

ILLINOIS POLLUTION CONTROL BOARD
July 16, 1987

IN THE MATTER OF:)
)
RCRA UPDATE, USEPA REGULATIONS) R87-5
(10-1-86 THROUGH 12-31-86)
AND 6-4-87 CORRECTIONS))

PROPOSAL FOR PUBLIC COMMENT

PROPOSED ORDER OF THE BOARD (by J. Anderson):

On May 14, 1987, the Board proposed to amend the RCRA rules in this Docket. Publication of the proposal has been delayed pending final action on R86-46. On July 13, 1987, Chemical Waste Management filed a motion asking that the Board redraft the proposal to include corrections to the November 7, 1986 Federal Register, which corrections appeared on June 4, 1987. The motion is granted. The Proposed Opinion and Order are withdrawn. The following Proposed Order is substituted. The Board will adopt a modified Proposed Opinion in the near future.

Pursuant to Section 22.4(a) of the Environmental Protection Act (Act), the Board is proposing to amend the RCRA regulations. In accordance with the RCRA procedural rules (Section 102.202), the Board invites public comment for 45 days after publication of the proposal in the Illinois Register.

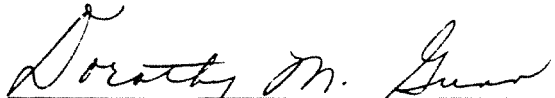
Section 22.4 of the Act governs adoption of regulations establishing the RCRA program in Illinois. Section 22.4(a) provides for quick adoption of regulations which are "identical in substance" to federal regulations; Section 22.4(a) provides that Title VII of the Act and Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the Administrative Procedure Act, it is not subject to first notice or to second notice review by the Joint Committee on Administrative Rules (JCAR). The federal RCRA regulations are found at 40 CFR 260 through 270, and 280. This rulemaking updates Illinois' RCRA rules to correspond with federal amendments during the period October 1 through December 31, 1986.

The proposal is attached to this Proposed Order for public distribution. A major portion of this rulemaking amends language which is subject to amendment in R86-46. It is not possible to prepare a strike and underline text for these provisions. Therefore, for purposes of this Proposed Order, the Board has summarized changes without setting out the full text. Because of its length, the text of the rules will not be published in the Environmental Register and will not appear in the Opinion volumes. However, the entire text will appear in the Illinois Register in the near future. The Board will allow a full 45 days

for public comment after the complete text appears in the Illinois Register.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Proposed Order was adopted on the 16th day of July, 1987, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

This proposal divides into two portions: Parts 702 through 725, and new Part 728. Most of the amendments to Parts 702 through 725 are minor changes which are occasioned by the addition of Part 728. Many of the Sections are subject to amendment in R86-46. The Board will therefore, for purposes of this Proposed Order, summarize the amendments to Parts 702 through 725, and set new Part 728 out in full.

Section 702.187

Amend by adding the following to the list of minor modifications:

- e) 9) Allow treatment of hazardous wastes not previously specified in the permit if:
 - A) The hazardous waste has been prohibited from one or more methods of land disposal under 35 Ill. Adm. Code 728, Subpart C, and treatment standards have been established under 35 Ill. Adm. Code 728, Subpart D;
 - B) Treatment is in accordance with the standards established under 35 Ill. Adm. Code 728.141, or adjusted standards established under 35 Ill. Adm. Code 728.144;
 - C) Handling and treatment of the restricted wastes will not present risks substantially different from those of wastes listed in the permit; and
 - D) The Agency approves the minor modification. The Agency shall not approve changes to the permit except for the addition of new waste codes and administrative or technical changes necessary to handle new wastes. The Agency shall not approve changes in treatment processes or physical equipment under this subsection.

Section 703.183

This Section is subject to amendment in R86-46. The Board proposes to add to the general information required in the Part B application as follows:

- u) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Adm. Code 728.105, or if a petition has been approved under 35 Ill. Adm. Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required.

Section 703.241

Section 703.241(b)(1) is amended by adding references to 35 Ill. Adm. Code 728 in two places.

Section 720.101

The following Sections are amended by adding references to 35 Ill. Adm. Code 728: 720.101(a) and 720.101(b)(2) and (3)

Section 720.102

This Section is subject to amendment in R86-46. It appears that no amendment is needed, since the Illinois text does not include references to the specific Parts.

Section 720.103

The following Sections are amended by adding references to 35 Ill. Adm. Code 728: The introductory text to 720.103.

Section 720.110

This Section is subject to amendment in R86-46. The following Sections are amended by adding references to 35 Ill. Adm. Code 728: The introductory text to 720.110.

Section 720.120

The following Sections are amended by adding references to 35 Ill. Adm. Code 728: 720.120(a).

Section 721.101

The following Sections are amended by adding references to 35 Ill. Adm. Code 728: The introductory text to 721.101(a) and 720.101(a)(1).

Section 721.104

This Section is subject to amendment in R86-46. The following Sections are amended by adding references to 35 Ill. Adm. Code 728: 721.104(c) and (d)(1).

Section 721.105

This Section is subject to amendment in R86-46. The following Sections are amended by adding references to 35 Ill. Adm. Code 728: 721.105(b), (c), (e), (f)(2) and (g)(2).

Section 721.106

This Section is subject to amendment in R86-46. The following Sections are amended by adding references to 35 Ill.

Adm. Code 728: 721.106(a)(3) and (c)(1).

Section 721.107

The following Sections are amended by adding references to 35 Ill. Adm. Code 728: 721.107(a)(1) and (a)(2).

Section 721.120

The following Sections are amended by adding references to 35 Ill. Adm. Code 728: 720.120(b).

Section 721.130

The following Sections are amended by adding references to 35 Ill. Adm. Code 728: 721.130(c).

Section 721.132

This Section is subject to amendment in R86-46. The following listings are added under the subgroup "Pesticides:"

K123 Process wastewater (including supernates, filtrates and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts. (T)

K124 Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts. (C,T)

K125 Filtration, evaporation and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts (T)

K126 Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts. (T)

Section 721, App. C

Update the incorporation of reference of the test methods to include amendments at 51 Fed. Reg. 37725, October 24, 1986.

Section 721, App. G

Add to the bases for listing the following:

- K123 Ethylene thiourea
- K124 Ethylene thiourea
- K125 Ethylene thiourea
- K126 Ethylene thiourea

Section 722.111

Add Section 722.111(d), as follows:

- d) If the generator determines that the waste is hazardous, the generator shall refer to 35 Ill. Adm. Code 724, 725 and 728 for possible exclusions or restrictions pertaining to the management of the specific waste.

Section 722, Appendix

This Section is subject to amendment in R86-46. It appears that no amendment is necessary, since the Board rule allows the Agency to promulgate manifest forms. The Agency will pick up the amendment in the forms it distributes.

Section 723.112

References are added to 35 Ill. Adm. Code 725 and 728.

Section 724.101

Add the following subsection:

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

Section 724.113

Section 724.113 is amended by adding a reference to 35 Ill. Adm. Code 728 to Section 724.113(a)(1), by adding a reference to 35 Ill. Adm. Code 728.107 to Section 724.113(b)(6), and by adding the following Section 724.113(b)(7) to the contents of the waste analysis plan:

- b) 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:
- A) The sampling of impoundment contents;
 - B) The analysis of test data; and,
 - C) The annual removal of residue which does not meet the standards of 35 Ill. Adm. Code 728, Subpart D.

Section 724.173

This Section is subject to amendment in R86-46. Section 724.173(b)(3) is amended by adding references to 35 Ill. Adm. Code 728.104(a) and 728.107. Section 724.173(b) is also amended by adding paragraphs (b)(10) - (14) to the contents of the operating record, as follows:

- b) 10) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105 or a petition pursuant to 35 Ill. Adm. Code 106, and the notice required of a generator under 35 Ill. Adm. Code 728.107(a)(3);
- 11) For an off-site treatment facility, a copy of the notice required of a generator under 35 Ill. Adm. Code 728.107(a)(1);
- 12) For an on-site treatment facility, the information contained in the notice required of a generator under 35 Ill. Adm. Code 728.107(a)(1), except for the manifest number;
- 13) For an off-site land disposal facility, a copy of the notice and certification required by the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107(b)(1) and (2), or a copy of the notice and certification required by the generator under 35 Ill. Adm. Code 728.107(a)(2), whichever is applicable; and
- 14) For an on-site land disposal facility, the information contained in the notice required under 35 Ill. Adm. Code 728.107(a)(2), except for the manifest number, or the information contained in the notice required by the treater under 35 Ill. Adm. Code 728.107(b)(1), except for the manifest number, whichever is applicable.

Section 725.101

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

Section 725.113

This Section is subject to amendment in R86-46. Section 725.113 is amended by adding a reference to 35 Ill. Adm. Code 728 to Section 725.113(a)(1), by adding a reference to 35 Ill. Adm. Code 728.107 to Section 725.113(b)(6), and by adding the following Section 725.113(b)(7) to the contents of the waste analysis plan:

- b) 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:
 - A) The sampling of impoundment contents;

- B) The analysis of test data; and,
- C) The annual removal of residue which does not meet the standards of 35 Ill. Adm. Code 728, Subpart D.

Section 725.173

This Section is subject to amendment in R86-46. Section 725.173(b)(3) is amended by adding references to 35 Ill. Adm. Code 728.104(a) and 728.107. Section 725.173(b) is also amended by adding paragraphs (b)(8) - (12) to the contents of the operating record, as follows:

- b) 8) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105 or a petition pursuant to 35 Ill. Adm. Code 106, and the notice required of a generator under 35 Ill. Adm. Code 728.107(a)(3);
- 9) For an off-site treatment facility, a copy of the notice required of a generator under 35 Ill. Adm. Code 728.107(a)(1);
- 11) For an on-site treatment facility, the information contained in the notice required of a generator under 35 Ill. Adm. Code 728.107(a)(1), except for the manifest number;
- 11) For an off-site land disposal facility, a copy of the notice and certification required by the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107(b)(1) and (2), or a copy of the notice and certification required by the generator under 35 Ill. Adm. Code 728.107(a)(2), whichever is applicable; and
- 12) For an on-site land disposal facility, the information contained in the notice required under 35 Ill. Adm. Code 728.107(a)(2), except for the manifest number, or the information contained in the notice required by the treater under 35 Ill. Adm. Code 728.107(b)(1), except for the manifest number, whichever is applicable.

The Board also proposes to add new Part 728, the complete text of which is as follows:

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

PART 728
LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section
728.101 Purpose, Scope and Applicability
728.102 Definitions
728.103 Dilution Prohibited as a Substitute for Treatment
728.104 Treatment Surface Impoundment Exemption
728.105 Procedures for case-by-case Extensions to an Effective Date
728.106 Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
728.107 Waste Analysis

SUBPART C: PROHIBITION OF LAND DISPOSAL

Section
728.130 Waste Specific Prohibitions -- Solvent Wastes
728.131 Waste Specific Prohibitions -- Dioxin-Containing Wastes

SUBPART D: TREATMENT STANDARDS

Section
728.140 Applicability of Treatment Standards
728.141 Treatment Standards expressed as Concentrations in Waste Extract
728.142 Treatment Standards expressed as Specified Technologies
728.144 Adjustment of Treatment Standard

SUBPART E: PROHIBITIONS ON STORAGE

Section
728.150 Prohibitions on Storage of Restricted Wastes

Table A Constituent Concentration in Waste Extract
Appendix A Toxicity Characteristic Leaching Procedure (TCLP)
Appendix B Treatment Standards (As concentrations in the Treatment Residual Extract)

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R87-5 at 11 Ill. Reg. ,
effective

SUBPART A: GENERAL

Section 728.101 Purpose, Scope and Applicability

- a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.
- b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons who generate or transport hazardous waste and to owners and operators of hazardous waste treatment, storage and disposal facilities.
- c) Prohibited wastes may continue to be land disposed as follows:
 - 1) Where persons have been granted an extension to the effective date of a prohibition under Subpart C or pursuant to Section 728.105, with respect to those wastes covered by the extension;
 - 2) Where persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) Until November 8, 1988, where the wastes are contaminated soil or debris resulting from a response action taken under Section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601 et seq.) or under RCRA corrective action (35 Ill. Adm. Code 724.200 or 725.193); or
 - 4) Where the waste is generated by small quantity generators of less than 100 kilograms of non-acute hazardous wastes per month or less than one kilogram of acute hazardous waste per month, as defined in 35 Ill. Adm. Code 721.105.
- d) This Part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Agency shall not issue a wastestream authorization pursuant to 35 Ill. Adm. Code 709 or Sections 22.6 or 39(h) of the Environmental Protection Act unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

Section 728.102 Definitions

- a) When used in this Part the following terms have the meanings given below:

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.)

"Hazardous constituent or constituents" means those constituents listed in 35 Ill. Adm. Code 721, Appendix H.

"Land disposal" means placement in or on the land and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, concrete vault or bunker intended for disposal purposes.

"RCRA corrective action" means corrective action required under 35 Ill. Adm. Code 724.200 or 725.193, 40 CFR 264.100 or 265.93, or similar regulations in other States with RCRA programs authorized by USEPA.

"USEPA" means the United States Environmental Protection Agency.

- b) All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.110, 720.102 or 721.103.

Section 728.103 Dilution Prohibited as a Substitute for Treatment

No generator, transporter, handler or owner or operator of a treatment, storage or disposal facility shall in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with Subpart D.

Section 728.104 Treatment Surface Impoundment Exemption

Wastes which are otherwise prohibited from land disposal under this Part may be treated in a surface impoundment or series of impoundments provided that:

- a) Treatment of such wastes occurs in the impoundments;
- b) The residues of the treatment are analyzed, as specified in Section 728.107, to determine if they meet the applicable treatment standards in Section 728.141. The sampling method, specified in the waste analysis plan

under 35 Ill. Adm. Code 724.113 or 725.113, must be designed such that representative samples of the sludge and the supernatant are tested separately rather than mixed to form homogeneous samples. The treatment residues (including any liquid waste) that do not meet the treatment standards promulgated under Subpart D, or are not delisted under 35 Ill. Adm. Code 720.122, must be removed at least annually. These residues shall not be placed in any other surface impoundment for subsequent management. If the volume of liquid flowing through the impoundment or series of impoundments annually is greater than the volume of the impoundment or impoundments, this flow-through constitutes removal of the supernatant for the purpose of this requirement. The procedures and schedule for the sampling of impoundment contents, the analysis of test data and the annual removal of residue which does not meet the Subpart D treatment standards must be specified in the facility's waste analysis plan as required under 35 Ill. Adm. Code 724.113 or 725.113;

- c) The impoundment meets the design requirements of 35 Ill. Adm. Code 724.321(c) or 725.321(a) even though the unit may not be new, expanded or a replacement, and must be in compliance with applicable groundwater monitoring requirements of 35 Ill. Adm. Code 724, Subpart F or 725, Subpart F, unless:
- 1) It is exempted pursuant to 35 Ill. Adm. Code 724.321(d) or (e), or to 35 Ill. Adm. Code 725.321(c) or (d); or
 - 2) Upon application by the owner or operator, the Agency has by permit provided that the requirements of this Part do not apply on the basis that the surface impoundment:
 - A) Has at least one liner, for which there is no evidence that such liner is leaking;
 - B) Is located more than one-quarter mile from an underground source of drinking water and
 - C) Is in compliance with generally applicable groundwater monitoring requirements for facilities with permits; or,
 - 3) Upon application by the owner or operator, the Board has, pursuant to 35 Ill. Adm. Code 106, granted an adjusted standard from the requirements of this Part. The justification for such an adjusted standard shall be a demonstration that the surface impoundment is located, designed and operated so as to assure that there will be no

migration of any hazardous constituent into groundwater or surface water at any future time.

- d) The owner or operator submits to the Agency a written certification that the requirements of Section 728.104(a)(3) have been met and submit a copy of the waste analysis plan required under Section 728.104(a)(2). The following certification is required:

I certify under penalty of law that the requirements of 35 Ill. Adm. Code 728.104(a)(3) have been met for all surface impoundments being used to treat restricted wastes. 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.

Section 728.105 Procedures for case-by-case Extensions to an Effective Date

- a) The Board incorporates by reference 40 CFR 268.5, as adopted at 51 Fed. Reg. 40636, November 7, 1986, and amended at 52 Fed. Reg. 21010, June 4, 1987. This Part incorporates no future editions or amendments.
- b) Persons may apply to USEPA for extensions of effective dates pursuant to 40 CFR 268.5. Extensions which are granted by USEPA will be deemed extensions of dates specified in the derivative Board rule.

Section 728.106 Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C

- a) Any person seeking an exemption from a prohibition under Subpart C for the disposal of a restricted hazardous waste in a particular unit or units shall:
- 1) Prior to making the demonstration of subsection (a)(2), submit a petition to the Board seeking approval of:
 - A) All sampling, testing and estimation techniques for chemical and physical properties of the waste and all environmental parameters; and
 - B) A quality assurance and quality control plan that addresses all aspects of the demonstration; and
 - 2) Submit a petition to the Board demonstrating, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the

disposal unit or injection zone for as long as the wastes remain hazardous. The demonstration must include the following components:

- A) An identification of the specific waste and the specific unit for which the demonstration will be made;
 - B) A waste analysis to describe fully the chemical and physical characteristics of the subject waste;
 - C) A comprehensive characterization of the disposal unit site including an analysis of background air, soil and water quality;
 - D) Whether the facility is in interim status, or, if a RCRA permit has been issued, the term of the permit.
- b) The demonstration referred to in subsection (a) must meet the following criteria:
- 1) All waste and environmental sampling, test and analysis data must be accurate and reproducible to the extent that state-of-the-art techniques allow;
 - 2) All sampling, testing and estimation techniques for chemical and physical properties of the waste and all environmental parameters must be as approved by the Board pursuant to subsection (a)(1);
 - 3) Simulation models must be calibrated for the specific waste and site conditions, and verified for accuracy by comparison with actual measurements;
 - 4) A quality assurance and quality control plan that addresses all aspects of the demonstration must be as approved by the Board pursuant to subsection (a)(1); and
 - 5) An analysis must be performed to identify and quantify any aspects of the demonstration that contribute significantly to uncertainty. This analysis must include an evaluation of the consequences of predictable future events, including, but not limited to, earthquakes, floods, severe storm events, droughts or other natural phenomena.
- c) Each petition must be submitted to the Board as provided in 35 Ill. Adm. Code 106.

- d) Each petition must include the following statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information. I believe that 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.

- e) After receiving a petition, the Board may request any additional information that may be required to evaluate the demonstration.
- f) If approved, the petition will apply to land disposal of the specific restricted waste at the individual disposal unit described in the demonstration and will not apply to any other restricted waste at that disposal unit, or to that specific restricted waste at any other disposal unit.
- g) The Board will give public notice and provide an opportunity for public comment as provided in 35 Ill. Adm. Code 106. Notice of a final decision on a petition will be published in the Environmental Register.
- h) The term of a petition granted under this Section will be no longer than the term of the RCRA permit if the disposal unit is operating under a RCRA permit, or up to a maximum of 10 years from the date of approval provided under subsection (g) if the unit is operating under interim status. In either case, the term of the granted petition shall expire upon the termination or denial of a RCRA permit, or upon the termination of interim status or when the volume limit of waste to be land disposed during the term of petition is reached.
- i) Prior to the Board's decision, the applicant shall comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.
- j) The petition granted by the Board does not relieve the petitioner of responsibilities in the management of hazardous waste under 35 Ill. Adm. Code 702, 703 and 720 through 726.

Section 728.107 Waste Analysis

a) The generator shall test the generator's waste or an extract developed using the test method described in Appendix A, or use knowledge of the waste, to determine if the waste is restricted from land disposal under this Part.

1) If a generator determines that the generator is managing a restricted waste under this Part and determines that the waste exceeds the applicable treatment standards, with each shipment of waste the generator shall notify the treatment facility in writing of the appropriate treatment standard set forth in Subpart D. The notice must include the following information:

- A) USEPA Hazardous Waste Number;
- B) The corresponding treatment standard;
- C) The manifest number associated with the shipment of waste; and
- D) Waste analysis data, where available.

2) If a generator determines that the generator is managing a restricted waste under this Part, and determines that the waste can be land disposed without further treatment, with each shipment of waste the generator shall submit to the land disposal facility a notice and a certification stating that the waste meets applicable treatment standards.

- A) The notice must include the following information:
 - i) USEPA Hazardous Waste Number;
 - ii) The corresponding treatment standard;
 - iii) The manifest number associated with the shipment of waste;
 - iv) Waste analysis data, where available.
- B) The certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the

waste complies with the treatment standards specified in 35 Ill. Adm. Code 728, Subpart D. I believe that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

- 3) If a generator's waste is subject to a case-by-case extension under Section 728.105, an exemption under Section 728.106, an extension under Section 728.101(c)(3) or a nationwide variance under 40 CFR 268, Subpart C (1987), the generator shall forward a notice with the waste to the land disposal facility receiving the generator's waste, stating that the waste is exempt from the land disposal restrictions.
 - 4) If a generator determines whether the waste is restricted based solely on the generator's knowledge of the waste, the generator shall maintain all supporting data used to make this determination on-site in the generator's files.
- b) For wastes with treatment standards expressed as concentrations in the waste extract (Section 728.141), the owner or operator of the treatment facility shall test the treatment residues or an extract of such residues developed using the test method described in Appendix A to assure that the treatment residue or extracts meet the applicable treatment standards. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by Sections 724.113 or 725.113. Where the treatment residues do not meet the treatment standards, the treatment facility must comply with the notice requirements applicable to generators in subsection (a)(1) if the treatment residues will be further managed at a different treatment facility.
- 1) A notice must be sent to the land disposal facility which includes the following information:
 - A) USEPA Hazardous Waste Number;
 - B) The corresponding treatment standard;
 - C) The manifest number associated with the shipment of waste; and
 - D) Waste analysis data, where available.
 - 2) The treatment facility shall submit a certification

with each shipment of waste or treatment residue of a restricted waste to the land disposal facility stating that the waste or treatment residue has been treated to the performance standards specified in Subpart D.

- A) For wastes with treatment standards expressed as concentrations in the waste extract or in the waste (Sections 728.141 or 728.143), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to achieve the performance levels specified in 35 Ill. Adm. Code 728, Subpart D without dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- B) For wastes with treatment standards expressed as technologies (Section 728.142), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.142. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- c) The owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall have records of the notice and certification specified in either subsection (a) or (b). The owner or operator of the land disposal facility shall test the waste or an extract of the waste developed using the test method described in Appendix A to assure that the wastes or treatment residues are in compliance with the applicable treatment standards. Such testing shall be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill.

Adm. Code 724.113 or 725.113.

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.130 Waste Specific Prohibitions -- Solvent Wastes

- a) The spent solvent wastes specified in 35 Ill. Adm. Code 721.131 as USEPA Hazardous Waste Nos. F001, F002, F003, F004 and F005 are prohibited from land disposal (except in an injection well) unless one or more of the following conditions apply:
 - 1) The generator of the solvent waste is a small quantity generator of 100 to 1000 kilograms of hazardous waste per month; or
 - 2) The solvent waste is generated from any response action taken under CERCLA or from RCRA corrective action except where the waste is contaminated soil or debris not subject to 35 Ill. Adm. Code 702, 703 and 720 through 726, or 40 CFR 260 through 270 (1986) until November 8, 1988; or
 - 3) The initial generator's solvent waste is a solvent-water mixture, solvent-containing sludge or solid, or solvent-contaminated soil (non-CERCLA or non-RCRA corrective action) containing less than 1 percent total F001 through F005 solvent constituents listed in Table A of Section 728.141.
- b) Effective November 8, 1988, the F001 through F005 solvent wastes listed in subsections (a)(1), (a)(2) or (a)(3) are prohibited from land disposal. Between November 8, 1986, and November 8, 1988, wastes included in subsections (a)(1), (a)(2) or (a)(3) may be disposed of in a landfill or surface impoundment only if the facility is in compliance with the requirements specified in Section 728.105(h)(2).
- c) The requirements of subsections (a) and (b) do not apply if:
 - 1) The wastes meet the standards of Subpart D; or
 - 2) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition; or
 - 3) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes and units covered by the extension.

Section 728.131 Waste Specific Prohibitions -- Dioxin-Containing Wastes

- a) The dioxin-containing wastes specified in 35 Ill. Adm. Code 721.131 as USEPA Hazardous Waste Numbers F020, F021, F022, F023, F026, F027 and F028 are prohibited from land disposal.
- b) The requirements of subsection (a) do not apply if:
 - 1) The wastes meet the standards of Subpart D; or,
 - 2) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition; or
 - 3) Persons have been granted an extension from the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes and units covered by the extension.
- c) Between November 8, 1986, and November 8, 1988, wastes included in subsection (a) may be disposed of in a landfill or surface impoundment only if the facility is in compliance with the requirements specified in 40 CFR 268.5(h)(2) (1987) and all other applicable requirements of 35 Ill. Adm. Code 724 and 725.

SUBPART D: TREATMENT STANDARDS

Section 728.140 Applicability of Treatment Standards

A restricted waste identified in this Subpart may be land disposed without further treatment only if an extract of the waste or of the treatment residual of the waste developed using the test method Appendix A does not exceed the value shown in Table A of Section 728.141 for any hazardous constituent listed in Table A for that waste. A restricted waste for which a treatment technology is specified under Section 728.142(a) may be land disposed after it is treated using that specified technology or an equivalent treatment method approved under the procedures set forth in Section 728.142(b).

Section 728.141 Treatment Standards expressed as Concentrations in Waste Extract

- a) Table A identifies the restricted wastes and the concentrations of their associated hazardous constituents which may not be exceeded by the extract of a waste or waste treatment residual developed using the test method in Appendix A for the allowable land disposal of such waste. (Appendix B provides guidance on treatment methods that have been shown to achieve the

Table A levels for the respective wastes. Appendix B is not a regulatory requirement but is provided to assist generators and owners or operators in their selection of appropriate treatment methods.)

- b) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

Section 728.142 Treatment Standards expressed as Specified Technologies

- a) The following wastes must be treated using the identified technology or technologies, or an equivalent method approved under subsection (b). No technologies are presently identified.
- b) Any person may submit an application to the Agency demonstrating that an alternative treatment method can achieve a level of performance equivalent to that achieved by methods specified in subsection (a). The applicant shall submit information demonstrating that the applicant's treatment method will not present an unreasonable risk to human health or the environment. On the basis of such information and any other available information, the Agency shall approve the use of the alternative treatment method if the Agency finds that the alternative treatment method provides a level of performance equivalent to that achieved by methods specified in subsection (a). Any approval must be stated in writing and may contain such provisions and conditions as the Agency determines to be appropriate. The person to whom such certification is issued shall comply with all limitations contained in such determination.

Section 728.144 Adjustment of Treatment Standard

- a) Where the treatment standard is expressed as a concentration in a waste or waste extract and a waste cannot be treated to the specified level, or where the treatment technology is not appropriate to the waste, the generator or treatment facility may petition the Board for an adjusted treatment standard. As justification, the petitioner shall demonstrate that, because the physical or chemical properties of the waste differ significantly from wastes analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods.
- b) Each petition must be submitted in accordance with the procedures in 35 Ill. Adm. Code 106.

- c) Each petition must include the following statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition 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.

- d) After receiving a petition for adjustment of a treatment standard, the Board may request any additional information or samples which are necessary to evaluate the petition.
- e) The Board will give public notice and provide an opportunity for public comment, as provided in 35 Ill. Adm. Code 106. The final decision on an adjusted treatment standard will be published in the Environmental Register.
- f) A generator, treatment facility or disposal facility that is managing a waste covered by an adjusted treatment standard shall comply with the waste analysis requirements for restricted wastes found under Section 728.107.
- g) During the petition review process, the applicant is required to comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.

SUBPART E: PROHIBITIONS ON STORAGE

Section 728.150 Prohibitions on Storage of Restricted Wastes

- a) Except as provided for in this Section, the storage of hazardous wastes restricted from land disposal under Subpart C is prohibited, unless the following conditions are met:
- 1) A generator stores such wastes in tanks or containers on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment or disposal and the generator complies with the requirements in 35 Ill. Adm. Code 722.134. (A generator who is in existence on the effective date of a regulation under this Part and

who must store hazardous wastes for longer than 90 days due to the regulations under this Part becomes an owner or operator of a storage facility and must obtain a RCRA permit, as required by 35 Ill. Adm. Code 703. Such a facility may qualify for interim status upon compliance with the regulations governing interim status under 35 Ill. Adm. Code 703.153).

- 2) An owner or operator of a hazardous waste treatment, storage or disposal facility stores such wastes in tanks or containers solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment or disposal and
 - A) Each container is clearly marked to identify its contents and the date each period of accumulation begins;
 - B) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received and the date each period of accumulation begins, or such information is recorded and maintained in the operating record at the facility. Regardless of whether the tank itself is marked, the owner and operator shall comply with the operating record requirements of 35 Ill. Adm. Code 724.173 or 725.173.
 - 3) A transporter stores manifested shipments of such wastes at a transfer facility for 10 days or less.
- b) An owner or operator of a treatment, storage or disposal facility may store such wastes for up to one year unless the Agency can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.
 - c) An owner or operator of a treatment, storage or disposal facility may store such wastes beyond one year; however, the owner or operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.
 - d) The prohibition in subsection (a) does not apply to the wastes which are the subject of an approved petition under Section 728.106, a nationwide variance contained in Subpart C or an approved case-by-case extension under Section 728.105.

- e) The prohibition in subsection (a) does not apply to hazardous wastes that meet the treatment standards specified under Sections 728.141, 728.142 and 728.143 or the adjusted treatment standards specified under Section 728.144.

Table A Constituent Concentrations in Waste Extract

| F001 -- F005 Spent Solvents | Concentration (in mg/L) | |
|---|---------------------------------------|--------------------------------|
| | Wastewaters containing spent solvents | All other spent solvent wastes |
| Acetone | 0.05 | 0.59 |
| n-Butyl alcohol | 5.0 | 5.0 |
| Carbon disulfide | 1.05 | 4.81 |
| Carbon tetrachloride | 0.05 | 0.96 |
| Chlorobenzene | 0.15 | 0.05 |
| Cresols (and cresylic acid) | 2.82 | 0.75 |
| Cyclohexanone | 0.125 | 0.75 |
| 1,2-Dichlorobenzene | 0.65 | 0.125 |
| Ethyl acetate | 0.05 | 0.75 |
| Ethylbenzene | 0.05 | 0.053 |
| Ethyl ether | 0.05 | 0.75 |
| Isobutanol | 5.0 | 5.0 |
| Methanol | 0.25 | 0.75 |
| Methylene chloride | 0.20 | 0.96 |
| Methylene chloride (from the pharmaceutical industry) | 12.7 | 0.96 |
| Methyl ethyl ketone | 0.05 | 0.75 |
| Methyl isobutyl ketone | 0.05 | 0.33 |
| Nitrobenzene | 0.66 | 0.125 |
| Pyridine | 1.12 | 0.33 |
| Tetrachloroethylene | 0.079 | 0.05 |
| Toluene | 1.12 | 0.33 |
| 1,1,1-Trichloroethane | 1.05 | 0.41 |
| 1,1,2-Trichloro-1,2,2-trifluoroethane | 1.05 | 0.96 |
| Trichloroethylene | 0.062 | 0.091 |
| Trichlorofluoromethane | 0.05 | 0.96 |
| Xylene | 0.05 | 0.15 |

| F020 -- F023 and F026 -- F028 Dioxin Containing Wastes | Concentration (Maximum) |
|---|----------------------------|
|---|----------------------------|

| | |
|---|----------|
| HxCDD -- All Hexachlorodibenzo-p-dioxins | 1 ppb |
| HxCDF -- All Hexachlorodibenzofurans | 1 ppb |
| PeCDD -- All Pentachlorodibenzo-p-dioxins | 1 ppb |
| PeCDF -- All Pentachlorodibenzofurans | 1 ppb |
| TCDD -- All Tetrachlorodibenzo-p-dioxins | 1 ppb |
| TCDF -- All Tetrachlorodibenzofurans | 1 ppb |
| 2,4,5-Trichlorophenol | 0.05 ppm |
| 2,4,6-Trichlorophenol | 0.05 ppm |
| 2,3,4,6-Tetrachlorophenol | 0.10 ppm |
| Pentachlorophenol | 0.01 ppm |

Appendix A Toxicity Characteristic Leaching Procedure (TCLP)

The Board incorporates by reference 40 CFR 268, Appendix I, as adopted at 51 Fed. Reg. 40636, November 7, 1986, and amended at 52 Fed. Reg. 21010, June 4, 1987. This incorporation includes no future editions or amendments.

Appendix B Treatment Standards (As concentrations in the Treatment Residual Extract)

The Board incorporates by reference 40 CFR 268, Appendix II, as adopted at 51 Fed. Reg. 40636, November 7, 1986. This incorporation includes no future editions or amendments.