3~~ or disposal operations D13 through D15 ~~or DC17~~, promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11 or ~~RC16-RC1~~ or one of disposal operations D1 through D12, or ~~DC15-DC1~~ to ~~DC16~~DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste. ~~on~~ ~~On~~ or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS, ~~or its successor system~~. The recovery and disposal operations in this ~~paragraph-subsection~~ are defined in 35 Ill. Adm. Code 722.181.
- b) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator

must notify the new owner or operator in writing of the requirements of this Part and 35 Ill. Adm. Code 702 and 703 (also see 35 Ill. Adm. Code 703.155).

BOARD NOTE: An owner's or operator's failure to notify the new owner or operator of the requirements of this Part in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

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

PART 726
STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND
SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART A: GENERAL

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726.102 Electronic Reporting

SUBPART C: RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING
DISPOSAL

Section
726.120 Applicability
726.121 Standards Applicable to Generators and Transporters of Materials Used in a
Manner that Constitutes Disposal
726.122 Standards Applicable to Storers, Who Are Not the Ultimate Users, of Materials
that Are To Be Used in a manner that Constitutes Disposal
726.123 Standards Applicable to Users of Materials that Are Used in a Manner that
Constitutes Disposal

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section
726.130 Applicability (Repealed)
726.131 Prohibitions (Repealed)
726.132 Standards applicable to generators of hazardous waste fuel (Repealed)
726.133 Standards applicable to transporters of hazardous waste fuel (Repealed)
726.134 Standards applicable to marketers of hazardous waste fuel (Repealed)
726.135 Standards applicable to burners of hazardous waste fuel (Repealed)
726.136 Conditional exemption for spent materials and by-products exhibiting a
characteristic of hazardous waste (Repealed)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY

Section

- 726.140 Applicability (Repealed)
- 726.141 Prohibitions (Repealed)
- 726.142 Standards applicable to generators of used oil burned for energy recovery (Repealed)
- 726.143 Standards applicable to marketers of used oil burned for energy recovery (Repealed)
- 726.144 Standards applicable to burners of used oil burned for energy recovery (Repealed)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY

Section

- 726.170 Applicability and Requirements

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Section

- 726.180 Applicability and Requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

Section

- 726.200 Applicability
- 726.201 Management Prior to Burning
- 726.202 Permit Standards for Burners
- 726.203 Interim Status Standards for Burners
- 726.204 Standards to Control Organic Emissions
- 726.205 Standards to Control PM
- 726.206 Standards to Control Metals Emissions
- 726.207 Standards to Control HCl and Chlorine Gas Emissions
- 726.208 Small Quantity On-Site Burner Exemption
- 726.209 Low Risk Waste Exemption
- 726.210 Waiver of DRE Trial Burn for Boilers
- 726.211 Standards for Direct Transfer
- 726.212 Regulation of Residues
- 726.219 Extensions of Time

Subpart M: Military Munitions

Section

- 726.300 Applicability

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| 726.301 | Definitions |
| 726.302 | Definition of Solid Waste |
| 726.303 | Standards Applicable to the Transportation of Solid Waste Military Munitions |
| 726.304 | Standards Applicable to Emergency Responses |
| 726.305 | Standards Applicable to the Storage of Solid Waste Military Munitions |
| 726.306 | Standards Applicable to the Treatment and Disposal of Waste Military Munitions |

SUBPART N: CONDITIONAL EXEMPTION FOR LOW-LEVEL MIXED WASTE STORAGE, TREATMENT, TRANSPORTATION AND DISPOSAL

| | |
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| Section | |
| 726.310 | Definitions |
| 726.320 | Storage and Treatment Conditional Exemption |
| 726.325 | Wastes Eligible for a Storage and Treatment Conditional Exemption for Low-Level Mixed Waste |
| 726.330 | Conditions to Qualify for and Maintain a Storage and Treatment Conditional Exemption |
| 726.335 | Treatment Allowed by a Storage and Treatment Conditional Exemption |
| 726.340 | Loss of a Storage and Treatment Conditional Exemption and Required Action |
| 726.345 | Reclaiming a Lost Storage and Treatment Conditional Exemption |
| 726.350 | Recordkeeping for a Storage and Treatment Conditional Exemption |
| 726.355 | Waste No Longer Eligible for a Storage and Treatment Conditional Exemption |
| 726.360 | Applicability of Closure Requirements to Storage Units |
| 726.405 | Transportation and Disposal Conditional Exemption |
| 726.410 | Wastes Eligible for a Transportation and Disposal Conditional Exemption |
| 726.415 | Conditions to Qualify for and Maintain a Transportation and Disposal Conditional Exemption |
| 726.420 | Treatment Standards for Eligible Waste |
| 726.425 | Applicability of the Manifest and Transportation Condition |
| 726.430 | Effectiveness of a Transportation and Disposal Exemption |
| 726.435 | Disposal of Exempted Waste |
| 726.440 | Containers Used for Disposal of Exempted Waste |
| 726.445 | Notification |
| 726.450 | Recordkeeping for a Transportation and Disposal Conditional Exemption |
| 726.455 | Loss of a Transportation and Disposal Conditional Exemption and Required Action |
| 726.460 | Reclaiming a Lost Transportation and Disposal Conditional Exemption |

SUBPART P: HAZARDOUS WASTE PHARMACEUTICALS

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

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-4/R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 18042, effective September 28, 1998; amended in R99-15 at 23 Ill. Reg. 9482, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9853, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6667, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 4200, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12916, effective July 17, 2003; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3700, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1096, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12741, effective July 14, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 18117, effective October 14, 2011; amended in R13-5 at 37 Ill.

Reg. 3249, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17888, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. 11955, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 23023, effective November 19, 2018; amended in R20-8/R20-16 at 44 Ill. Reg. 15427, effective September 3, 2020; amended in R21-13 at 48 Ill. Reg. _____, effective _____.

Section 726.204 Standards to Control Organic Emissions

a) Destruction Removal Efficiency (DRE) Standard

- 1) General. Except ~~as provided in for~~ subsection (a)(3), a boiler and industrial furnace (BIF) burning hazardous waste must achieve a DRE of 99.99 percent for all organic hazardous constituents in the waste feed. To demonstrate conformance with this requirement, 99.99 percent DRE must be demonstrated during a trial burn for each principal organic hazardous constituent (POHC) designated (under subsection (a)(2)) in its permit for each waste feed. DRE is determined for each POHC from the following equation:

$$DRE = 100 \frac{(I - O)}{I}$$

Where:

I = Mass feed rate of one POHC in the hazardous waste fired to the BIF

O = Mass emission rate of the same POHC present in stack gas prior to release to the atmosphere

- 2) Designation of POHCs. POHCs are those compounds for which compliance with the DRE requirements of this Section must be demonstrated in a trial burn in conformance compliance with procedures prescribed in 35 Ill. Adm. Code 703.232. One or more POHCs must be designated by the Agency for each waste feed to be burned. POHCs must be designated based on the degree of difficulty of destruction of the organic constituents in the waste and on their concentrations or mass in the waste feed considering the results of waste analyses submitted with Part B of the permit application. POHCs are most likely to be selected from among those compounds listed in Appendix H to 35 Ill. Adm. Code 721 that are also present in the normal waste feed. However, if the applicant demonstrates to the Agency that a compound not listed in Appendix H of 35 Ill. Adm. Code 721 or not present in the normal waste feed is a suitable indicator of compliance with the DRE requirements of this Section, that compound must be designated as a POHC. Such POHCs need not be toxic or organic compounds.

- 3) Dioxin-Listed Waste. A BIF burning hazardous waste containing (or derived from) USEPA Hazardous Wastes Nos. F020, F021, F022, F023, F026, or F027 must achieve a ~~destruction and removal efficiency (DRE)~~ of 99.9999 percent for each POHC designated (under subsection (a)(2)) in its permit. This performance must be demonstrated on POHCs that are more difficult to burn than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each POHC from the equation in subsection (a)(1). In addition, the owner or operator of the BIF must notify the Agency of intent to burn USEPA hazardous waste numbers F020, F021, F022, F023, F026, or F027.
- 4) Automatic Waiver of DRE Trial Burn. Owners and operators of boilers operated under the special operating requirements provided by Section 726.210 are considered to be in compliance with the DRE standard of subsection (a)(1) and are exempt from the DRE trial burn.
- 5) Low risk waste. Owners and operators of BIFs that burn hazardous waste in compliance with the requirements of Section 726.209(a) are considered to be in compliance with the DRE standard of subsection (a)(1) and are exempt from the DRE trial burn.

b) CO Standard

- 1) Except ~~as provided in~~ subsection (c), the stack gas concentration of CO from a BIF burning hazardous waste cannot exceed 100 ppmv on an hourly rolling average basis (i.e., over any 60 minute period), continuously corrected to seven percent oxygen, dry gas basis.
- 2) CO and oxygen must be continuously monitored ~~in conformance with~~ according to "Performance Specifications for Continuous Emission Monitoring of Carbon Monoxide and Oxygen for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste" in Appendix I.
- 3) Compliance with the 100 ppmv CO limit must be demonstrated during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). To demonstrate compliance, the highest hourly rolling average CO level during any valid run of the trial burn or compliance test must not exceed 100 ppmv.

c) Alternative CO Standard

- 1) The stack gas concentration of CO from a BIF burning hazardous waste may exceed the 100 ppmv limit ~~provided that if~~ stack gas concentrations of HCs do not exceed 20 ppmv, except ~~as provided by~~ for subsection (f) for certain industrial furnaces.

- 2) HC limits must be established under this Section on an hourly rolling average basis (i.e., over any 60 minute period), reported as propane, and continuously corrected to seven percent oxygen, dry gas basis.
 - 3) HC must be continuously monitored ~~in conformance with~~[according to](#) “Performance Specifications for Continuous Emission Monitoring of Hydrocarbons for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste” in Appendix I. CO and oxygen must be continuously monitored ~~in conformance with~~[according to](#) subsection (b)(2).
 - 4) The alternative CO standard is established based on CO data during the trial burn (for a new facility) and the compliance test (for an interim status facility). The alternative CO standard is the average over all valid runs of the highest hourly average CO level for each run. The CO limit is implemented on an hourly rolling average basis, and continuously corrected to seven percent oxygen, dry gas basis.
- d) Special Requirements for Furnaces. Owners and operators of industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see Section 726.203(a)(5)(B)) at any location other than the end where products are normally discharged and where fuels are normally fired must comply with the HC limits ~~provided by~~[of](#) subsection (c) or (f) irrespective of whether stack gas CO concentrations meet the 100 ppmv limit of subsection (b).
- e) Controls for Dioxins and Furans. Owners and operators of BIFs that are equipped with a dry PM control device that operates within the temperature range of 450°F through 750°F, and industrial furnaces operating under an alternative HC limit established under subsection (f) must conduct a site-specific risk assessment as follows to demonstrate that emissions of chlorinated dibenzo-p-dioxins and dibenzofurans do not result in an increased lifetime cancer risk to the hypothetical maximum exposed individual (MEI) exceeding 1×10^{-5} (1 in 100,000):
- 1) During the trial burn (for new facilities or an interim status facility applying for a permit) or compliance test (for interim status facilities), determine emission rates of the tetra-octa congeners of chlorinated dibenzo-p-dioxins and dibenzofurans (CDDs/CDFs) using Method 0023A (Sampling Method for Polychlorinated Dibenzop-Dioxins and Polychlorinated Dibenzofurans Emissions from Stationary Sources) in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” USEPA publication number EPA-530/SW-846, [or Method 23 \(Determination of Polychlorinated Dibenzop-Dioxins and Polychlorinated Dibenzofurans from Stationary Sources\)](#), incorporated by reference in 35 Ill. Adm. Code 720.111([ab](#));

- 2) Estimate the 2,3,7,8-TCDD toxicity equivalence of the tetra-octa CDDs/CDFs congeners using section 4.0 (Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners) in appendix IX to 40 CFR 266 (Methods Manual for Compliance with the BIF Regulations), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (see Appendix I). Multiply the emission rates of CDD/CDF congeners with a toxicity equivalence greater than zero (see the procedure) by the calculated toxicity equivalence factor to estimate the equivalent emission rate of 2,3,7,8-TCDD;
 - 3) Conduct dispersion modeling using methods recommended in appendix W to 40 CFR 51 (Guideline on Air Quality Models), in section 5.0 (Hazardous Waste Combustion Air Quality Screening Procedure) in appendix IX to 40 CFR 266 (Methods Manual for Compliance with the BIF Regulations), or in “Screening Procedures for Estimating Air Quality Impact of Stationary Sources, Revised,” USEPA publication number EPA-454/R-92-019, each incorporated by reference in 35 Ill. Adm. Code 720.111, to predict the maximum annual average off-site ground level concentration of 2,3,7,8-TCDD equivalents determined under subsection (e)(2). The maximum annual average on-site concentration must be used when a person resides on-site; and
 - 4) The ratio of the predicted maximum annual average ground level concentration of 2,3,7,8-TCDD equivalents to the risk-specific dose (RSD) for 2,3,7,8-TCDD provided in Appendix E (2.2×10^{-7}) must not exceed 1.0.
- f) Monitoring CO and HC in the By-Pass Duct of a Cement Kiln. Cement kilns may comply with the CO and HC limits provided by subsections (b), (c), and (d) by monitoring in the by-pass duct ~~provided that~~ the following conditions are ~~fulfilled~~met:
- 1) Hazardous waste is fired only into the kiln and not at any location downstream from the kiln exit relative to the direction of gas flow; and
 - 2) The by-pass duct diverts a minimum of 10 percent of kiln off-gas into the duct.
- g) Use of Emissions Test Data to Demonstrate Compliance and Establish Operating Limits. Compliance with the requirements of this Section must be demonstrated simultaneously by emissions testing or during separate runs under identical operating conditions. Further, data to demonstrate compliance with the CO and HC limits of this Section or to establish alternative CO or HC limits under this Section must be obtained during the time that DRE testing, and where applicable, CDD/CDF testing under subsection (e) and comprehensive organic emissions testing under subsection (f) is conducted.

- h) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is “information” justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

(Source: Amended at 48 Ill. Reg. _____, effective _____)