

ILLINOIS POLLUTION CONTROL BOARD
October 15, 1987

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

FINAL ORDER. ADOPTED RULE.

ORDER OF THE BOARD (by J. Anderson):

On May 14, 1987, the Board proposed to amend the RCRA regulations in this Docket. On July 16, 1987, the Board withdrew the proposal and substituted a new Proposed Opinion and Order which included corrections to USEPA regulations which appeared on June 4, 1987. The proposed regulations appeared on August 14, 1987, at 11 Ill. Reg. 13199. The Board has received public comment as is detailed in the Opinion.

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 regulations to correspond with federal amendments during the period October 1 through December 31, 1986, together with corrections appearing on June 4, 1987.

The Board hereby adopts the regulatory amendments which follow. The Board will withhold filing of these regulations until after November 6, 1987, to allow time for final review and motions for reconsideration by the agencies involved in the authorization process. The Board has adopted a supporting Opinion this same day.

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

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AUTHORITY: Implementing Section 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1013, 1022.4 and 1027).

SCURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at at, 53 PCB 131, 7 Ill. Reg. 14352, effective as noted in 35 Ill. Adm. Code 700.106; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. , effective

SUBPART D: ISSUED PERMITS

Section 702.187 Minor Modifications

Upon the consent of the permittee, the Agency may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this Section, without following the procedures of 35 Ill. Adm. Code 705. Any permit modification not processed as a minor modification under this Section must be made for cause and with a 35 Ill. Adm. Code 705 draft permit and public notice as required in Sections 702.183 through 702.185. Minor modifications may only:

- a) Correct typographical errors;
- b) Require more frequent monitoring or reporting by the permittee;
- c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or
- d) Allow for a change in ownership or operational control of a facility where the Agency determines that no other change in the permit is necessary, provided:
 - 1) For RCRA only: that a written agreement containing a specific date for transfer of permit responsibility between the current and new permittees has been submitted to the Agency.

Changes in the ownership or operational control of a facility may be made only if the owner or operator submits a revised permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of 35 Ill. Adm. Code 724.Subpart H (financial requirements), until the new owner or operator has demonstrated to the Agency that the new owner or operator is complying with the requirements of that Subpart. The new owner or operator shall demonstrate compliance with the financial assurance requirements within six months after the date of the change in the ownership or operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with the financial assurance requirements, the Agency shall notify the old owner or operator in writing that the old owner or operator no longer needs to comply with 35 Ill. Adm. Code 724.Subpart H as of the date of the demonstration.

- 2) For UIC only: that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees has been submitted to the Agency.
- e) For RCRA only:
- 1) Change the lists of facility emergency coordinators or equipment in the permit's contingency plan; or
 - 2) Minor changes to closure plans.
 - A) Change estimates of maximum inventory under 35 Ill. Adm. Code 724.212(a)(2);
 - B) Change estimates of expected year of closure or schedules for final closure under 35 Ill. Adm. Code 724.212(a)(4); or
 - C) Approve periods longer than 90 days or 180 days under 35 Ill. Adm. Code 724.213(a) and (b).
 - 3) Change the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided that the change is minor.
 - 4) Change the operating requirements set in the permit for conducting a trial burn, provided that the change is minor.

- 5) Grant one extension of the time period for determining operational readiness following completion of construction, for up to 720 hours operating time for treatment of hazardous waste.
- 6) Change the treatment program requirements for land treatment units under 35 Ill. Adm. Code 724.371 to improve treatment of hazardous constituents, provided that the change is minor.
- 7) Change any conditions specified in the permit for land treatment units to reflect the results of field tests or laboratory analyses used in making a treatment demonstration in accordance with 35 Ill. Adm. Code 703.230, provided that the change is minor.
- 8) Allow a second treatment demonstration for land treatment to be conducted when the results of the first demonstration have not shown the conditions under which the waste or wastes can be treated completely as required by 35 Ill. Adm. Code 724.372(a), provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration.
- 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.

f) For UIC only:

- 1) Change quantities or types of fluids injected which are within the capacity of the facility as permitted and, in the judgment of the Agency, would not interfere with the operation of the facility or its ability to meet conditions described in the permit and would not change its classification.
- 2) Change construction requirements approved by the Agency pursuant to 35 Ill. Adm. Code 704.182 (establishing UIC permit conditions), provided that any such alteration shall comply with the requirements of this ~~p~~-Part and 35 Ill. Adm. Code 704 and 730.
- 3) Amend a plugging and abandonment plan which has been updated under 35 Ill. Adm. Code 704.181(e).

(Board Note: See 40 CFR 144.41 and 270.42 (1986), as amended at 51 Fed. Reg. 40636, November 7, 1986).

(Source: Amended at 11 Ill. Reg. ,
effective)

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

PART 703
RCRA PERMIT PROGRAM

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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 R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13284, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. , effective

SUBPART D: APPLICATIONS

Section 703.183 General Information

The following information is required in the Part B application for all HWM facilities, except as 35 Ill. Adm. Code 724.101 provides otherwise:

- a) A general description of the facility;
- b) Chemical and physical analyses of the hazardous wastes to be handled at the facility. At a minimum, these analyses shall contain all the information which must be known to treat, store or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724;

- c) A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);
- d) A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;
- e) A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b); include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), 724.295, 724.326, 724.354, 724.373 and 724.403;
- f) A justification of any request for a waiver-~~(s)~~ of the preparedness and prevention requirements of 35 Ill. Adm. Code 724.Subpart C;
- g) A copy of the contingency plan required by 35 Ill. Adm. Code 724.Subpart D;

(Board Note: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.327 and 724.355. 35 Ill. Adm. Code 724.355 has not yet been adopted.)

- h) A description of procedures, structures or equipment used at the facility to:
 - 1) Prevent hazards in unloading operations (for example, ramps, special forklifts);
 - 2) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);
 - 3) Prevent contamination of water supplies;
 - 4) Mitigate effects of equipment failure and power outages; and
 - 5) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing);
- i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive or incompatible wastes as required to demonstrate compliance with 35 Ill. Adm. Code 724.117 including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);
- j) Traffic pattern, estimated volume (number, types of

vehicles) and control (for example, show turns across traffic lanes and stacking lanes (if appropriate); describe access road surfacing and load bearing capacity; show traffic control signals);

- k) Facility location information as required by Section 703.184;
- l) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the HWM facility in a safe manner as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);
- m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212, 724.218 and 724.297. Include where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.328, 724.358, 724.380, 724.410 and 724.451;
- n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm Code 724.219 have been filed;
- o) The most recent closure cost estimate for the facility prepared in accordance with 35 Ill. Adm. Code 724.242 and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B;
- p) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with 35 Ill. Adm. Code 724.244 plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245; For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B;
- q) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b), that the owner or operator plans to have in effect before initial receipt of hazardous waste for

treatment, storage or disposal. A request for an alternative level of required coverage, for a new or existing facility, may be submitted as specified in 35 Ill. Adm. Code 724.247(c);

- s) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM facilities located in mountainous areas should use larger contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:
- 1) Map scale and date;
 - 2) 100-year floodplain area;
 - 3) Surface waters including intermittent streams;
 - 4) Surrounding land uses (residential, commercial, agricultural, recreational);
 - 5) A wind rose (i.e., prevailing windspeed and direction);
 - 6) Orientation of the map (north arrow);
 - 7) Legal boundaries of the HWM facility site;
 - 8) Access control (fences, gates);
 - 9) Injection and withdrawal wells both on-site and off-site;
 - 10) Buildings; treatment, storage or disposal operations; or other structures (recreation areas, runoff control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.);
 - 11) Barriers for drainage or flood control;
 - 12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored or disposed (include equipment cleanup areas);

(Board Note: For large HWM facilities, the Agency will allow the use of other scales on a case by case basis.)

- t) Applicants may be required to submit such information as may be necessary to enable the Agency to determine whether a permit should be issued and what conditions to impose in any permit issued.
- 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.

(Board Note: See 40 CFR 270.14(b)(1986), as amended at 51 Fed. Reg. 25471, July 14, 1986, and at 51 Fed. Reg. 40636, November 7, 1986.)

(Source: Amended at 11 Ill. Reg. ,
effective)

SUBPART F: PERMIT CONDITIONS

Section 703.241 Establishing Permit Conditions

a) General conditions:

- 1) In addition to the conditions established under 35 Ill. Adm. Code 702.160(a), each RCRA permit shall include permit conditions necessary to achieve compliance with each of the applicable requirements specified in 35 Ill. Adm. Code 724 and 726 through 728. In satisfying this provision, the Agency may incorporate applicable requirements of 35 Ill. Adm. Code 724 and 726 through 728 directly into the permit or establish other permit conditions that are based on these Parts;
- 2) Each RCRA permit issued under Section 39(d) of the Environmental Protection Act shall contain terms and conditions which the Agency determines are necessary to protect human health and the environment.

(Board Note: See 40 CFR 270.32(b) (1986), as amended at 51 Fed. Reg. 40636, November 7, 1986.)

- b) The conditions specified in the following Sections, in addition to those set forth in 35 Ill. Adm. Code 702.140 through 702.152, apply to all RCRA permits.

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

PART 720
HAZARDCUS WASTE MANAGEMENT SYSTEM: GENERAL

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waste Recycling Activities

Appendix A Overview of 40 CFR, Subtitle C Regulations

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 R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 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. , effective

SUBPART A: GENERAL

Section 720.101 Purpose, Scope and Applicability

- a) This Part provides definitions of terms, general standards and overview information applicable to -Parts 720 - 725-35 Ill. Adm. Code 720 through 725 and 728.
- b) In this Part:
 - ~~1) Reserved~~
 - 2) Section 720.103 establishes rules of grammatical construction for -Parts 720 - 725-35 Ill. Adm. Code 720 through 725 and 728.
 - 3) Section 720.110 defines terms which are used in -Parts 720 - 725-35 Ill. Adm. Code 720 through 725 and 728.
 - ~~4) Reserved~~
 - 5) Reserved
 - 6) Reserved

(Source: Amended at 11 Ill. Reg. ,
effective)

Section 720.103 Use of Number and Gender

As used in -Parts 720 - 725-35 Ill. Adm. Code 720 through 725 and 728:

- a) Words in the masculine gender also include the feminine and neuter genders;
- b) Words in the singular include the plural; and
- c) Words in the plural include the singular.

(Source: Amended at 11 Ill. Reg. ,
effective)

SUBPART B: DEFINITIONS

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 725 and 728 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of "tank" that is situated 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) is able to be visually inspected.

"Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.)

"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 which is not a closed portion. (See also "closed portion" and "inactive portion".)

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or his designee.

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves and pumps, that is used to distribute, meter or control the flow of hazardous waste from its point of generation to storage or treatment tank(s), 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 responsible for the 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.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following 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 section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (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 section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (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 shall 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

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

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

"Closed Portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion" and "inactive 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.

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

"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 which 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. 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.

"Designated facility" means a hazardous waste treatment, storage or disposal facility which has received an EPA permit (or a facility with interim status) in accordance with the requirements of 40 CFR 270 and 124 or a permit from a state authorized in accordance with 40 CFR 271, or that is regulated under 40 CFR 261.6(c)(2) or 40 CFR 266.Subpart F or 35 Ill. Adm. Code 721.106(c)(2) or 726.Subpart F and that has been designated on the manifest by the generator pursuant to 35 Ill. Adm. Code 722.120.

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

"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 such solid waste or hazardous waste or any 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.

"Elementary neutralization unit" means a device which:

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

Meets the definition of tank, container, transport vehicle or vessel in Section 720.110.

"EPA" means United States Environmental Protection Agency.

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

"EPA identification number" means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator, transporter and treatment, storage or disposal facility.

"EPA 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 pursuant to Section 720.120.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility which 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 physical construction and either

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

the owner or operator had entered into contractual obligations -- which could not be cancelled or modified without substantial loss -- for 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 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 is in operation, or for which installation has 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 physical construction of the site or installation of the tank system and if either

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

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

"Facility" means all contiguous land and structures, other appurtenances and improvements on the land used for treating, storing or disposing of hazardous waste.

A facility may consist of several treatment, storage or disposal operational units (e.g., one or more landfills, surface impoundments or combinations of them).

"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 722.134.

"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 physical construction" means permits and approvals required under federal, state or local hazardous waste control statutes, regulations or ordinances.

"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 which readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produce 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 waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent which caused the hazardous waste to be listed in 35 Ill. Adm. Code 721.Subpart D, or a constituent listed in of 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.

"Inactive portion" means that portion of a facility which is not operated after November 19, 1980. (See also "active portion" and "closed portion".)

"Incinerator" means any enclosed device using controlled flame combustion which is neither a "boiler" nor an "industrial furnace".

"Incompatible waste" means a hazardous waste which is suitable for:

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 35 Ill. Adm. Code 725.Appendix E for examples.)

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices 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 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

Any other such device as the Agency determines to be an "Industrial Furnace" on the basis of 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.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Inground tank" means a device meeting the definition of "tank" whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"In operation" refers to a facility which 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 which 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 the installation of tank systems.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; 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 which is not a land treatment facility, a surface impoundment or an injection well.

"Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"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, which 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. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or 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 originated and signed by the generator which contains the information required by 35 Ill. Adm. Code 722.Subpart B.

"Manifest document number" means the USEPA twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the manifest by the generator for recording and reporting purposes.

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

"Movement" means that hazardous waste transported to a facility in an individual vehicle.

"New hazardous waste management facility" or "new facility" means a facility which 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 commences after July 14, 1986. (See also "existing tank system.")

"Onground tank" means a device meeting the definition of "tank" 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 the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property which 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. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to

which the public does not have access is also considered on-site property.

"Open burning" means the combustion of any material without the following characteristics:

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

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

Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment".)

"Operator" means the person responsible for the overall operation of a facility.

"Owner" means the person who owns a facility or part of a facility.

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility which 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 noncompliance with the requirements of 35 Ill. Adm. Code 724 or 725.

"Pile" means any noncontainerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage.

"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" means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a "state" or "municipality" (as defined by Section 502(4) of the Clean Water Act (33 U.S.C. 1362(4))). This definition includes sewers, pipes or other conveyances only if they convey wastewater to a POTW providing treatment.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or his designee.

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

"Runoff" means any rainwater, leachate or other liquid that drains over land from any part of a facility.

"Runon" 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 Code as defined in Standard Industrial Classification Manual, incorporated by reference in Section 720.111.

"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.

"Small Quantity Generator" means a generator which generates less than 1000 kg of hazardous waste in a calendar month.

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

"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.

"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.

"Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation or diked area formed primarily of earthen materials (although it may be lined with manmade materials) which is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which 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 which is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

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

"Thermal treatment" means the treatment of hazardous waste in a device which 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".)

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which 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 are held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for 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 the off-site transportation of hazardous waste by air, rail, highway or water.

"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 such waste, or so as to recover energy or material resources from the waste or so as to render such 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 borehole, drilled or driven well; or through a dug well, where 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.

"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.

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

"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.

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (33 U.S.C. 1342 or 1317(b)); and receives and treats or stores an influent wastewater which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103 or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103 or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank in 35 Ill. Adm. Code 720.110.

"Water (bulk shipment)" means the bulk transportation of hazardous waste which 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" (See "underground injection").

"Zone of engineering control" means an area under the control of the owner or operator that, upon 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 11 Ill. Reg. ,
effective)

Section 720.111 References

- a) When used in 35 Ill. Adm. Code 720 through 725, the following publications are incorporated by reference:

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300:

"Petroleum Refinery Piping," ANSI B31.3 -- 1976, with addendum B31.3(d) -- 1980.

"Liquid Petroleum Transportation Piping Systems," ANSI B31.4 -- 1974, with addendum B31.4(b) -- 1981.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000:

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981.

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," API Publication 1632, 1983.

"Installation of Underground Petroleum Storage Systems," API Publication 1615 (November 1979).

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

"ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," ASTM Standard D-3278-78.

"ASTM Standard Test Methods for Flash Point Pensky-Martens Closed Tester," ASTM Standard D-D-93-79 or D-93-80.

GPC. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update II (April, 1985)).

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program," EPA Publication number EPA/530-SW-87-011, March 15, 1987.

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, (713) 492-0535:

"Recommended Practice (RP-02-85) Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems."

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, (617) 770-3000:

"Flammable and Combustible Liquids Code" (1977 or 1981).

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, (312) 498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

- b) This Section incorporates no later editions or amendments.

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section 720.120 Rulemaking

- a) Any person may petition the Board to adopt as State regulations rules which are identical in substance with newly-adopted federal amendments or regulations. The petition shall take the form of a proposal for rulemaking pursuant to Procedural Rule 203-35 Ill. Adm. Code 102. The proposal shall include a listing of all amendments to 40 CFR 260 ~~-265-~~through 265 and 268 which have been made since the last preceding amendment or proposal to amend ~~Parts 720-725 (§22-4(a))~~-35 Ill. Adm. Code 720 through 725 and 728, 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. Such proposal shall conform to -Part II of the Procedural Rules-35 Ill. Adm. Code 102 and Title VII and -§§-Section 22.4(b) or 22.4(c) of the -Illinois -Environmental Protection Act.

(Source: Amended at 11 Ill. Reg. ,
effective)

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

PART 721
IDENTIFICATION AND LISTING OF HAZARDCUS WASTE

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721.101	Purpose of Scope
721.102	Definition of Solid Waste
721.103	Definition of Hazardous Waste
721.104	Exclusions
721.105	Special Requirements For Hazardous Waste Generated by Small Quantity Generators
721.106	Requirements for Recyclable Materials
721.107	Residues of Hazardous Waste In Empty Containers

SUBPART B: CRITERIA FOR IDENTIFYING THE CHARACTERISTICS
OF HAZARDCUS WASTE AND FOR LISTING HAZARDCUS WASTES

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721.110	Criteria for Identifying the Characteristics of Hazardous Waste
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721.130	General
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Appendix A	Representative Sampling Methods
Appendix B	EP Toxicity Test Procedures
Appendix C	Chemical Analysis Test Methods
Table A	Analytical Characteristics of Organic Chemicals (Repealed)
Table B	Analytical Characteristics of Inorganic Species (Repealed)
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Appendix H	Hazardous Constituents

Appendix I	Wastes Excluded under Section 720.120 and 720.122
Table A	Wastes Excluded from Non-Specific Sources
Table B	Wastes Excluded from Specific Sources
Table C	Wastes Excluded from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
Appendix J	Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans
Appendix Z	Table to Section 721.102

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 R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, 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. , effective ; amended in R87-5 at 11 Ill. Reg. , effective

SUBPART A: GENERAL PROVISIONS

Section 721.101 Purpose and Scope

- a) This Part identifies those solid wastes which are subject to regulation as hazardous wastes under 35 Ill. Adm. Code 702, 703, 705 and 722 through 725 and 728, and which are subject to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.). In this Part:
 - 1) Subpart A defines the terms "solid waste" and "hazardous waste," identifies those wastes which are excluded from regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and establishes special management requirements for hazardous waste produced by conditionally exempt small quantity generators and hazardous waste which is recycled.
 - 2) Subpart B sets forth the criteria used to identify characteristics of hazardous waste and to list

particular hazardous wastes.

- 3) Subpart C identifies characteristics of hazardous wastes.
 - 4) Subpart D lists particular hazardous wastes.
- b) Limitations on definition of solid waste:
- 1) The definition of solid waste contained in this Part applies only to wastes that also are hazardous for purposes of the regulations implementing Subtitle C of the Resource Conservation and Recovery Act. For example, it does not apply to materials (such as non-hazardous scrap, paper, textiles~~-r-~~ or rubber) that are not otherwise hazardous wastes and that are recycled.
 - 2) This Part identifies only some of the materials which are solid wastes and hazardous wastes under Sections 1004(5), 1004(27) and 7003 of RCRA. A material which is not defined as a solid waste in this Part, or is not a hazardous waste identified or listed in this Part, is still a hazardous waste for purposes of those Sections if, in the case of Section 7003 of RCRA, the statutory elements are established.
- c) For the purposes of Sections 721.102 and 721.106:
- 1) A "spent material" is any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing~~-r-~~.
 - 2) "Sludge" has the same meaning used in 35 Ill. Adm. Code 720.110~~-r-~~.
 - 3) A "by-product" is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.
 - 4) A material is "reclaimed" if it is processed to recover a usable product, or if it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.
 - 5) A material is "used or reused" if it is either:

- A) Employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or
 - B) Employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorus precipitant and sludge conditioner in wastewater treatment).
- 6) "Scrap metal" is bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars) which when worn or superfluous can be recycled.
- 7) A material is "recycled" if it is used, reused or reclaimed.
- 8) A material is "accumulated speculatively" if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that -- during the calendar year (commencing on January 1) -- the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the 75 percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under Section 721.104(c) are not to be included in making the calculation. (Materials that are already defined as solid wastes also are not to be included in making the calculation). Materials are no longer in this category once they are removed from accumulation for recycling, however.
- d) The Agency has inspection authority pursuant to Section

3007 of the Resource Conservation and Recovery Act and Section 4 of the Environmental Protection Act.

(Source: Amended at 11 Ill. Reg. ,
effective)

Section 721.104 Exclusions

- a) Materials which are not solid wastes. The following materials are not solid wastes for the purpose of this Part:
 - 1) Sewage:
 - A) Domestic sewage; and
 - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.
 - 2) Industrial wastewater discharges that are point source discharges- ~~subject to regulation under Section 402 of the Clean Water Act, as amended (33 U.S.C. 1251 et seq.)~~ with NPDES permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.

(Board Note: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.)
 - 3) Irrigation return flows.
 - 4) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)
 - 5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.
 - 6) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively as defined in Section 721.101(c);

- 7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in Section 721.101(c).
- 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:
 - A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
 - B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces or incinerators);
 - C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
 - D) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.
- b) Solid wastes which are not hazardous wastes. The following solid wastes are not hazardous wastes:
 - 1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any waste material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of or otherwise managing hazardous wastes for the purposes of regulation under this Part, if such facility:
 - A) Receives and burns only:
 - i) Household waste (from single and multiple dwellings, hotels, motels and other residential sources) and
 - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

- B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.
- 2) Solid wastes generated by any of the following and which are returned to the soil as fertilizers:
 - A) The growing and harvesting of agricultural crops.
 - B) The raising of animals, including animal manures.
 - 3) Mining overburden returned to the mine site.
 - 4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels.
 - 5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.
 - 6) Chromium wastes:
 - A) Wastes which fail the test for the characteristic of EP toxicity (Section 721.124 and Appendix B) because chromium is present or are listed in Subpart D due to the presence of chromium, which do not fail the test for the characteristic of EP toxicity for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:
 - i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and
 - ii) The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
 - iii) The waste is typically and frequently managed in non-oxidizing environments.

- B) Specific wastes which meet the standard in subsections (b)(6)(A)(i), (ii) and (iii) (so long as they do not fail the test for the characteristic of EP toxicity, and do not fail the test for any other characteristic) are
- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue.
 - iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.
 - vii) Waste scrap leather from the leather

tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.

viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.

- 7) Solid waste from the extraction, beneficiation and processing of ores and minerals (including coal), including phosphate rock and overburden from the mining of uranium ore.
 - 8) Cement kiln dust waste.
 - 9) Solid waste which consists of discarded wood or wood products which fails the test for the characteristic of EP toxicity and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.
- c) Hazardous wastes which are exempted from certain regulations. A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 725 and 728 or to the notification requirements of Section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.
- d) Samples
- 1) Except as provided in subsection (d)(2), a sample of solid waste or a sample of water, soil or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 725-728. The sample qualifies when:
 - A) The sample is being transported to a laboratory for the purpose of testing; or
 - B) The sample is being transported back to the sample collector after testing; or

- C) The sample is being stored by the sample collector before transport to a laboratory for testing; or
 - D) The sample is being stored in a laboratory before testing; or
 - E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
 - F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).
- 2) In order to qualify for the exemption in subsection (d)(1)(A) and (B), a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:
- A) Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS)-~~7~~- or any other applicable shipping requirements; or
 - B) Comply with the following requirements if the sample collector determines that DOT, USPS-~~7~~- or other shipping requirements do not apply to the shipment of the sample:
 - i) Assure that the following information accompanies the sample: The sample collector's name, mailing address-~~7~~- and telephone number; the laboratory's name, mailing address-~~7~~- and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample.
 - ii) Package the sample so that it does not leak, spill-~~7~~- or vaporize from its packaging.
- 3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1).

(Source: Amended at 11 Ill. Reg. ,
effective)

Section 721.105 Special Requirements for Hazardous Waste

Generated by Small Quantity Generators

- a) A generator is a conditionally exempt small quantity generator in a calendar month if it generates no more than 100 kilograms of hazardous waste in that month. 35 Ill. Adm. Code 700 explains the relation of this to the 100 kg/mo exception of 35 Ill. Adm. Code 809.
- b) Except for those wastes identified in subsections (e), (f), (g) and (j), a conditionally exempt small quantity generator's hazardous wastes are not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided the generator complies with the requirements of subsections (f), (g) and (j).
- c) Hazardous waste that is not subject to regulation or that is subject only to 35 Ill. Adm Code 722.111, 722.112, 722.140(c) and 722.141 is not included in the quantity determinations of this Part and 35 Ill. Adm. Code 722 through 726 and 728, and is not subject to any requirements of those Parts. Hazardous waste that is subject to the requirements of Section 721.106(b) and (c) and 35 Ill. Adm. Code 726.Subparts C, D and F is included in the quantity determinations of this Part and is subject to the requirements of this Part and 35 Ill. Adm. Code 722 through 726 and 728.
- d) In determining the quantity of hazardous waste it generates, a generator need not include:
 - 1) Hazardous waste when it is removed from on-site storage; or
 - 2) Hazardous waste produced by on-site treatment (including reclamation) of its hazardous waste so long as the hazardous waste that is treated was counted once; or,
 - 3) Spent materials that are generated, reclaimed and subsequently reused on-site, so long as such spent materials have been counted once.
- e) If a generator generates acute hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the notification requirements of Section 3010 of the Resource Conservation and Recovery Act:
 - 1) A total of one kilogram of acute hazardous wastes listed in Sections 721.131, 721.132 or 721.133(e);

or

- 2) A total of 100 kilograms of any residue or contaminated soil, waste or other debris resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in Sections 721.131, 721.132 or 721.133(e).
- f) In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in subsection (e)(1) or (e)(2) to be excluded from full regulation under this Section, the generator must comply with the following requirements:
- 1) 35 Ill. Adm. Code 722.111.
 - 2) The generator may accumulate acute hazardous waste on-site. If it accumulates at any time acute hazardous wastes in quantities greater than set forth in subsections (e)(1) or (e)(2), all of those accumulated wastes are subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the applicable notification requirements of Section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(d) for accumulation of wastes on-site begins when the accumulated wastes exceed the applicable exclusion limit.
 - 3) A conditionally exempt small quantity generator may either treat or dispose of its acute hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment or disposal facility, either of which, if located in the United States, is:
 - A) Permitted under 35 Ill. Adm. Code 703;
 - B) In interim status under 35 Ill. Adm. Code 703 and 725;
 - C) Authorized to manage hazardous waste by a State with a hazardous waste management program approved by USEPA;
 - D) Permitted, licensed or registered by a State to manage municipal or industrial solid waste; or
 - E) A facility which:
 - i) Beneficially uses or reuses or legitimately recycles or reclaims its

waste; or

- ii) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation.
- g) In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of less than 100 kilograms of hazardous waste during a calendar month to be excluded from full regulation under this Section, the generator must comply with the following requirements:
- 1) 35 Ill. Adm. Code 722.111;
 - 2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If it accumulates at any time more than a total of 1000 kilograms of the generator's hazardous waste, all of those accumulated wastes are subject to regulation under the special provisions of 35 Ill. Adm. Code 722 applicable to generators of between 100 kg and 1000 kg of hazardous waste in a calendar month as well as the requirements of 35 Ill. Adm. Code 702, 703, 705 and 723 through 726 and 728, and the applicable notification requirements of Section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(d) for accumulation of wastes on-site begins for a small quantity generator when the accumulated wastes exceed 1000 kilograms;
 - 3) A conditionally exempt small quantity generator may either treat or dispose of its hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment or disposal facility, either of which, if located in the United States, is:
 - A) Permitted under 35 Ill. Adm. Code 702 and 703;
 - B) In interim status under 35 Ill. Adm. Code 703 and 725;
 - C) Authorized to manage hazardous waste by a State with a hazardous waste management program approved by USEPA under 40 CFR 271 (-~~1985~~-1986);
 - D) Permitted, licensed or registered by a State to manage municipal or industrial solid waste; or
 - E) A facility which:

- i) Beneficially uses or re-uses, or legitimately recycles or reclaims the small quantity generator's waste; or
 - ii) Treats its waste prior to beneficial use or re-use, or legitimate recycling or reclamation.
- h) Hazardous waste subject to the reduced requirements of this Section may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this Section, unless the mixture meets any of the characteristics of hazardous wastes identified in Subpart C.
- i) If a small quantity generator mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this Section, the mixture is subject to full regulation.
- j) If a conditionally exempt small quantity generator's hazardous wastes are mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 726.Subpart E, if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending or other treatment is also so regulated if it is destined to be burned for energy recovery.

(Source: Amended at 11 Ill. Reg. ,
effective)

Section 721.106 Requirements for Recyclable Materials

- a) Recyclable materials:
 - 1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters~~-7-~~ and storage facilities of subsections (b) and (c), except for the materials listed in subsections (a)(2) and (a)(3). Hazardous wastes that are recycled will be known as "recyclable materials".
 - 2) The following recyclable materials are not subject to the requirements of this Section but are regulated under 35 Ill. Adm. Code 726.Subparts C through G and all applicable provisions in 35 Ill. Adm. Code 702, 703 and 705.
 - A) Recyclable materials used in a manner constituting disposal (35 Ill. Adm. Code 726.Subpart C);

- B) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under 35 Ill. Adm. Code 724 or 725.Subpart O (35 Ill. Adm. Code 726.Subpart D.)
 - C) Used oil that exhibits one or more of the characteristics of hazardous waste and is burned for energy recovery in boilers or industrial furnaces that are not regulated under 35 Ill. Adm. Code 724 or 725.Subpart C. (35 Ill. Adm. Code 726.Subpart E);
 - D) Recyclable materials from which precious metals are reclaimed (35 Ill. Adm. Code 726.Subpart F);
 - E) Spent lead-acid batteries that are being reclaimed (35 Ill. Adm. Code 726.Subpart G).
- 3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 726, 728, or 702, 703 or 705 and are not subject to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act:
- A) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in 35 Ill. Adm. Code 722.158:
 - i) A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, shall comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153, 722.156(a)(1) through (a)(4), (a)(6) and (b), and 722.157, shall export such materials only upon consent of the receiving country and in conformance with the USEPA Acknowledgement of Consent as defined in 35 Ill. Adm. Code 722.Subpart E, and shall provide a copy of the USEPA Acknowledgement of Consent to the shipment to the transporter transporting the shipment for export;
 - ii) Transporters transporting a shipment for export shall not accept a shipment if the transporter knows the shipment does not conform to the USEPA Acknowledgement of Consent, shall ensure that a copy of the USEPA Acknowledgement of Consent

accompanies the shipment and shall ensure that it is delivered to the facility designated by the person initiating the shipment.

- B) Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;
- C) Used oil that exhibits one or more of the characteristics of hazardous waste but is recycled in some other manner than being burned for energy recovery; ~~or~~
- D) Scrap metal ~~or~~;
- E) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production and transportation practices;
- F) Oil reclaimed from hazardous waste resulting from normal petroleum refining, production and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility;
- G) Coke and coal tar from the iron and steel industry that contains hazardous waste from the iron and steel production process ~~or~~;
- H) Petroleum refining wastes.
 - i) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production or transportation practices, or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 726.140(e) and so long as no other hazardous wastes ~~or~~ where such hazardous wastes ~~are~~ are used to produce ~~at~~ the hazardous waste fuel;
 - ii) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production ~~or~~ and transportation practices, where such hazardous wastes

are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

I) Petroleum coke produced from petroleum refinery hazardous wastes containing oil at the same facility at which such wastes were generated, unless the resulting coke product exceeds one or more of the characteristics of hazardous waste in Subpart C.

b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a).

c) Storage and recycling:

1) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of 35 Ill. Adm. Code 724 and 725. Subparts A through L, 726, 728, - and - 702, 703 and 705 and the notification requirement under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a). (The recycling process itself is exempt from regulation.)

2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (a).

A) Notification requirements under Section 3010 of the Resource Conservation and Recovery Act.

B) 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies)

(Source: Amended at 11 Ill. Reg. ,
effective)

Section 721.107 Residues of Hazardous Waste in Empty Containers

a) Applicability of rules:

- 1) Any hazardous waste remaining in either an empty container or an inner liner removed from an empty container, as defined in ~~paragraph~~-subsection (b), is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705, ~~or~~- 721 through 725 or 728, or to the notification requirements of Section 3010 of the Resource Conservation ~~&~~-and Recovery Act.
- 2) Any hazardous waste in either a container that is not empty or an inner liner that is removed from a container that is not empty, as defined in ~~paragraph~~-subsection (b), is subject to regulations under 35 Ill. Adm. Code 702, 703, 705, ~~and~~- 721 through 725 and 728 and to the notification requirements of Section 3010 of the Resource Conservation ~~&~~-and Recovery Act.

b) Definition of "empty:"

- 1) A container or an empty liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acute hazardous waste listed in Sections 721.131, 721.132-~~7~~- or 721.133(e), is empty if:
 - A) All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping-~~7~~- and aspirating, and
 - B) No more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner, or
 - C) Weight limits:
 - i) No more than 3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 110 gallons in size, or
 - ii) No more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 110 gallons in

size.

- 2) A container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches atmospheric.
- 3) A container or an inner liner removed from a container that has held an acute hazardous waste listed in Sections 721.131, 721.132 or 721.133(e)-
7- is empty if:
 - A) The container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;
 - B) The container or inner liner has been cleaned by another method that has been shown in the scientific literature , or by tests conducted by the generator, to achieve equivalent removal; or
 - C) In the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container-7- has been removed.

(Source: Amended at 11 Ill. Reg. ,
effective)

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section 721.120 General

- a) A solid waste, as defined in Section 721.102, 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.

(Board Note: 35 Ill. Adm. Code 722.111 sets forth the generator's responsibility to determine whether ~~his~~ the generator's waste exhibits one or more characteristics identified in this Subpart.)

- b) A hazardous waste which is identified by characteristic in this Subpart, but is not listed as a hazardous waste in Subpart D, is assigned the USEPA Hazardous Waste Number set forth in the respective characteristic in this Subpart. This number must be used in complying with the notification requirements of Section 3010 of the -RCRA-Resource Conservation and Recovery Act and certain recordkeeping and reporting requirements under 35 Ill. Adm. Code 702, 703, ~~and~~ 722 through 725 and

728.

- c) For purposes of this Subpart, 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 ~~his~~ the person's method under the procedures set forth in 35 Ill. Adm. Code 720.121.)

(Source: Amended at 11 Ill. Reg. ,
effective)

SUBPART D: LISTS OF HAZARDCUS WASTE

Section 721.130 General

- a) A solid waste is a hazardous waste if it is listed in this Subpart, unless it has been excluded from this list under 35 Ill. Adm. Code 720.120 and 720.122.
- b) The basis for listing the classes or types of wastes listed in this Subpart is indicated by employing one or more of the Hazard Codes:
- 1) Hazard Codes:
 - A) Ignitable Waste (I)
 - B) Corrosive Waste (C)
 - C) Reactive Waste (R)
 - D) EP Toxic Waste (E)
 - E) Acute Hazardous Waste (H)
 - F) Toxic Waste (T)
 - 2) Appendix G identifies the constituent which caused the Administrator to list the waste as an EP Toxic Waste (E) or Toxic Waste (T) in Sections 721.131 and 721.132.
- c) Each hazardous waste listed in this Subpart is assigned an EPA Hazardous Waste Number which precedes the name of the waste. This number must be used in complying with the notification requirements of Section 3010 of the Act and certain recordkeeping and reporting requirements under 35 Ill. Adm. Code 702, 703, and 722 through 725

and 728 and 40 CFR 122.

- d) The following hazardous wastes listed in Section 721.131 or 721.132 are subject to the exclusion limits for acute-ly- hazardous wastes established in Section 721.105: hazardous wastes numbers F020, F021, F022, F023, F026 and F027.

(Source: Amended at 11 Ill. Reg. ,
effective)

Section 721.132 Hazardous Waste from Specific Sources

The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I.

EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
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Wood Preservation:

K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
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Inorganic Pigments:

K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)

Organic Chemicals:

K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
K013	Bottom stream from the acetronitrile column in the production of acrylonitrile.	(T)

K014	Bottoms from the acetone nitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R,T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)

K111	Product wastewaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)

Inorganic Chemicals:

K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	(T)
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	(T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)

Pesticides:

K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of creosote.	(T)

K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)
<u>K123</u>	<u>Process wastewater (including supernates, filtrates and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.</u>	<u>(T)</u>
<u>K124</u>	<u>Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.</u>	<u>(C,T)</u>
<u>K125</u>	<u>Filtration, evaporation and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts</u>	<u>(T)</u>
<u>K126</u>	<u>Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.</u>	<u>(T)</u>

Explosives:

K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)

Petroleum Refining:

K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)

- K051 API separator sludge from the petroleum refining industry. (T)
- K052 Tank bottoms (leaded) from the petroleum refining industry. (T)

Iron and Steel:

- K061 Emission control dust/sludge from the primary production of steel in electric furnaces. (T)
- K062 Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110). (C,T)

Secondary Lead:

- K069 Emission control dust/sludge from secondary lead smelting. (T)
- K100 Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. (T)

Veterinary Pharmaceuticals:

- K084 Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)
- K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organoarsenic compounds. (T)
- K102 Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

Ink Formulation:

- K086 Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps and stabilizers containing chromium and lead. (T)

Coking:

- K060 Ammonia still lime sludge from coking operations. (T)
- K087 Decanter tank tar sludge from coking operations. (T)

(Source: Amended at 11 Ill. Reg. ,
effective)

Appendix C Chemical Analysis Test Methods

The Board incorporates by reference 40 CFR 261, Appendix III -(1985), as amended at 50 Fed. Reg. 42942, October 23, 1985, at 51 Fed. Reg. 5330, February 13, 1986 and at 51 Fed. Reg. 6541, February 25, 1986--(1986), as amended at 51 Fed. Reg. 37725, October 24, 1986. This Section incorporates no future editions or modifications.

(Source: Amended at 11 Ill. Reg. ,
effective)

Appendix G Basis for Listing Hazardous Wastes

EPA Hazardous constituents for which listed
hazardous
waste No.

- F001 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons.
- F002 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane.
- F003 N.A.
- F004 Cresols and cresylic acid, nitrobenzene.
- F005 Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, 2-ethoxyethanol, benzene, 2-nitropropane
- F006 Cadmium, hexavalent chromium, nickel, cyanide (complexed).
- F007 Cyanide (salts).
- F008 Cyanide (salts).
- F009 Cyanide (salts).
- F010 Cyanide (salts).
- F011 Cyanide (salts).
- F012 Cyanide (complexed).
- F019 Hexavalent chromium, cyanide (complexed).
- F020 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.
- F021 Penta- and hexachlorodibenzo-p-dioxins; penta- and hexachlorodibenzofurans; pentachlorophenol and its derivatives.
- F022 Tetra-, penta- and hexachlorodibenzo-p-dioxins; tetra-, penta- and hexachlorodibenzofurans.
- F023 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetra- chlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.
- F024 Chloromethane, dichloromethane, trichloromethane, carbon

- tetrachloride, chloroethylene, 1,1-dichloroethane, 1,2-dichloroethane, trans-1,2-dichloroethylene, 1,1-dichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethylene, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, tetrachloroethylene, pentachloroethane, hexachloroethane, allyl chloride (3-chloropropene), dichloropropane, dichloropropene, 2-chloro-1,3-butadiene, hexachloro-1,3-butadiene, hexachlorocyclopentadiene, hexachlorocyclohexane, benzene, chlorobenzene, dichlorobenzenes, 1,2,4-trichlorobenzene, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, toluene, naphthalene.
- F026 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans.
- F027 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.
- F028 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.
- K001 Pentachlorophenol, phenol, 2-chlorophenol, p-chloro-m-cresol, 2,4-dimethylphenol, 2,4-dinitrophenol, trichlorophenols, tetrachlorophenols, 2,4-dinitrophenol, cresosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benz(a)anthracene, dibenz(a)anthracene, acenaphthalene.
- K002 Hexavalent chromium, lead.
- K003 Hexavalent chromium, lead.
- K004 Hexavalent chromium.
- K005 Hexavalent chromium, lead.
- K006 Hexavalent chromium.
- K007 Cyanide (complexed), hexavalent chromium.
- K008 Hexavalent chromium.
- K009 Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid.
- K010 Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid, chloroacetaldehyde.
- K011 Acrylonitrile, acetonitrile, hydrocyanic acid.
- K013 Hydrocyanic acid, acrylonitrile, acetonitrile.
- K014 Acetonitrile, acrylamide.
- K015 Benzyl chloride, chlorobenzene, toluene, benzotrichloride.
- K016 Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride, hexachloroethane, perchloroethylene.
- K017 Epichlorohydrin, chloroethers [bis(chloromethyl) ether and bis-(2-chloroethyl) ethers], trichloropropane, dichloropropanols.
- K018 1,2-dichloroethane, trichloroethylene, hexachlorobutadiene, hexachlorobenzene.
- K019 Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-

- trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
- K020 Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloro-ethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
- K021 Antimony, carbon tetrachloride, chloroform.
- K022 Phenol, tars (polycyclic aromatic hydrocarbons).
- K023 Phthalic anhydride, maleic anhydride.
- K024 Phthalic anhydride, 1,4-naphthoquinone.
- K025 Meta-dinitrobenzene, 2,4-dinitrotoluene.
- K026 Paraldehyde, pyridines, 2-picoline.
- K027 Toluene diisocyanate, toluene-2, 4-diamine.
- K028 1,1,1-trichloroethane, vinyl chloride.
- K029 1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, vinylidene chloride, chloroform.
- K030 Hexachlorobenzene, hexachlorobutadiene, hexachloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, ethylene dichloride.
- K031 Arsenic.
- K032 Hexachlorocyclopentadiene.
- K033 Hexachlorocyclopentadiene.
- K034 Hexachlorocyclopentadiene.
- K035 Creosote, chrysene, naphthalene, fluoranthene, benzo(b) fluoranthene, benzo(a)-pyrene, indeno(1,2,3-cd) pyrene, benzo(a)anthracene, dibenzo(a)anthracene, acenaphthalene.
- K036 Toluene, phosphorodithioic and phosphorothioic acid esters.
- K037 Toluene, phosphorodithioic and phosphorothioic acid esters.
- K038 Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
- K039 Phosphorodithioic and phosphorothioic acid esters.
- K040 Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
- K041 Toxaphene.
- K042 Hexachlorobenzene, ortho-dichlorobenzene.
- K043 2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol.
- K044 N.A.
- K045 N.A.
- K046 Lead
- K047 N.A.
- K048 Hexavalent chromium, lead.
- K049 Hexavalent chromium, lead.
- K050 Hexavalent chromium.
- K051 Hexavalent chromium, lead.
- K052 Lead

K060 Cyanide, naphthalene, phenolic compounds, arsenic.
K061 Hexavalent chromium, lead, cadmium.
K062 Hexavalent chromium, lead.
K069 Hexavalent chromium, lead, cadmium.
K071 Mercury.
K073 Chloroform, carbon tetrachloride, hexachloroethane,
trichloroethane, tetrachloroethylene, dichloroethylene,
1,1,2,2-tetrachloroethane.
K083 Aniline, diphenylamine, nitrobenzene, phenylenediamine.
K084 Arsenic.
K085 Benzene, dichlorobenzenes, trichlorobenzenes,
tetrachlorobenzenes, pentachlorobenzene,
hexachlorobenzene, benzyl chloride.
K086 Lead, hexavalent chromium.
K087 Phenol, naphthalene.
K093 Phthalic anhydride maleic anhydride.
K094 Phthalic anhydride.
K095 1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane,
1,1,2,2-tetrachloroethane.
K096 1,2-dichloroethane, 1,1,1,-trichloroethane, 1,1,2-
trichloroethane.
K097 Chloroform, heptachlor.
K098 Toxaphene.
K099 2,4-dichlorophenol, 2,4,6-trichlorophenol.
K100 Hexavalent chromium, lead, cadmium.
K101 Arsenic.
K102 Arsenic.
K103 Aniline, nitrobenzene, phenylenediamine.
K104 Aniline, benzene, diphenylamine, nitrobenzene,
phenylenediamine.
K105 Benzene, monochlorobenzene, dichlorobenzenes, 2,4,6-
trichlorophenol.
K106 Mercury.
K111 2,4-Dinitrotoluene.
K112 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K113 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K114 2,4-Toluenediamine, o-toluidine, p-toluidine.
K115 2,4-Toluenediamine.
K116 Carbon tetrachloride, tetrachloroethylene, chloroform,
phosgene.
K117 Ethylene dibromide
K118 Ethylene dibromide
K123 Ethylene thiourea
K124 Ethylene thiourea
K125 Ethylene thiourea
K126 Ethylene thiourea
K136 Ethylene dibromide

N.A.--Waste is hazardous because it fails the test for the characteristic of ignitability, corrosivity-~~7~~ or reactivity.

(Source: Amended at 11 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

SUBPART A: GENERAL

Section
722.110 Purpose, Scope and Applicability
722.111 Hazardous Waste Determination
722.112 USEPA Identification Numbers

SUBPART B: THE MANIFEST

Section
722.120 General Requirements
722.121 Acquisition of Manifests
722.122 Number of Copies
722.123 Use of the Manifest

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section
722.130 Packaging
722.131 Labeling
722.132 Marking
722.133 Placarding
722.134 Accumulation Time

SUBPART D: RECORDKEEPING AND REPORTING

Section
722.140 Recordkeeping
722.141 Annual Reporting
722.142 Exception Reporting
722.143 Additional Reporting
722.144 Special Requirements for Generators of between 100
and 1000 kilograms per month

SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section
722.150 Applicability
722.151 Definitions
722.152 General Requirements
722.153 Notification of Intent to Export
722.154 Special Manifest Requirements
722.155 Exception Report
722.156 Annual Reports
722.157 Recordkeeping

SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section
722.160 Imports of Hazardous Waste

SUBPART G: FARMERS

Section
722.170 Farmers

Appendix A ~~Form Annual Report (EPA Form 8700-13) (Repealed)-~~
Hazardous Waste Manifest

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 R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, 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. , effective .

SUBPART A: GENERAL

Section 722.111 Hazardous Waste Determination

A person who generates a solid waste, as defined in ~~§-35~~ Ill. Adm. Code 721.102, ~~must~~ shall determine if that waste is a hazardous waste using the following method:

- a) ~~He~~The person should first determine if the waste is excluded from regulation under ~~§-35~~ Ill. Adm. Code 721.104.
- b) ~~He must~~The person should then determine if the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721.Subpart D ~~of Part 721-~~.

(Board Note: Even if a waste is listed, the generator still has an opportunity under ~~§-35~~ Ill. Adm. Code 720.122 and 40 CFR ~~§-260.22~~ (1986) to demonstrate that the waste from ~~his~~the generator's particular facility or operation is not a hazardous waste.

- c) If the waste is not listed as a hazardous waste in 35 Ill. Adm. Code 721.Subpart D ~~of Part 721-~~, ~~he must-~~ , the generator should determine whether the waste is identified in 35 Ill. Adm. Code 721.Subpart C ~~of Part 721-~~by either:
 - 1) Testing the waste according to the methods set forth in 35 Ill. Adm. Code 721.Subpart C ~~of Part 721-~~, or according to an equivalent method approved

by the Board under ~~§~~-35 Ill. Adm. Code 720.120; or

- 2) Applying knowledge of the hazard characteristic of the waste in light of the materials or processes used.

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.

(Source: Amended at 11 Ill. Reg. ,
effective)

Appendix A ~~-Form-Annual Report (EPA Form 8700-13) (Repealed)-~~
Hazardous Waste Manifest

The Board incorporates by reference 40 CFR 262, Appendix (1986), as amended at 51 Fed. Reg. 35190, October 1, 1986. This Part incorporates no later amendments or editions. The Agency shall prepare manifest forms based on 40 CFR 262, Appendix, with such changes as are necessary under Illinois law.

(Source: Amended at 11 Ill. Reg. ,
effective)

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

PART 723
STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDCUS WASTE

SUBPART A: GENERAL

Section
723.110 Scope
723.111 USEPA Identification Number
723.112 Transfer Facility Requirements

SUBPART B: COMPLIANCE WITH THE MANIFEST SYSTEM AND
RECORDKEEPING

Section
723.120 The Manifest System
723.121 Compliance with the Manifest
723.122 Recordkeeping

SUBPART C: HAZARDCUS WASTE DISCHARGES

Section
723.130 Immediate Action
723.131 Discharge Clean Up

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

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 17, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R84-9, at 9 Ill. Reg. 11961, effective July 24, 1985; amended in R86-19, at 10 Ill. Reg. 20718, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13570, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. , effective .

SUBPART A: GENERAL

Section 723.112 Transfer Facility Requirements

A transporter who stores manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less is not subject to regulations under 35 Ill. Adm. Code 702, 703, 724, 725 or 728 with respect to the storage of those wastes.

(Source: Amended at 11 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

SUBPART B: GENERAL FACILITY STANDARDS

Section
724.110 Applicability
724.111 Identification Number
724.112 Required Notices
724.113 General Waste Analysis
724.114 Security
724.115 General Inspection Requirements
724.116 Personnel Training
724.117 General Requirements for Ignitable, Reactive or
Incompatible Wastes
724.118 Location Standards

SUBPART C: PREPAREDNESS AND PREVENTION

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

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

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

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section
724.170 Applicability
724.171 Use of Manifest System
724.172 Manifest Discrepancies
724.173 Operating Record
724.174 Availability, Retention and Disposition of Records

724.175 Annual Report
724.176 Unmanifested Waste Report
724.177 Additional Reports

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

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

SUBPART G: CLOSURE AND POST-CLOSURE

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

SUBPART H: FINANCIAL REQUIREMENTS

Section
724.240 Applicability
724.241 Definitions of Terms As Used In This Subpart
724.242 Cost Estimate for Closure
724.243 Financial Assurance for Closure
724.244 Cost Estimate for Post-Closure Care
724.245 Financial Assurance for Post-Closure Care
724.246 Use of a Mechanism for Financial Assurance of Both
Closure and Post-Closure Care
724.247 Liability Requirements
724.248 Incapacity of Owners or Operators, Guarantors or
Financial Institutions
724.251 Wording of the Instruments

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section
724.270 Applicability
724.271 Condition of Containers
724.272 Compatibility of Waste With Container

724.273 Management of Containers
724.274 Inspections
724.275 Containment
724.276 Special Requirements for Ignitable or Reactive Waste
724.277 Special Requirements for Incompatible Wastes
724.278 Closure

SUBPART J: TANK SYSTEMS

Section
724.290 Applicability
724.291 Assessment of Existing Tank System's Integrity
724.292 Design and Installation of New Tank Systems or
Components
724.293 Containment and Detection of Releases
724.294 General Operating Requirements
724.295 Inspections
724.296 Response to Leaks or Spills and Disposition of
Leaking or unfit-for-use Tank Systems
724.297 Closure and Post-Closure Care
724.298 Special Requirements for Ignitable or Reactive Waste
724.299 Special Requirements for Incompatible Wastes
724.300 Special Requirements for Hazardous Wastes F020, F021,
F022, F023, F026 and F027

SUBPART K: SURFACE IMPOUNDMENTS

Section
724.320 Applicability
724.321 Design and Operating Requirements
724.322 Double-lined Surface Impoundments: Exemption from
Subpart F: Groundwater Protection Requirements
(Repealed)
724.326 Monitoring and Inspection
724.327 Emergency Repairs; Contingency Plans
724.328 Closure and Post-Closure Care
724.329 Special Requirements for Ignitable or Reactive Waste
724.330 Special Requirements for Incompatible Wastes
724.331 Special Requirements for Hazardous Wastes F020, F021,
F022, F023, F026 and F027

SUBPART L: WASTE FILES

Section
724.350 Applicability
724.351 Design and Operating Requirements
724.352 Double-lined Piles: Exemption from Subpart F:
Groundwater Protection Requirements (Repealed)
724.353 Inspection of Liners: Exemption from Subpart F:
Groundwater Protection Requirements (Repealed)
724.354 Monitoring and Inspection
724.356 Special Requirements for Ignitable or Reactive Waste
724.357 Special Requirements for Incompatible Wastes
724.358 Closure and Post-Closure Care
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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 R82-19, 53 PCB 131, 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. , effective .

SUBPART A: GENERAL

Section 724.101 Purpose, Scope and Applicability

- a) The purpose of this Part is to establish minimum standards which define the acceptable management of hazardous waste.
- b) The standards in this Part apply to owners and operators of all facilities which treat, store or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- c) The requirements of this Part apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434, 33 U.S.C. 1401) only to the extent they are included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.

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

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

(Board Note: This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground.)

- e) The requirements of this Part apply to the owner or operator of a POTW (publicly owned treatment works) which treats, stores or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141.

f) The requirements of this Part do not apply to:

- 1) The owner or operator of a facility permitted by the Agency under Section 21 of the Environmental Protection Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105-~~7~~-.

(Board Note: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit under 35 Ill. Adm. Code 807.210.)

- 2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) and (3) (except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, D, F or C)-~~7~~-.
- 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134-~~7~~-.
- 4) A farmer disposing of waste pesticides from his own use in compliance with 35 Ill. Adm. Code 722.151-~~7~~
~~er~~-.
- 5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110-~~7~~-.
- 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 35 Ill. Adm. Code 720.110;
- 8) Immediate response:

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

- i) A discharge of a hazardous waste;
- ii) An imminent and substantial threat of a discharge of hazardous waste;
- iii) A discharge of a material which, when discharged, becomes a hazardous waste.

B) An owner or operator of a facility otherwise regulated by this Part must comply with all

applicable requirements of Subparts C and D.

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

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

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

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.

(Source: Amended at 11 Ill. Reg. ,
effective)

SUBPART E: GENERAL FACILITY STANDARDS

Section 724.113 General Waste Analysis

a) Analysis:

- 1) Before an owner or operator treats, stores or disposes of any hazardous waste, ~~it~~ the owner or operator must obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all the information which must be known to treat, store or dispose of the waste in accordance with the requirements of this Part or 35 Ill. Adm. Code 728, or with the conditions of a permit issued under 35 Ill. Adm. Code 702, 703 and 705.
- 2) The analysis may include data developed under 35 Ill. Adm. Code 721, and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.

(Board Note: For example, the facility's records

of analyses performed on the waste before the effective date of these regulations, or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility, may be included in the data base required to comply with ~~paragraph~~-subsection (a)(1). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by ~~paragraph~~-subsection (a)(1). If the generator does not supply the information, and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this section.)

- 3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:
 - A) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste has changed; and
 - B) For off-site facilities, when the results of the inspection required in ~~paragraph~~-subsection (a)(4) indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.
 - 4) The owner or operator of an off-site facility must inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.
- b) The owner or operator must develop and follow a written waste analysis plan which describes the procedures which it will carry out to comply with ~~paragraph~~-subsection (a). The owner or operator must keep this plan at the facility. At a minimum, the plan must specify:
- 1) The parameters for which each hazardous waste will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with ~~paragraph~~-subsection (a))-~~7~~-.
 - 2) The test methods which will be used to test for these parameters-~~7~~-.

- 3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:
 - A) One of the sampling methods described in 35 Ill. Adm. Code 721.Appendix A; or
 - B) An equivalent sampling method.

(Board Note: See 35 Ill. Adm. Code 720.121 for related discussion.)
 - 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date-; and-
.
 - 5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.
 - 6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 724.117, 724.414 and 724.441, and 35 Ill. Adm. Code 728.107. And,
 - 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.
- c) For off-site facilities, the waste analysis plan required in ~~paragraph~~-subsection (b) must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:
- 1) The procedures which will be used to determine the identity of each movement of waste managed at the facility; and
 - 2) The sampling method which will be used to obtain a

representative sample of the waste to be identified, if the identification method includes sampling.

(Board Note: 35 Ill. Adm. Code 703, requires that the waste analysis plan be submitted with Part B of the permit application.)

(Source: Amended at 11 Ill. Reg. ,
effective)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 724.173 Operating Record

- a) The owner or operator must keep a written operating record at the facility.
- b) The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:
 - 1) A description and the quantity of each hazardous waste received, and the method-(s)-or methods and date-(s)-or dates of its treatment, storage or disposal at the facility as required by Appendix A;
 - 2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

(Board Note: See Section 724.219 for related requirements.)
 - 3) Records and results of waste analyses performed as specified in Sections 724.113, 724.117, 724.414 and 724.441, and in 35 Ill. Adm. Code 728.104(a) and 728.107;
 - 4) Summary reports and details of all incidents that require implementing the contingency plan as specified in Section 724.156(j);
 - 5) Records and results of inspections as required by Section 724.115(d) (except these data need to be kept only three years);
 - 6) Monitoring, testing or analytical data where required by Subpart F or Sections 724.291, 724.293,

724.295, 724.326, 724.353, 724.354, 724.376,
724.378, 724.380, 724.403, 724.409 or 724.447.

- 7) For off-site facilities, notices to generators as specified in Section 724.112(b);
- 8) All closure cost estimates under Section 724.242 and, for disposal facilities, all post-closure cost estimates under Section 724.244--;
- 9) A certification by the permittee, no less often than annually: that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that the permittee generates, to the degree the permittee determines to be economically practicable; and that the proposed method of treatment, storage or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment--;
- 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 of 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 of 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 of the treater under 35 Ill. Adm. Code 728.107(b)(1), except for the manifest number, whichever is applicable.

(Source: Amended at 11 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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Appendix C	EPA Interim Primary Drinking Water Standards
Appendix D	Tests for Significance
Appendix E	Examples of Potentially Incompatible Waste

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 R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, 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. 12489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. , effective .

SUBPART A: GENERAL

Section 725.101 Purpose, Scope and Applicability

- a) The purpose of this Part is to establish minimum standards which define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.
- b) The standards in this Part apply to owners and operators of facilities which treat, store or dispose of hazardous waste who have fully complied with the requirements for interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.) and 35 Ill. Adm. Code 703, until either a permit is issued under Section 3005 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure responsibilities under this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980, who have failed to provide timely notification as required by Section 3010(a) of RCRA, ~~and~~ or failed to file Part A of the Permit Application as required by 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and

703.152. These standards apply to all treatment, storage or disposal of hazardous waste at these facilities after November 19, 1980, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721;

(Board Note: As stated in Section 3005(a) of RCRA, after the effective date of regulations under that Section, i.e., 40 CFR 270 and 124, the treatment, storage or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner's and operator's permit application is made. 35 Ill. Adm. Code 703.140 et seq. provide that a permit is deemed issued under Section 21(f)(1) of the Environmental Protection Act under conditions similar to federal interim status.)

c) The requirements of this Part do not apply to:

- 1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434; 33 U.S.C. 1401);

(Board Note: ~~These Part 725 regulations do apply~~ - This Part applies to the treatment or storage of hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in ~~paragraph-subsection~~ (b).)

- 2) A person disposing of hazardous waste by means of underground injection subject to an Underground Injection Control (UIC) permit issued under 35 Ill. Adm. Code 704;

(Board Note: ~~These Part 725 regulations do apply~~- This Part applies to the above ground treatment or storage of hazardous waste before it is injected underground. ~~These Part 725 regulations also apply~~-This Part also applies to the disposal of hazardous waste by means of underground injection, as provided in ~~paragraph-subsection~~ (b), until final administrative disposition of a person's permit application is made under 35 Ill. Adm. Code 703 or 704.)

- 3) The owner or operator of a PCTW (publicly owned treatment works) which treats, stores or disposes of hazardous waste;

(Board Note: The owner or operator of a facility under ~~paragraph-subsections~~ (c)(1) through (c)(3)

is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person under 35 Ill. Adm. Code 702 and 703 or are required by 35 Ill. Adm. Code 704.Subpart F.)

- 5) The owner or operator of a facility permitted, licensed or registered by Illinois to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105;
- 6) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) and (3) (except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, D, F or G;
- 7) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134, except to the extent the requirements are included in 35 Ill. Adm. Code 722.134;
- 8) A farmer disposing of waste pesticides from his own use in compliance with 35 Ill. Adm. Code 722.151;
- 9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
- 10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 35 Ill. Adm. Code 720.110;
- 11) Immediate response:
 - A) Except as provided in ~~paragraph~~-subsection (c)(11)(B), a person engaged in treatment or containment activities during immediate response to any of the following situations:
 - i) A discharge of a hazardous waste;
 - ii) An imminent and substantial threat of a discharge of a hazardous waste;
 - iii) A discharge of a material which, when discharged, becomes a hazardous waste.
 - B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D.

- C) Any person who is covered by ~~paragraph~~ subsection (c)(11)(A) and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703 and 705 for those activities.
- 12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.
- 13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110), or the addition of waste to the absorbent material in a container, provided that these actions occur at the time waste is first placed in the containers; and Sections 725.117(b), 725.271 and 725.272 are complied with.
- d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: hazardous waste numbers F020, F021, F022, F023, F026 or F027 unless:
- 1) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;
 - 2) The waste is stored in tanks or containers;
 - 3) The waste is stored or treated in waste piles that meet the requirements of ~~Section~~ 35 Ill. Adm. Code 724.350(c) as well as all other applicable requirements of Subpart L;
 - 4) The waste is burned in incinerators that are certified pursuant to the standards and procedures in Section 725.452; or
 - 5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in Section 725.483.
- e) This Part applies to owners and operators of facilities which treat, store or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.
- f) 35 Ill. Adm. Code 700 contains rules concerning application of other Board regulations.

(Source: Amended at 11 Ill. Reg. ,

effective)

SUBPART B: GENERAL FACILITY STANDARDS

Section 725.113 General Waste Analysis

a) Waste analysis:

- 1) Before an owner or operator treats, stores or disposes of any hazardous waste, the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all the information which must be known to treat, store or dispose of the waste in accordance with the requirements of this Part and 35 Ill. Adm. Code 728.
- 2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on waste generated from similar processes.

(Board Note: For example, the facility's record of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with subsection (a)(1). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1). If the generator does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.)

- 3) The analysis must be repeated as necessary to insure that it is accurate and up-to-date. At a minimum, the analysis must be repeated:
 - A) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste has changed; and
 - B) For off-site facilities, when the results of the inspection required in subsection (a)(4) indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or

shipping paper.

- 4) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.
- b) The owner or operator shall develop and follow a written waste analysis plan which describes the procedures which the owner or operator will carry out to comply with subsection (a). The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:
- 1) The parameters for which each hazardous waste will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a)).
 - 2) The test methods which will be used to test for these parameters-~~7-~~.
 - 3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:
 - A) One of the sampling methods described in 35 Ill. Adm. Code 721.Appendix A or
 - B) An equivalent sampling method.(Board Note: See 35 Ill. Adm. Code 720.120(c) for related discussion.)
 - 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date-~~7-~~.
 - 5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply-~~7~~ and-~~.~~
 - 6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections ~~-725-300-~~725.293, 725.325, 725.352, 725.373, 725.414, ~~-725-445-~~725.441, 725.475 and 725.502, and 35 Ill. Adm. Code 728.107. And,

- 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.

- c) For off-site facilities, the waste analysis plan required in subsection (b) must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:
- 1) The procedures which will be used to determine the identity of each movement of waste managed at the facility; and
 - 2) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.

(Source: Amended at 11 Ill. Reg. ,
effective)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 725.173 Operating Record

- a) The owner or operator shall keep a written operating record at the facility.
- b) The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility.
 - 1) A description and the quantity of each hazardous waste received and the method-~~(s)~~-or methods and date-~~(s)~~-or dates of its treatment, storage or disposal at the facility as required by Appendix A;
 - 2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all

facilities this information must include cross-references to specific manifest document numbers if the waste was accompanied by a manifest;

(Board Note: See Sections 725.219, 725.379 and 725.409 for related requirements.)

- 3) Records and results of waste analysis and trial tests performed as specified in Sections 725.113, ~~725.300~~-725.293, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475 and 725.502, and 35 Ill. Adm. Code 728.104(a) and 728.107;
- 4) Summary reports and details of all incidents that require implementing the contingency plan as specified in Section 725.156(j);
- 5) Records and results of inspections as required by Sections 725.115(d) (except these data need be kept only three years);
- 6) Monitoring, testing or analytical data where required by Sections 725.190, 725.194, 725.291, 725.293, 725.295, 725.376, 725.378, 725.380(d)(1), 725.447 and 725.477; ~~and-~~

(Board Note: As required by Section 725.194, monitoring data at disposal facilities must be kept throughout the post-closure period.)

- 7) All closure cost estimates under Section 725.242 and, for disposal facilities, all post-closure cost estimates under Section 725.244--;
- 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);
- 10) 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 of 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 of 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 of the treater under 35 Ill. Adm. Code 728.107(b)(1), except for the manifest number, whichever is applicable.

(Source: Amended at 11 Ill. Reg. ,
effective)

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 ON 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).

SCURCE: 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, as defined in Section 728.102; 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 Environmental Protection Agency (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 (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1022.6 or 1039(h)) 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 taken under 35 Ill. Adm. Code 724.200 or 725.193, 40 CFR 264.100 or 265.93 (1987), or similar regulations in other States with RCRA programs authorized by USEPA pursuant to 40 CFR 271 (1986).

"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. And,
- 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 submits 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 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:

- 1) An identification of the specific waste and the specific unit for which the demonstration will be made;
 - 2) A waste analysis to describe fully the chemical and physical characteristics of the subject waste;
 - 3) A comprehensive characterization of the disposal unit site including an analysis of background air, soil and water quality;
 - 4) 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 conform with "Test Methods for Evaluating Solid Waste" and with "Generic Quality Assurance Project Plan for Land Disposal Restrictions Program," incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 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 and conforms with "Test Methods for Evaluating Solid Waste" and with "Generic Quality Assurance Project Plan for Land Disposal Restrictions Program," incorporated by reference in 35 Ill. Adm. Code 720.111. 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 should be treated in compliance with the treatment 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)
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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)

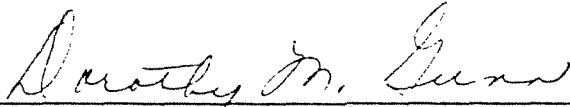
The Board incorporates by reference 40 CFR 268, Appendix I, as adopted at 51 Fed. Reg. 40636, November 7, 1986, and amended at 52 Fed. Reg. 21010, June 4, 1987. This incorporation includes no future editions or amendments.

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.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 15th day of October, 1987, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board