

ILLINOIS POLLUTION CONTROL BOARD
June 13, 1985

IN THE MATTER OF:)
RCRA AND UIC UPDATE) RB4-9

ORDER OF THE BOARD (by J. Anderson):

The Board opened this docket on March 21, 1984, for the purpose of updating the RCRA and UIC rules (35 Ill. Adm. Code 702, 703, 704, 705, 720, 721, 722, 723, 724, 725 and 730) to conform with recent amendments to the corresponding federal rules pursuant to Sections 13(c) and 22.4(a) of the Environmental Protection Act (Act). On December 26, 1984, the Illinois Environmental Protection Agency (Agency) filed a proposal to update the rules to correspond with federal amendments through April 24, 1984.

On January 10, 1985, the Board sent the Agency's proposal to first notice in the form proposed. The proposal appeared at 9 Ill. Reg. 2018, February 15, 1985. The Board has received public comments and has modified the proposal as is discussed in the Opinion of this same date. The Board hereby adopts the amendments attached to this Order.

Board Member J. Theodore Meyer dissented.

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 June, 1985, by a vote of 6-1.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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TEXT OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER b: PERMITS

PART 700
RCRA AND UIC PERMIT PROGRAMS

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AUTHORITY: Implementing Section 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1981-1983, ch. 111 1/2, pars. 1013, 1022.4 and 1027).

SOURCE: 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 7 Ill. Reg. 14352, effective as noted in 35 Ill. Adm. Code 700.106; amended in R84-9 at Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 702.110 Definitions

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704 and 705. Terms not defined in this Section have the meaning given by the appropriate Act. When a defined term appears in a definition, the defined term is sometimes placed within quotation marks as an aid to readers. When a definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

~~(Board Note--See-40-CFR-322.3.)~~ (Board Note: See 40 CFR 270.2)

"Administrator" means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

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"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit, including any additions, revisions or modifications to the forms. For RCRA, application also includes the information required by the Agency under 35 Ill. Adm. Code 703.182 et seq. (contents of Part B of the RCRA application).

"Appropriate act and regulations" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA); Safe Drinking Water Act (SDWA); or the "Environmental Protection Act," whichever is applicable; and applicable regulations promulgated under those statutes.

"Approved program or approved State" means a State or Interstate program which has been approved or authorized by EPA under 40 CFR 123.

"Aquifer" (RCRA and UIC) means a geological "formation", group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" (UIC) means the area surrounding an injection well described according to the criteria set forth in 35 Ill. Adm. Code 730.106 or in the case of an area permit, the project area plus a circumscribing area the width of which is either 402 meters (1/4 of a mile) or a number calculated according to the criteria set forth in 35 Ill. Adm. Code 730.106.

"Board" means the Illinois Pollution Control Board.

"Closure" (RCRA) means the act of securing a "Hazardous Waste Management Facility" pursuant to the requirements of 35 Ill. Adm. Code 724.

"Contaminant" (UIC) means any physical, chemical, biological or radiological substance or matter in water.

"CWA" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended by Pub. L. 95-217, and Pub. L. 95-576; 33 U.S.C. 1251.

"Date of approval by USEPA of the Illinois UIC program" means the date on which USEPA delegates primary for the UIC program for Class I, III, IV and V wells to the State of Illinois pursuant to Section 1422 of the SDWA and 40 CFR 123 February 1, 1984.

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"Director" means the Director of the Illinois Environmental Protection Agency or his designee.

"Disposal" (RCRA) means the discharge, deposit, injection, dumping, spilling, leaking or placing of any "hazardous waste" into or on any land or water or into any well so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.

"Disposal Facility" (RCRA) means a facility or part of a facility at which "hazardous waste" is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure.

"Draft Permit" means a document prepared under 35 Ill. Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny modify, revoke and reissue, terminate or reissue a "permit". A notice of intent to deny a permit, as discussed in 35 Ill. Adm. Code 705.141 is a type of "draft permit". A denial of a request for modification, as discussed in 35 Ill. Adm. Code 705.128, is not a "draft permit". A "proposed permit" is not a "draft permit".

"Drilling Mud" (UIC) means a heavy suspension used in drilling an "injection well", introduced down the drill pipe and through the drill bit.

"Elementary neutralization unit" means a device which:

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

Meets the definition of tank, container, transport vehicle, or vessel in 35 Ill. Adm. Code 720.110.

"Emergency Permit" means a RCRA or UIC "permit" issued in accordance with 35 Ill. Adm. Code 703.221 or 704.163, respectively.

"Environmental Protection Act" means the Environmental Protection Act. (Ill. Rev. Stat. ~~3983-1985~~, ch. 111 1/2, par. 1001 et seq.), as amended.

"Environmental Protection Agency" ("EPA") means the United States Environmental Protection Agency.

"EPA" means the United States "Environmental Protection Agency".

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"Exempted aquifer" (UIC) means an "aquifer" or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures in 35 Ill. Adm. Code 702.105, 704.106 and 705.107.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility which was in operation or for which construction commenced or is before November 19, 1980. A facility has commenced construction if:

The owner or operator has obtained the Federal, State and local approvals or permits necessary to begin physical construction; and either:

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

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

"Existing injection well" (UIC) means an "injection well" other than a "new injection well".

"Facility or activity" means any "HWM facility", UIC "injection well", or any other facility or activity (including land or appurtenances thereto) that is subject to regulations under the "State" RCRA or UIC program.

"Federal, State and local" approvals or permits necessary to begin physical construction" means permits and approvals required under Federal, State or local hazardous waste laws or statutes, regulations or ordinances. (See 35 Ill. Adm. Code 701.100 et seq.)

"Final authorization" (RCRA) means approval by EPA of the Illinois Hazardous Waste Management Program which has met the requirements of Sec. 2005(a) of RCRA and the applicable requirements of 40 CFR 123, Subparts A and B.

"Fluid" (UIC) means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas or any other form or state.

"Formation" (UIC) means a body of rock characterized by a degree of lithologic homogeneity which is prevailingly, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

"Formation fluid" (UIC) means "fluid" present in a "formation" under natural conditions as opposed to introduced fluids, such as "drilling mud".

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"Generator" (RCRA) means any person, by site location, whose act or process produces "hazardous waste" identified or listed in 35 Ill. Adm. Code 721.

"Groundwater" (RCRA and UIC) means a water below the land surface in a zone of saturation.

"Hazardous Waste" (RCRA and UIC) means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste management facility ("HWM 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 (for example, one or more landfills, surface impoundments or combinations of them).

"HWM facility" (RCRA) means "Hazardous Waste Management facility".

"Injection well" (RCRA and UIC) means a "well" into which "fluids" are being injected.

"Injection zone" (UIC) means a geological "formation", group of formations or part of a formation receiving fluids through a "well".

"In operation" (RCRA) means a facility which is treating, storing or disposing of "hazardous waste".

"Interim authorization" (RCRA) means approval by EPA of the Illinois Hazardous Waste Management program which has met the requirements of Sec. 3006(c) of RCRA and applicable requirements of 40 CFR 123, Subpart F. This happened on May 17, 1982.

"Interstate agency" means an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the "appropriate Act and regulations".

"Major facility" means any RCRA or UIC "facility or activity" classified as such by the Regional Administrator or the Agency.

"Manifest" (RCRA and UIC) means the shipping document originated and signed by the "generator" which contains the information required by ~~Subpart-B-of~~ 35 Ill. Adm. Code 722, Subpart B or 35 Ill. Adm. Code 809.

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~~(Board Note:--Prior to Codification, 35 Ill. Adm. Code 309 was Chapter 9 of the Illinois Pollution Control Board Rules and Regulations.)~~

"National Pollutant Discharge Elimination System" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of CWA and under Sec. 12(f) of the Environmental Protection Act and ~~Subpart A of~~ 35 Ill. Adm. Code 309, Subpart A. The term includes an "approved program".

"New HWM facility" (RCRA) means a "Hazardous Waste Management facility" which began operation or for which construction commenced after November 19, 1980.

"New injection well" (UIC) means a "well" which began injection after the UIC program for the State of Illinois applicable to the well is approved.

"Off-site" (RCRA) means any site which is not "on-site".

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

"Owner or operator" means the owner or operator of any "facility or activity" subject to regulation under the RCRA or UIC programs.

"Permit" means an authorization, license or equivalent control document issued to implement the requirements of this Part and 35 Ill. Adm. Code 703, 704 and 705. "Permit" includes RCRA "permit by rule" (35 Ill. Adm. Code 703.141), UIC area permit (35 Ill. Adm. Code 704.162) and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.--- 703.221 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code 700.105), UIC authorization by rule (Subpart G of 35 Ill. Adm. Code 704, Subpart C), or any permit which has not yet been the subject of final Agency action, such as a "Draft Permit" or a "Proposed Permit."

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

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"Phase I" (RCRA) means, as used in the corresponding federal regulations, the period of time commencing May 19, 1980. For Illinois purposes, Phase I began on May 17, 1982.

"Phase II" (RCRA) means, as used in the corresponding federal regulations, the period of time commencing May 19, 1980. For Illinois purposes, Phase II will commence ~~no earlier than the effective date of the first regulations adopted in 25 Ill. Adm. Code 724~~ whenever USEPA grants final authorization to the Agency to issue RCRA permits for any class of facility or unit.

"Physical construction" (RCRA) means excavation, movement of earth, erection of forms or structures or similar activity to prepare an "HWM facility" to accept "hazardous waste".

"Plugging" (UIC) means the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.

"POTW" means "publicly owned treatment works".

"Project" (UIC) means a group of wells in a single operation.

"Publicly owned treatment works" ("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". This definition includes sewers, pipes or other conveyances only if they convey wastewater to a POTW providing treatment.

"Radioactive waste" (UIC) means any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR 20, Appendix B, Table II, Column 2.

"RCRA" means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (Pub. P. L. 94-580, as amended by Pub. L. 95-609, 42 U.S.C. 6901).

"RCRA permit" means a permit required under Section 21(f) of the Environmental Protection Act.

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

"Schedule of compliance" means a schedule of remedial measures included in a "permit", including an enforceable sequence of interim requirements (for example, actions, operations or milestone events) leading to compliance with the "appropriate Act and regulations".

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"SDWA" means the Safe Drinking Water Act (Pub. L. 95-523, as amended by Pub. L. 95-190; 42 U.S.C. 300f).

"Section 404 program" or "State 404 program" or "404" means an "approved state program" to regulate the "discharge of dredged material" and the "discharge of fill material" under Section 404 of the Clean Water Act in "state regulated waters".

"Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

"SIC Code" means codes pursuant to the current Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget, Washington, D.C.

"Spill" (RCRA) means the accidental spilling, leaking, pumping, emitting, emptying or dumping of hazardous wastes or materials which, when spilled, become hazardous wastes on or on any land or water.

"State" means the State of Illinois.

"State Director" means the Director of the Illinois Environmental Protection Agency.

"State/EPA Agreement" means an agreement between the Regional Administrator and the State which coordinates EPA and State activities, responsibilities and programs including those under the RCRA and SDWA.

"Storage" (RCRA) means the holding of "hazardous waste" for a temporary period, at the end of which the hazardous waste is treated, disposed or stored elsewhere.

"Stratum (plural strata)" (SD) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

"Total dissolved solids" (TDS) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136.

"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.

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"Transporter" (RCRA) means a person engaged in the off-site transportation of "hazardous waste" by air, rail, highway or water.

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

"UIC" means the Underground Injection Control program under Part C of the Safe Drinking Water Act, including an "approved program".

"Underground Injection" (UIC) means a "well injection".

"Underground source of drinking water" ("USDW") (RCRA and UIC) means an "aquifer" or its portion:

Which supplies any public water system; or

Which contains a sufficient quantity of groundwater to supply a public water system; and

Currently supplies drinking water for human consumption; or

Contains less than 10,000 mg/l total dissolved solvents; and

Which is not an "exempted aquifer".

"USDW" (RCRA and UIC) means an "underground source of drinking 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 or Subpart-A-64 35 Ill. Adm. Code 309, Subpart A; 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

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

"Waters of the United States or Waters of the U.S." means:

All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

All interstate waters, including interstate "wetlands";

All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands", sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

which are or could be used by interstate or foreign travelers for recreational or other purposes;

from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

which are used or could be used for industrial purposes by industries in interstate commerce;

All impoundments of waters otherwise defined as waters of the United States under this definition;

Tributaries of waters identified in paragraphs (a)(1) through (a)(4) of this definition;

The territorial sea; and

"Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)(1) through (a)(6) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria for this definition) are not waters of the United States.

"Well" (VIC) means a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

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"Well injection" (UIC) means the subsurface emplacement of "fluids" through a bored, drilled, or driven "well"; or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

(Source: Amended at ___ Ill. Reg. ___ effective _____)

SUBPART B: PERMIT APPLICATIONS

Section 702.123 Information Requirements

All applicants for RCRA or UIC permits shall provide the following information to the Agency, using the application form provided by the Agency (additional information required of applicants is set forth in 35 Ill. Adm. Code 703.180 et seq. (RCRA) and 35 Ill. Adm. Code 704.161 (UIC)).

- a) The activities conducted by the applicant which require it to obtain permits under RCRA or UIC.
- b) Name, mailing address and location of the facility for which the application is submitted.
- c) Up to four SIC codes which best reflect the principal products or services provided by the facility.
- d) The operator's name, address, telephone number, ownership status and status as Federal, State, private, public or other entity.
- e) The name, address and phone number of the owner of the facility.
- f) A listing of all permits or construction approvals received or applied for under any of the following programs:
 - 1) Hazardous Waste Management program under RCRA, and this Part and 35 Ill. Adm. Code 703.
 - 2) UIC program under SDWA, and this Part and 35 Ill. Adm. Code 704.

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- 3) NPDES program under CWA and Part 35 Ill. Adm. Code 309 of Subtitle-b.
 - 4) Prevention of Significant Deterioration (PSD) program under the Clean Air Act.
 - 5) Nonattainment program under the Clean Air Act.
 - 6) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.
 - 7) Ocean dumping permits under the Marine Protection Research and Sanctuaries Act.
 - 8) Dredge or fill permits under Section 404 of CWA.
 - 9) Other relevant environmental permits, including Illinois permits.
- g) A topographic map (or other map if a topographic map is unavailable) extending ~~402 meters (one-fourth mile)~~ 1609 meters (one mile) beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies and drinking water wells listed in public records or otherwise known to the applicant within 402 meters (one fourth mile) of the facility property boundary.
- h) A brief description of the nature of the business.

(Board notes: See 40 CFR 23.44(d)(4), 270.10(d) and 270.13.)

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

Section 702.126 Signatories to Permit Applications and Reports

- a) Applications. All applications shall be signed as follows:

- 1) ~~For a corporation, by a principal executive officer of at least the level of vice-president;~~ For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

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A) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or

B) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(Board Note: The Board does not require specific assignments or delegations of authority to responsible corporate officers identified in paragraph (a)(1)(A). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Agency to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under paragraph (a)(1)(B) rather than to specific individuals.

2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

3) ~~For a municipality, State, Federal or other public agency or other a principal executive officer or ranking elected official.~~ For a municipality, State, Federal or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

A) The chief executive officer of the agency, or

B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional Administrators of USEPA).

b) Reports. All reports required by permits or other information requested by the Agency shall be signed by a person described in paragraph (a), or by a duly authorized representative only if:

1) The authorization is made in writing by a person described in paragraph (a);

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- 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- 3) The written authorization is submitted to the Agency.
- c) Changes to authorization. If an authorization under paragraph (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) must be submitted to the Agency prior to or together with any reports, information or applications to be signed by an authorized representative.
- d) Certification. Any person signing a document under paragraphs (a) or (b) shall make the following certification:

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

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(Board Note: See 40 CFR 121.6340.32 and 270.11.)

(Source: Amended at 111 Reg. effective)

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SUBPART C: PERMIT CONDITIONS

Section 702.144 Duty to Mitigate

~~The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.~~

In the event of noncompliance with the permit, the permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

(Board Note: See 40 CFR §22.74(d)270.30(d).)

Section 702.150 Monitoring and Records

- a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Agency at any time. The permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.
- c) Records of monitoring information shall include:
 - 1) The date, exact place and time of sampling or measurements;
 - 2) The individual(s) who performed the sampling or measurements;
 - 3) The date(s) analyses were performed;
 - 4) The individual(s) who performed the analyses;
 - 5) The analytical techniques or methods used; and

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6) The results of such analyses.

(Board Note: See 40 CFR 122.764-270.30.)

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

Section 702.152 Reporting Requirements

- a) Planned changes. The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.
- b) Anticipated noncompliance. The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c) Transfers. This permit is not transferable to any person except after notice to the Agency. The Agency may require modification of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the appropriate Act. [See ~~Secs.~~ Sections 702.182 and 702.183, in some cases modification is mandatory.]
- d) Monitoring reports. Monitoring results shall be reported at the intervals specified in the permit.
- e) Compliance schedules. Reports of compliance or non-compliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date.
- f) Twenty-four hour reporting.
 - 1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances, including:
 - A) Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.
 - B) Any information of a release or discharge of hazardous waste or of a fire or explosion from the HAH facility, which could threaten the environment or human health outside the facility.

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- 2) The description of the occurrence and its cause shall include:**
- A) Name, address and telephone number of the owner or operator;**
 - B) Name, address and telephone number of the facility;**
 - C) Date, time and type of incident;**
 - D) Name and quantity of material(s) involved;**
 - E) The extent of injuries, if any;**
 - F) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and**
 - G) Estimated quantity and disposition of recovered material that resulted from the incident.**
- 3) A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.**
- g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e) and (f) at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f).**
 - h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Agency, it shall promptly submit such facts or information.**

(Board Note: See 40 CFR 131.24e-1270.30(1).)

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

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SUBPART D: ISSUED PERMITS

Section 702.184 Causes for Modification

The following are causes for modification of permits:

- a) Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.
- b) Information. The Agency has received information. Permits other than for UIC Class III wells may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance or test methods) and would have justified the application of different permit conditions at the time of issuance. For UIC area permits this cause shall include any information indicating that cumulative effects on the environment are unacceptable.
- c) New regulations. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits other than for UIC Class III wells may be modified during their terms for this cause only as follows:
 - 1) For promulgation of amended standards or regulations, when:
 - A) The permit condition requested to be modified was based on a promulgated 35 Ill. Adm. Code 720 through 725 (RCRA) or 35 Ill. Adm. Code 730 (UIC) regulation; and
 - B) The Board has revised, withdrawn or modified that portion of the regulation on which the permit condition was based; and
 - C) If it is the permittee who is requesting modification, the permittee requests modification in accordance with 35 Ill. Adm. Code 705.128 within ninety (90) days after Illinois Register notice of the rulemaking on which the request is based.

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- 2) For judicial decisions, a court of competent jurisdiction has remanded and stayed Board promulgated regulations, if the remand and stay concern that portion of the regulations or guidelines on which the permit condition was based and a request is filed by the permittee in accordance with 35 Ill. Adm. Code 705.128 within ninety (90) days of judicial remand.
- d) Compliance schedules. The Agency determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy.
- e) For RCRA only, the Agency may modify a permit:
 - 1) When modification of a closure plan is required under 35 Ill. Adm. Code 724.212(b) or 35 Ill. Adm. Code 724.218(b).
 - 2) After the Agency receives the notification of expected closure under 35 Ill. Adm. Code 724.213, when the Agency determines that extension of the 90 or 180 day periods under 35 Ill. Adm. Code 724.219, modification of the 30-year post-closure period under 35 Ill. Adm. Code 724.217(a), continuation of security requirements under 35 Ill. Adm. Code 724.217(b), or permission to disturb the integrity of the containment system under 35 Ill. Adm. Code 724.217(c) are unwarranted.
 - 3) When the permittee has filed a request under 35 Ill. Adm. Code 724.24744(c) for a modification to the level of financial responsibility or when the Agency demonstrates under 35 Ill. Adm. Code 724.24744(d) that an upward adjustment of the level of financial responsibility is required.
 - 4) When the corrective action program specified in the permit under 35 Ill. Adm. Code 724.250 has not brought the regulated unit into compliance with the groundwater protection standard within a reasonable period of time.
 - 5) To include a detection monitoring program meeting the requirements of 35 Ill. Adm. Code 724.198, when the owner or operator has been conducting a compliance monitoring program under 35 Ill. Adm. Code 724.199 or a corrective

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action program under 35 Ill. Adm. Code 724.200 and the compliance period ends before the end of the post-closure care period for the unit.

- 6) When a permit requires a compliance monitoring program under 35 Ill. Adm. Code 724.159, but monitoring data collected prior to permit issuance indicate that the facility is exceeding the groundwater protection standard.
 - 7) To include conditions applicable to units at a facility that were not previously included in the facility's permit.
 - 8) When a land treatment unit is not achieving complete treatment of hazardous constituents under its current permit conditions.
- f) The following are causes to modify or, alternatively, revoke and reissue a permit:

The Agency has received notification (as required in the permit, see Sec. 702.152(c)) of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer (Sec. 702.152(b)), but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

(Board Note: See 40 CFR 144.154a) and (b) 144.39 and 270.41.)

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER 6: PERMITS

PART 703
RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
703.100	Scope and Relation to Other Parts
703.101	Purpose
703.110	References

SUBPART B: PROHIBITIONS

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703.120	Prohibitions in General
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703.122	Specific Inclusions in Permit Program
703.124	<u>Spills/Discharges of Hazardous Waste</u>
703.125	Reapplications
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703.127	Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY
RULE AND INTERIM STATUS

Section	
703.140	Purpose and Scope
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703.150	Application by Existing HWM Facilities
703.151	Application by New HWM Facilities
703.152	Amended Part A Application
703.153	Qualifying for Interim Status
703.154	Prohibitions During Interim Status
703.155	Changes During Interim Status
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703.183	General Information
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703.185	Groundwater Protection Information
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703.201	Containers
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SUBPART E: SHORT TERM AND
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Section	
703.221	Emergency Permits
703.222	Incinerator Conditions Prior to Trial Burn
703.223	Incinerator Conditions During Trial Burn
703.224	Incinerator Conditions After Trial Burn
703.225	Trial Burns for Existing Incinerators
703.230	Land Treatment Demonstration

SUBPART F: PERMIT CONDITIONS

Section	
703.241	Establishing Permit Conditions
703.242	Noncompliance Pursuant to Emergency Permit
703.243	Monitoring
703.244	Notice of Planned Changes
703.245	Release or Discharge Reports
703.246	Reporting Requirements

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1984-1983, ch. 111 1/2, pars. 1022.4 and 1027).

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SOURCE: Adopted in R82-19 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 ___ Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 703.110 References

- a) When used in this Part the following publications are incorporated by reference:

~~"Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (1980), EPA publication number SW-846, available from the U.S. Environmental Protection Agency, 26 W. St. Clair Street, Cincinnati, Ohio 45268;~~

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 (First Edition, 1980, as updated by Revisions A (August 1980, B (July, 1981), and C (February, 1982)) or (Second Edition, 1982). The first edition of SW-846 is no longer in print. Revisions A and B are available from EPA, Office of Solid Waste, (WH-565B), 401 M Street, S.W., Washington, D.C. 20460. Revision C is available from NTIS, 5285 Port Royal Road, Springfield, Virginia 22161. The second edition of SW-846 includes material from the first edition and Revisions A, B, and C in a reorganized format. It is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238, on a subscription basis, and future updates will automatically be mailed to the subscriber.

- b) The references listed in paragraph (a) are also available for inspection at the offices of the Pollution Control Board. These materials are incorporated as they exist on the effective date of this Section. This incorporation includes no later amendments or editions.

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

Section 703.122 Specific Inclusions in Permit Program

Owners and operators of certain facilities require RCRA permits as well as permits under other programs for certain aspects of the facility operation. RCRA permits are required for:

- a) Injection wells that dispose of hazardous waste, and associated surface facilities that treat, store or dispose of hazardous waste. However, the owner and operator with a UIC permit will be deemed to

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have a RCRA permit for the injection well itself if they comply with the requirements of Section 703.141(b) (permit by rule for injection wells);

- b) Treatment, storage or disposal of hazardous waste at facilities with requiring an NPDES (National Pollutant Discharge Elimination System) permit issued pursuant to 35 Ill. Adm. Code 309. However, the owner and operator of a publicly owned treatment works (POTW) receiving hazardous waste will be deemed to have a RCRA permit for that waste if they comply with the requirements of Section 703.141(c) (permit by rule for POTWs);
- c) Barges or vessels that dispose of hazardous waste by ocean disposal and onshore hazardous waste treatment or storage facilities associated with an ocean disposal operation. However, the owner and operator will be deemed to have a RCRA permit for ocean disposal from the barge or vessel itself if they comply with the requirements of Section 703.141(a) (permit by rule for ocean disposal barges and vessels).

(Board Note: See 40 CFR 122.21(d)(1)270.1(c)(1).)

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

SUBPART B: PROHIBITIONS

Section 703.124 Spills/Discharges of Hazardous Waste

~~A person is not required to obtain a RCRA permit for those activities he carries out to immediately contain or treat a spill of hazardous waste or material which, when spilled, becomes a hazardous waste.~~

~~(Board Note:--This exclusion is intended to relieve persons of the necessity of obtaining a RCRA permit where the treatment or storage of hazardous waste is undertaken as part of an immediate response to a spill.--After the immediate response activities are completed, any treatment, storage or disposal of spilled material or spill residue or debris that is undertaken must be covered by a RCRA permit, an emergency RCRA permit or interim status.)~~

- a) A person is not required to obtain a RCRA permit for treatment or containment activities taken during immediate response to any of the following situations:
 - 1) A discharge of a hazardous waste;
 - 2) An imminent and substantial threat of a discharge of hazardous waste;

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3) A discharge of a material which, when discharged, becomes a hazardous waste.

b) Any person 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 for those activities.

(Board Note: 40 CFR ~~22.21(d)(2)~~270.1(c)(3).)

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

SUBPART C: AUTHORIZATION BY RULE
AND INTERIM STATUS

Section 703.141 Permits by Rule

Notwithstanding any other provision of this Part or 35 Ill. Adm. Code 705, the following shall be deemed to have a RCRA permit if the conditions listed are met:

- a) Ocean disposal barges or vessels. The owner or operator of a barge or other vessel which accepts hazardous waste for ocean disposal, if the owner or operator:
 - 1) Has a permit for ocean dumping issued under 40 CFR 220 (Ocean Dumping, authorized by the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. 1420 et seq.);
 - 2) Complies with the conditions of that permit; and
 - 3) Complies with the following hazardous waste regulations:
 - A) 40 CFR 264.11, Identification number;
 - B) 40 CFR 264.71, Use of manifest system;
 - C) 40 CFR 264.72, Manifest discrepancies;
 - D) 40 CFR 264.73(a) and (b)(1), Operating record;
 - E) 40 CFR 264.75, ~~Annual~~Biennial report; and
 - F) 40 CFR 264.76, Unmanifested waste report;
- b) Injection wells. The owner or operator of an injection well disposing of hazardous waste, if the owner or operator:

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- 1) Has a permit for underground injection issued under 35 Ill. Adm. Code 704; and
- 2) Complies with the conditions of that permit and the requirements of 35 Ill. Adm. Code 704, Subpart F (requirements for wells managing hazardous waste);
- c) Publicly owned treatment works. The owner or operator of a POTW which accepts for treatment hazardous waste, if the owner or operator:
 - 1) Has an NPDES permit;
 - 2) Complies with the conditions of that permit; and
 - 3) Complies with the following regulations:
 - A) 35 Ill. Adm. Code 724.111, Identification number;
 - B) 35 Ill. Adm. Code 724.171, Use of manifest system;
 - C) 35 Ill. Adm. Code 724.172, Manifest discrepancies;
 - D) 35 Ill. Adm. Code 724.173(a) and (b)(1), Operating record;
 - E) 35 Ill. Adm. Code 724.175, Annual report;
 - F) 35 Ill. Adm. Code 724.176, Unmanifested waste report; and
 - 4) If the waste meets all Federal, State and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe or similar conveyance.

(Board Note: See 40 CFR ~~122~~26270.60.)

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

Section 703.150 Application by Existing HWM Facilities

- a) The owner or operator of an existing HWM facility must submit Part A of the permit application to the Agency no later than the following times, whichever comes first:
 - 1) Six months after the date of publication of regulations which first require the owner or operator to comply with standards in 35 Ill. Adm. Code 265725; or

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- 2) Thirty days after the date the owner or operator first becomes subject to the standards in 35 Ill. Adm. Code 725;
- b) The owner or operator of an existing HWM facility may be required to submit Part B of the permit application at any time after the effective date of standards in 35 Ill. Adm. Code 724 applicable to any TSD unit at the facility. The Agency will notify the owner or operator that a Part B application is required, and set a date for receipt of the application, not less than six months after the date the notice is sent. The owner or operator may voluntarily submit a Part B application for all or part of the HWM facility at any time.
- c) The time for filing Part A of the permit application may be extended only by a Board Order entered pursuant to a variance petition. The Board will consider whether there has been substantial confusion as to whether the owner or operator of such facilities were required to file a Part A application and whether such confusion was attributable to ambiguities in 35 Ill. Adm. Code 720, 721 or 725.

(Board Note: See 40 CFR ~~22.224~~270.10(e).)

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

Section 703.152 Amended Part A Application

- a) If any owner or operator of an HWM facility has filed Part A of a permit application and has not yet filed Part B, the owner or operator shall file an amended Part A application with the Agency:
- 1) ~~Within six months after~~ No later than the effective date of revised regulations under 35 Ill. Adm. Code 721 listing or identifying additional hazardous wastes, if the facility is treating, storing or disposing of any of those newly listed or identified wastes;
- ~~2) 2) As necessary to comply with provisions of Section 703.155 for changes during interim status;~~
- b) The owner or operator of a facility who fails to comply with the updating requirements of paragraph (a) does not receive interim status as to the wastes not covered by duly filed Part A applications.

(Board Note: See 40 CFR ~~22.224~~270.10(g).)

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

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Section 703.153 Qualifying for Interim Status

Any person who owns or operates an "existing HWM facility" shall have interim status and shall be treated as having been issued a permit to the extent he or she has:

- a) Complied with the requirements of Section 3010(a) of the Resource Conservation and Recovery Act pertaining to notification of hazardous waste activity;

(Board Note: Some existing facilities may not be required to file a notification under Section 3010(a) of RCRA. These facilities may qualify for interim status by meeting paragraph (b).)

- b) Complied with the requirements of Sections 703.150 and 703.152 governing submission of Part A applications;

- ~~c) When the Agency determines on examination or reexamination of a Part A application that it fails to meet the standards of these regulations, it may notify the owner or operator that the application is deficient and that the owner or operator is therefore not entitled to interim status. The owner or operator will then be subject to enforcement for operating without a permit.~~

- c) Failure to qualify for interim status. If the Agency has reason to believe upon examination of a Part A application that it fails to meet the requirements of 35 Ill. Adm. Code 702.123 or 703.181, it shall notify the owner or operator in writing of the apparent deficiency. Such notice shall specify the grounds for the Agency's belief that the application is deficient. The owner or operator shall have 30 days from receipt to respond to such a notification and to explain or cure the alleged deficiency in its Part A application. If, after such notification and opportunity for response, the Agency determines that the application is deficient it may take appropriate enforcement action.

(Board Note: See 40 CFR 122.23(a)270.70.)

(Source: Amended at ___ 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;

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- 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). Including, where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.294, 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 Sections 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);

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- 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 and 724.218. 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 existing facilities, documentation that a notice has been placed in the deed or appropriate alternate instrument as required by 35 Ill. Adm. Code 724.220;
- o) The most recent closure cost estimate for the facility prepared in accordance with 35 Ill. Adm. Code 724.242 plus a copy of the financial assurance mechanism adopted in compliance with 35 Ill. Adm. Code 724.243;
- 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 financial assurance mechanism adopted in compliance with 35 Ill. Adm. Code 724.245;
- 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(d)(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

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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.

(Board Note: See 40 CFR 222.25(a)-270.14(b).)

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

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Section 703.185 Groundwater Protection Information

The following additional information regarding protection of groundwater is required from owners or operators of hazardous waste surface impoundments, piles, land treatment units and landfills, except as otherwise provided in 35 Ill. Adm. Code 724.190(b).

- a) A summary of the groundwater monitoring data obtained during the interim status period under 35 Ill. Adm. Code 725.190 through ~~725.195~~725.194, where applicable;
- b) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including groundwater flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);
- c) On the topographic map required under Section 703.183(s), a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under 35 Ill. Adm. Code 724.195, the proposed location of groundwater monitoring wells as required under 35 Ill. Adm. Code 724.197 and, to the extent possible, the information required in paragraph (b);
- d) A description of any plume of contamination that has entered the groundwater from a regulated unit at the time that the application is submitted that:
 - 1) Delineates the extent of the plume on the topographic map required under Section 703.183(s);
 - 2) Identifies the concentration of each 35 Ill. Adm. Code 721, Appendix H constituent throughout the plume or identifies the maximum concentrations of each 35 Ill. Adm. Code 721, Appendix H constituent in the plume;
- e) Detailed plans and an engineering report describing the proposed groundwater monitoring program to be implemented to meet the requirements of 35 Ill. Adm. Code 724.197;
- f) If the presence of hazardous constituents has not been detected in the groundwater at the time of permit application, the owner or operator must submit sufficient information, supporting data and analyses to establish a detection monitoring program which meets the requirements of 35 Ill. Adm. Code 724.198. This submission must address the following items as specified under that Section.

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- 1) A proposed list of indicator parameters, waste constituents or reaction products that can provide a reliable indication of the presence of hazardous constituents in the groundwater;
 - 2) A proposed groundwater monitoring system;
 - 3) Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and
 - 4) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating groundwater monitoring data;
- g) If the presence of hazardous constituents has been detected in the groundwater at the point of compliance at the time of permit application, the owner or operator must submit sufficient information, supporting data and analyses to establish a compliance monitoring program which meets the requirements of 35 Ill. Adm. Code 724.199. The owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of 35 Ill. Adm. Code 724.200, except as provided in 35 Ill. Adm. Code 724.198(h)(5). To demonstrate compliance with 35 Ill. Adm. Code 724.199, the owner or operator must address the following items:
- 1) A description of the wastes previously handled at the facility;
 - 2) A characterization of the contaminated groundwater, including concentrations of hazardous constituents;
 - 3) A list of hazardous constituents for which compliance monitoring will be undertaken in accordance with 35 Ill. Adm. Code 724.197 and 724.199;
 - 4) Proposed concentration limits for each hazardous constituent, based on the criteria set forth in 35 Ill. Adm. Code 724.194(a), including a justification for establishing any alternate concentration limits;
 - 5) Detailed plans and an engineering report describing the proposed groundwater monitoring system, in accordance with the requirements of 35 Ill. Adm. Code 724.197; and
 - 6) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating groundwater monitoring data;

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h) If hazardous constituents have been measured in the groundwater which exceed the concentration limits established under 35 Ill. Adm. Code 724.194, Table 1, or if groundwater monitoring conducted at the time of permit application under 35 Ill. Adm. Code 725.190 through ~~725.195~~725.194 at the waste boundary indicates the presence of hazardous constituents from the facility in groundwater over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of 35 Ill. Adm. Code 724.200. However, an owner or operator is not required to submit information to establish a corrective action program if it demonstrates to the Agency that alternate concentration limits will protect human health and the environment after considering the criteria listed in 35 Ill. Adm. Code 724.194(b). An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program which meets the requirements of paragraph (f) and 35 Ill. Adm. Code 724.199. To demonstrate compliance with 35 Ill. Adm. Code 724.200, the owner or operator must address, at a minimum, the following items:

- 1) A characterization of the contaminated groundwater, including concentrations of hazardous constituents;
- 2) The concentration limit for each hazardous constituent found in the groundwater as set forth in 35 Ill. Adm. Code 724.194;
- 3) Detailed plans and an engineering report describing the corrective action to be taken; and
- 4) A description of how the groundwater monitoring program will assess the adequacy of the corrective action.

(Board Note: See 40 CFR ~~122.25(e)~~270.14(c).)

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

Section 703.203 Surface Impoundments

For facilities that store, treat or dispose of hazardous waste in surface impoundments, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include:

- a) A list of the hazardous wastes placed or to be placed in each surface impoundment;

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- b) Detailed plans and an engineering report describing how the surface impoundment is or will be designed, constructed, operated and maintained to meet the requirements of 35 Ill. Adm. Code 724.321. This submission must address the following items as specified in that Section:
- 1) The liner system (except for an existing portion of a surface impoundment). If an exemption from the requirement for a liner is sought as provided by 35 Ill. Adm. Code 724.321(b), submit detailed plans and engineering and hydrogeologic reports as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the groundwater or surface water at any future time;
 - 2) Prevention of overtopping; and
 - 3) Structural integrity of dikes;
- c) If an exemption from 35 Ill. Adm. Code 724, Subpart F is sought, as provided by 35 Ill. Adm. Code 724.222(a)724.322(a), detailed plans and an engineering report explaining the location of the saturated zone in relation to the surface impoundment, and the design of a double-liner system that incorporates a leak detection system between the liner;
- d) A description of how each surface impoundment, including the liner and cover systems and appurtenances for control of overtopping, will be inspected in order to meet the requirements of 35 Ill. Adm. Code 724.326(a) and (b). This information should be included in the inspection plan submitted under Section 703.183(e);
- e) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under 35 Ill. Adm. Code 724.326(c). For new units, the owner or operator must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications;
- f) A description of the procedure to be used for removing a surface impoundment from service, as required under 35 Ill. Adm. Code 724.327(b) and (c). This information should be included in the contingency plan submitted under Section 703.183(g);
- g) A description of how hazardous waste residues and contaminated materials will be removed from the unit at closure, as required under 35 Ill. Adm. Code 724.328 (a)(1). For any wastes not to be removed

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from the unit upon closure, the owner or operator must submit detailed plans and an engineering report describing how 35 Ill. Adm. Code 724.328(a)(2) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under Section 703.183(m);

- h) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how 35 Ill. Adm. Code 724.329 will be complied with;
- i) If incompatible wastes, or incompatible wastes and materials, will be placed in a surface impoundment, an explanation of how 35 Ill. Adm. Code 724.330 will be complied with.

(Board Note: See 40 CFR ~~22.25(b)(3)~~ 270.17.)

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

Section 703.204 Waste Piles

For facilities that store or treat hazardous waste in waste piles, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include:

- a) A list of hazardous wastes placed or to be placed in each waste pile;
- b) If an exemption is sought to 35 Ill. Adm Code 724.351 and 724, Subpart F as provided by 724.350(c), an explanation of how the requirements of 35 Ill. Adm. Code 724.350(c) will be complied with;
- c) Detailed plans and an engineering report describing how the pile is or will be designed, constructed, operated and maintained to meet the requirements of 35 Ill. Adm. Code 724.351. This submission must address the following items as specified in that Section:
 - 1) The liner system (except for an existing portion of a pile). If an exemption from the requirement for a liner is sought, as provided by 35 Ill. Adm. Code 724.351(b), the owner or operator must submit detailed plans and engineering and hydrogeologic reports as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the groundwater or surface water at any future time;
 - 2) Control of run-on;
 - 3) Control of run-off;

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- 4) Management of collection and holding units associated with run-on and run-off control systems; and
- 5) Control of wind dispersal of particulate matter, where applicable;
- d) If an exemption from 35 Ill. Adm. Code 264724, Subpart F is sought as provided by 35 Ill. Adm. Code 724.352 or 724.353, submit detailed plans and an engineering report describing how the requirements of 35 Ill. Adm. Code 724.352(a) or 724.353(a) will be complied with;
- e) A description of how each waste pile, including the liner and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of 35 Ill. Adm. Code 724.354(a) and (b). This information should be included in the inspection plan submitted under Section 703.183(g). If an exemption is sought to 35 Ill. Adm. Code 724, Subpart F pursuant to 35 Ill. Adm. Code 724.353, describe in the inspection plan how the inspection requirements of 35 Ill. Adm. Code 724.353(a)(3) will be complied with;
- f) If the treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;
- g) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of 35 Ill. Adm. Code 724.356 will be complied with;
- h) If incompatible wastes, or incompatible wastes and materials, will be placed in a waste pile, an explanation of how 35 Ill. Adm. Code 724.357 will be complied with;
- i) A description of how hazardous waste residues and contaminated materials will be removed from the waste pile at closure, as required under 35 Ill. Adm. Code 724.358(a). For any waste not to be removed from the waste pile upon closure, the owner or operator must submit detailed plans and an engineering report describing how 35 Ill. Adm. Code 724.410(a) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under Section 703.183(m).

(Board Note: See 40 CFR 122.26(b)(4)270.18.)

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

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Section 703.207 Landfills

For facilities that dispose of hazardous waste in landfills, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include:

- a) A list of the hazardous wastes placed or to be placed in each landfill or landfill cell;
- b) Detailed plans and an engineering report describing how the landfill is or will be designed, constructed, operated and maintained to comply with the requirements of 35 Ill. Adm. Code 724.401. This submission must address the following items as specified in that Section:
 - 1) The liner system and leachate collection and removal system (except for an existing portion of a landfill). If an exemption from the requirements for a liner and a leachate collection and removal system is sought as provided by 35 Ill. Adm. Code 724.401(b), submit detailed plans engineering and hydrogeologic reports as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituent into the groundwater or surface water at any future time;
 - 2) Control of run-on;
 - 3) Control of run-off;
 - 4) Management of collection and holding facilities associated with run-on and run-off control systems; and
 - 5) Control of wind dispersal of particulate matter, where applicable;
- c) If an exemption from 35 Ill. Adm. Code 724, Subpart F is sought, as provided by 35 Ill. Adm. Code 724.402(a), the owner or operator must submit detailed plans and an engineering report explaining the location of the saturated zone in relation to the landfill, the design of a double-liner system that incorporates a leak detection system between the liners and a leachate collection and removal system above the liners;
- d) A description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of 35 Ill. Adm. Code ~~724.404~~724.403(a) and (b). This information should be included in the inspection plan submitted under Section 703.183(e);

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- e) Detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with 35 Ill. Adm. Code 724.410(a), and a description of how each landfill will be maintained and monitored after closure in accordance with 35 Ill. Adm. Code 724.410(b). This information should be included in the closure and post-closure plans submitted under Section 703.183(m);
- f) If ignitable or reactive wastes will be landfilled, an explanation of how the requirements of 35 Ill. Adm. Code 724.412 will be complied with;
- g) If incompatible wastes, or incompatible wastes and materials, will be landfilled, an explanation of how 35 Ill. Adm. Code 724.413 will be complied with;
- h) If bulk or non-containerized liquid waste or waste containing free liquids is to be landfilled, an explanation of how the requirements of 35 Ill. Adm. Code 724.414 will be complied with;
- i) If containers of hazardous waste are to be landfilled, an explanation of how the requirements of 35 Ill. Adm. Code 724.415 or 724.416, as applicable, will be complied with.

(Board Note: See 40 CFR 122.25(b)(7).)

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

SUBPART E: SHORT TERM AND
PHASED PERMITS

Section 703.221 Emergency Permits

~~Notwithstanding any other provision of this Part or 35 Ill. Adm. Code 705, in the event the Agency finds an imminent and substantial endangerment to human health or the environment the Agency may issue a temporary emergency permit to a facility with an effective permit to allow treatment, storage or disposal of hazardous waste for a non-permitted facility. This emergency permit:~~

- a) Notwithstanding any other provision of this Part or 35 Ill. Adm. Code 702 or 705, in the event that the Agency finds an imminent and substantial endangerment to human health or the environment the Agency may issue a temporary emergency permit:
 - 1) To a non-permitted facility to allow treatment, storage or disposal of hazardous waste; or

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- 2) To a permitted facility to allow treatment, storage or disposal of a hazardous waste not covered by an effective permit.
- b) This emergency permit:
- a) 1) May be oral or written. If oral, it shall be followed in five days by a written emergency permit;
- b) 2) Shall not exceed 90 days in duration;
- c) 3) Shall clearly specify the hazardous wastes to be received and the manner and location of their treatment, storage or disposal;
- d) 4) May be terminated by the Agency at any time without process if it determines that termination is appropriate to protect human health and the environment;
- e) 5) Shall be accompanied by a public notice published under 35 Ill. Adm. Code 705.162 including:
- 1) A) Name and address of the office granting the emergency authorization;
- 2) B) Name and location of the permitted HWM facility;
- 3) C) A brief description of the wastes involved;
- 4) D) A brief description of the action authorized and reasons for authorizing it; and
- 5) E) Duration of the emergency permit; and
- f) 6) Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this Part and 35 Ill. Adm. Code 724.
- g) 7) Emergency permits which would authorize actions not in compliance with Board rules, other than procedural requirements, require a variance or provisional variance pursuant to Title IX of the Environmental Protection Act and 35 Ill. Adm. Code 104.

(Board Note: See 40-CFR-122.27(a)270.61.)

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

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Section 703.223 Incinerator Conditions During Trial Burn

For the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 724.443 and of determining adequate operating conditions under 35 Ill. Adm. Code 724.445, the Agency must establish conditions in the permit to a new hazardous waste incinerator to be effective during the trial burn.

- a) Applicants must propose a trial burn plan, prepared under paragraph (b) with Part B of the permit application;
- b) The trial burn plan must include the following information:
 - 1) An analysis of each waste or mixture of wastes to be burned which includes:
 - A) Heat value of the waste in the form and composition in which it will be burned;
 - B) Viscosity (if applicable), or description of physical form of the waste;
 - C) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721, Appendix H, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Appendix H which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified, and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see Section 703.110), or their equivalent;
 - D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," (incorporated by reference, see Section 703.110) or their equivalent;
 - 2) A detailed engineering description of the incinerator for which the permit is sought including:
 - A) Manufacturer's name and model number of incinerator (if available);

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- B) Type of incinerator;
 - C) Linear dimensions of the incinerator unit including the cross sectional area of combustion chamber;
 - D) Description of the auxiliary fuel system (type/feed);
 - E) Capacity of prime mover;
 - F) Description of automatic waste feed cut-off system(s);
 - G) Stack gas monitoring and pollution control equipment;
 - H) Nozzle and burner design;
 - I) Construction materials;
 - J) Location and description of temperature, pressure and flow indicating and control devices;
- 3) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency and planned analytical procedures for sample analysis;
 - 6) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned and other factors relevant to the Agency's decision under paragraph (e);
 - 6) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary fuel and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;
 - 6) A description of, and planned operating conditions for, any emission control equipment which will be used;
 - 7) Procedures for rapidly stopping waste feed, shutting down the incinerator and controlling emissions in the event of an equipment malfunction;
 - 8) Such other information as the Agency reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this paragraph and the criteria in paragraph (e). ~~Such information must be requested by the Agency pursuant to 26-117-Adm.-Code-705.123;~~

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- c)** The Agency, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant, pursuant to 35 Ill. Adm. Code 705.123, to supplement this information, if necessary, to achieve the purposes of this paragraph;
- d)** Based on the waste analysis data in the trial burn plan, the Agency will specify as trial Principal Organic Hazardous Constituents (POHCs), those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, their concentration or mass in the waste feed, and, for wastes listed in 35 Ill. Adm. Code 721, Subpart D, the hazardous waste organic constituent of constituents identified in Appendix G or H of that Part as the basis for listing;
- e)** The Agency shall approve a trial burn plan if it finds that:

 - 1)** The trial burn is likely to determine whether the incinerator performance standard required by 35 Ill. Adm. Code 724.443 can be met;
 - 2)** The trial burn itself will not present an imminent hazard to human health or the environment;
 - 3)** The trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 724.445; and
 - 4)** The information sought in paragraphs (e)(1) and (e)(3) cannot reasonably be developed through other means;
- f)** During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

 - 1)** A quantitative analysis of the trial POHCs, in the waste feed to the incinerator;
 - 2)** A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHC's, molecular oxygen and hydrogen chloride (HCl);
 - 3)** A quantitative analysis of the scrubber water (if any), ash residues and other residues, for the purpose of estimating the fate of the trial POHCs;
 - 4)** A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 724.443(a);

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- 5) If the HCl (hydrogen chloride) emission rate exceeds 1.8 ~~1#~~ kilograms of HCl per hour (4 pounds per hour), a computation of HCl removal efficiency in accordance with 35 Ill. Adm. Code 724.443(b);
 - 6) A computation of particulate emissions, in accordance with 35 Ill. Adm. Code 724.443(c);
 - 7) An identification of sources of fugitive emissions and their means of control;
 - 8) A measurement of average, maximum and minimum temperatures and combustion gas velocity;
 - 9) A continuous measurement of carbon monoxide (CO) in the exhaust gas;
 - 10) Such other information as the Agency may specify as necessary to ensure that the trial burn will determine compliance with the performance standards in 35 Ill. Adm. Code 724.443 and to establish the operating conditions required by 35 Ill. Adm. Code 724.445 as necessary to meet that performance standard.
- g) The applicant must submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit the results of all the determinations required in paragraph (f). This submission shall be made within 90 days of completion of the trial burn, or later if approved by the Agency;
 - h) All data collected during any trial burn must be submitted to the Agency following the completion of the trial burn;
 - i) All submissions required by this paragraph must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126;
 - j) Based on the results of the trial burn, the Agency shall set the operating requirements in the final permit according to 35 Ill. Adm. Code 724.445. The permit modification shall proceed as a minor modification according to 35 Ill. Adm. Code 702.187.

(Board Note: See 40 CFR ~~22.27(b)~~ 270.62.)

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

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

SUBCHAPTER b: PERMITS

PART 705
PROCEDURES FOR PERMIT ISSUANCE

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705.101	Scope and Applicability
705.102	Definitions
705.103	Computation of Time

SUBPART B: PERMIT APPLICATIONS

Section	
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705.122	Completeness
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705.143	Fact Sheet
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SUBPART D: PUBLIC NOTICE

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705.161	When Public Notice Must Be Given
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705.163	Methods of Public Notice
705.164	Contents of Public Notice
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SUBPART E: PUBLIC COMMENT

Section 705.181	Public Comments and Requests for Public Hearings
705.182	Public Hearings
705.183	Obligation to Raise Issues and Provide Information
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SUBPART F: PERMIT ISSUANCE

Section 705.201	Final Permit Decision
705.202	Stays In General
705.203	Stays for New Applications
705.204	Stays for Reapplications and Modifications
705.205	Stays Following Interim Status
705.210	Response to Comments
705.211	Administrative Record for Final Permits or Letters of Denial
705.212	Appeal
Appendix A	Procedures for Permit Issuance
Appendix B	Modification Process
Appendix C	Application Process
Appendix D	Application Review Process
Appendix E	Public Comment Process
Appendix F	Permit Issuance or Denial

AUTHORITY: Implementing Section 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 19811983, ch. 111-1/2, pars. 1013, 1022.4 and 1027).

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective as provided in 35 Ill. Adm. Code 700.106; amended in R82-19, at 7 Ill. Reg. 14352, effective as provided in 35 Ill. Adm. Code 700.106; amended in R84-9, at ___ Ill. Reg. _____, effective _____.

SUBPART C: APPLICATION REVIEW

Section 705.143 Fact Sheet

- a) A fact sheet shall be prepared for every draft permit for a major HWM or a major UIC facility or activity, and for every draft permit or notice of intent to deny which the Agency finds is the subject of widespread public interest or raises major issues. The fact sheet shall briefly set forth the principal facts and the significant

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factual, legal, methodological and policy questions considered in preparing the draft permit. The Agency shall send this fact sheet to the applicant and, on request, to any other person.

- b) The fact sheet shall include, when applicable:
- 1) A brief description of the type of facility or activity which is the subject of the draft permit;
 - 2) The type and quantity of wastes, fluids or pollutants which are proposed to be or are being treated, stored, disposed of, injected, emitted or discharged;
 - 3) A brief summary of the basis for refusing to grant a permit or for imposing each draft permit condition including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record as defined by Sec. Section 705.144;
 - 4) Reasons why any requested schedules of compliance or other alternatives to required standards do or do not appear justified;
 - 5) A description of the procedures for reaching a final decision on the draft permit including:
 - A) The beginning and ending dates of the comment period under Subpart D and the address where comments will be received;
 - B) Procedures for requesting a hearing and the nature of that hearing; and
 - C) Any other procedures by which the public may participate in the final decision.
 - 6) Name and telephone number of a person to contact for additional information.

(Board Note: See 40 CFR 124.8.)

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

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

SUBCHAPTER c: HAZARDOUS WASTE
OPERATING REQUIREMENTS

PART 720
HAZARDOUS WASTE MANAGEMENT
SYSTEM: GENERAL

SUBPART A: GENERAL

Section	
720.101	Purpose, Scope and Applicability
720.102	Availability of Information; Confidentiality of Information
720.103	Use of Number and Gender

SUBPART B: DEFINITIONS

Section	
720.110	Definitions
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SUBPART C: RULEMAKING PETITIONS

Section	
720.120	Rulemaking
720.121	Alternative Equivalent Testing Methods
720.122	Waste Delisting

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. ~~1981~~1983, 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, at ___ Ill. Reg. _____, effective _____.

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SUBPART A: GENERAL

Section 720.102 Availability of Information; Confidentiality of Information

Availability and confidentiality of information is governed by Illinois law, including Sections 7 and 7.1 of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1981-1983, ch. 111 1/2, pars. 1007 and 1007.1) and 35 Ill. Adm. Code 101.107 and 120.

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

SUBPART B: DEFINITIONS

Section 720.110 Definitions

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

"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. Section 6901 et seq.)

"Active portion" means that portion of a facility where treatment, storage or disposal operations are being or have been conducted after ~~the effective date of 26 Ill. Adm. Code 721~~ 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.

"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.

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

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"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".)

"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.

"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 Parts-122270 and 124 or a permit from a state authorized in accordance with 40 CFR Part-122271 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.

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"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 Section 35 Ill. Adm. Code 721.122 or are listed in Subpart D of 35 Ill. Adm. Code 721, Subpart D only for this reason; and

Meets the definition of tank, container, transport vehicle or vessel in 35 Ill. Adm. Code 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 Part 721, Subpart D and to each characteristic identified in 35 Ill. Adm. Code Part 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

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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 ~~26-117-Adm-60~~ 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 has had commenced construction if:

The owner or operator has had obtained the federal, state and local approvals or permits necessary to begin physical construction and either

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

the owner or operator has had entered into contractual obligations--which ~~cannot~~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.

"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).

"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.

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"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 produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

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

"Hazardous 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 Table-1 of 35 Ill. Adm. Code 721.124.

"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 an enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down hazardous waste. Examples of incinerators are rotary kiln, fluidized bed and liquid injection incinerators.

"Incompatible waste" means a hazardous waste which is unsuitable 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.)

"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.

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"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.

"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 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.

"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.

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

"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:

- a) Control of combustion air to maintain adequate temperature for efficient combustion;
- b) Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
- c) 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.

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"Partial closure" means the closure of a discrete part of a facility in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725. For example, partial closure may include the closure of a trench, a unit operation, a landfill cell or a pit, while other parts of the same facility continue in operation or will be placed in operation in the future.

"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.

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

"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.

~~"Spill" means the accidental spilling, leaking, pumping, pouring, emitting or dumping of hazardous wastes or materials which, when spilled, become hazardous wastes into or on any land or water.~~

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

"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 Island.

"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.

"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

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

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

"Transporter" means a person engaged in the offsite 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 nonhazardous or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage or reduced in volume.

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

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

"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.

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"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.

"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").

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

Appendix A Overview of 40 CFR, Subtitle C Regulations

~~-See-Appendix-I-to-40-CFR-260.~~

See Appendix I to 40 CFR 260.

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

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

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721
IDENTIFICATION AND LISTING OF
HAZARDOUS WASTE

SUBPART A: GENERAL

Section	
721.101	Purpose and 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	Special Requirements For Hazardous Waste Which is Used, Re-Used, Recycled or Reclaimed
721.107	Residues of Hazardous Waste in Empty Containers

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

Section	
721.110	Criteria for Identifying the Characteristics of Hazardous Waste
721.111	Criteria for Listing Hazardous Waste

SUBPART C: CHARACTERISTICS OF
HAZARDOUS WASTE

Section	
721.120	General
721.121	Characteristic of Ignitability
721.122	Characteristic of Corrosivity
721.123	Characteristic of Reactivity
721.124	Characteristic of EP Toxicity

SUBPART D: LISTS OF HAZARDOUS WASTE

721.130	General
721.131	Hazardous Wastes From Nonspecific Sources
721.132	Hazardous Waste From Specific Sources
721.133	Discarded Commercial Chemical Products, Off-Specification Species, Containers and Spill Residues

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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
Table B	Analytical Characteristics of Inorganic Species
Table C	Sample Preparation/Sample Introduction Techniques
Appendix G	Basis For Listing Hazardous Wastes
Appendix H	Hazardous Constituents
Appendix I	Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans
Table A	Gas Chromatography of TCDD
Table B	DFTPP Key Ions and Ion Abundance Criteria
Table C	List of Accurate Masses Monitored Using GC Selected-Ion Monitoring, Low Resolution, Mass Spectrometry for Simultaneous Determination of Tetra-, Penta-, and Hexachlorinated Dibenzo-p-Dioxins and Dibenzofurans

AUTHORITY: Authorized by Section 27 and implementing Section 22.4 of the Environmental Protection Act (Ill. Rev. Stat. ~~1981~~1983, 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 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, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at ___ Ill. Reg. ___ effective _____.

SUBPART A: GENERAL

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 ~~Parts 702, 703, 705 and 722 through 725 and 40-GFR-Parts-122-through-124~~ and which are subject to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act (RCRA). 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 ~~Parts 702, 703, 705 and 722 through 725 and 40-GFR-Parts-122-through-124~~ and establishes special management requirements for hazardous waste produced by small quantity generators and hazardous waste which is used, reused, recycled or reclaimed.

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- 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) This Part identifies only some of the materials which are hazardous wastes under Sections 1004(5) and 7003 of RCRA. A material which is not a hazardous waste identified 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) The Agency has inspection authority pursuant to Section 3007 of RCRA and Section 4 of the Illinois Environmental Protection Act.

(Source: Amended at __ 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) 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.)

(Board Note: ~~Comment~~ 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.)

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- 5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.
- 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).
 - 2) Solid wastes generated by any of the following and which are returned to the soils 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)
 - 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

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iii) The waste is typically and frequently managed in non-oxidizing environments.

B) Specific wastes which meet the standard in Aparagraphs (b)(5)(A)(i), (ii) and (iii) (so long as they do not the test for the characteristic of EP toxicity, to not fail the test for any other characteristic)

- 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 shearing.
- 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 shearing.
- 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 shearing.
- 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 shearing.
- 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.

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- 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 TiO_2 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 Parts-702, 703, 705 and 722 through 725 and 40-CFR Parts-122-through-124 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 paragraph (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 of composition, is not subject to any requirements of this Part or 35 Ill. Adm. Code Parts: 702, 703, 705 and 722 through 725 and 40-CFR-Parts-266-and-267 or-Parts-122-or-124. The sample qualifies when:
 - A) The sample is being transported to a laboratory for the purpose of testing; or

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- 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 paragraph (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), or any other applicable shipping requirements; or
 - B) Comply with the following requirements if the sample collector determines that DOT, USPS, 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, and telephone number; the laboratory's name, mailing address, 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, 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 paragraph (d)(1).

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

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Section 721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators

- a) A generator is a small quantity generator in a calendar month if he generates less than 1000 kilograms of hazardous waste in that month. 35 Ill. Adm. Code Part 700 explains the relation of this to the 100 kg/mo exception of Chapter-935 Ill. Adm. Code 809.
- b) Except for those wastes identified in paragraphs (e) and (f) of this-Section, a small quantity generator's hazardous wastes are not subject to regulation under 35 Ill. Adm. Code Parts 702, 703, 705 and 722 through 725 ~~and 40-CFR-Parts-122-and-124~~, and the notification requirements of Section 3010 of RCRA, provided the generator complies with the requirement of paragraph (g) of this Section.
- c) Hazardous waste that is beneficially used or re-used or legitimately recycled or reclaimed and that is excluded from regulation by Section 721.106(a) is not included in the quantity determinations of this Section, and is not subject to any requirements of this Section. Hazardous waste that is subject to the special requirements of Section 721.106(b) is included in the quantity determinations of this Section and is subject to the requirements of this Section.
- d) In determining the quantity of hazardous waste he generates, a generator need not include:
 - 1) His hazardous waste when it is removed from on-site storage; or
 - 2) Hazardous waste produced by on-site treatment of his hazardous waste.
- e) If a small quantity generator generates acutely hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acutely hazardous waste are subject to regulation under 35 Ill. Adm. Code Parts 702, 703, 705 and 722 through 725 ~~and 40-CFR-Parts-122-and-124~~, and the notification requirements of Section 3010 of RCRA:
 - 1) A total of one kilogram of hazardous wastes which are identified as acute hazardous wastes (H) in Sections 721.131, 721.132, or 721.133(e); or
 - 2) A total of 100 kilograms of any residue or contaminated soil, water or other debris resulting from the clean-up of a spill, into or on any land or water, of any hazardous wastes which are identified as acute hazardous wastes (H) in Sections 721.131, 721.132, or 721.133(e).

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- f) A small quantity generator may accumulate hazardous waste on-site. If he accumulates at any time more than a total of 1000 kilograms of his hazardous waste, or his acutely hazardous wastes in quantities greater than set forth in paragraphs (e)(1) or (e)(2) ~~of this Section~~, all of those accumulated wastes for which the accumulation limit was exceeded are subject to regulation under 35 Ill. Adm. Code ~~Parts 702, 703, 705 and 722 through 725~~ 40-CFR-Parts-122 and 124, and the notification requirements of Section 3010 of RCRA. The time period of Section 722 for accumulation of wastes on-site begins for a small quantity generator when the accumulated wastes exceed the applicable provision level.
- g) In order for hazardous waste generated by a small quantity generator to be excluded from full regulation under this Section, the generator must:
- 1) Comply with 35 Ill. Adm. Code 722.111;
 - 2) If he stores his hazardous waste on-site, store it in compliance with the requirements of paragraph (f) ~~of this Section~~; and
 - 3) Either treat or dispose of his hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment or disposal facility, either of which is:
 - A) Permitted under 35 Ill. Adm. Code Parts 702 and 703 40 CFR-Part-122;
 - B) In interim status under 35 Ill. Adm. Code Parts 703 and Part 725 and 40-CFR-Part-122;
 - C) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under 40 CFR 122.71;
 - 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 his waste; or
 - ii) Treats his waste prior to beneficial use or re-use, or legitimate recycling or reclamation.

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- 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.

(Source: Amended at ___ Ill. C.S. ____, effective _____)

Section 721.106 Special Requirements for Hazardous Waste Which is Used, Re-used, Recycled or Reclaimed

- a) Except as otherwise provided in paragraph (b) of this Section, a hazardous waste which meets any of the following criteria is not subject to regulation under 35 Ill. Adm. Code Parts 702, 703, 705 or 722 through 725 ~~or 40 CFR Parts 122 through 124~~ and is not subject to the notification requirements of Section 3010 of RCRA until such time as the Board promulgates regulations to the contrary:
 - 1) It is being beneficially used or reused or legitimately recycled or reclaimed.
 - 2) It is being accumulated, stored or physically, chemically or biologically treated prior to beneficial use or reuse or legitimate recycling or reclamation.
 - 3) It is one of the following materials being used, reused, recycled or reclaimed in the specified manner: spent pickle liquor which is reused in wastewater treatment at a facility holding a National Pollutant Discharge Elimination System (NPDES) permit, or which is being accumulated, stored, or physically, chemically or biologically treated before such reuse.
- b) Except for those wastes listed in paragraph (a)(3) of this Section, a hazardous waste which is a sludge, or which is listed in Sections 721.131 or 721.132 Subpart-D, or which contains one or more hazardous wastes listed in Sections 721.131 or 721.132 Subpart-D; and which is transported or stored prior to being used, re-used, recycled or reclaimed is subject to the following requirements with respect to such transportation or storage:

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- 1) Notification requirements under Section 3010 RCRA.
- 2) 35 Ill. Adm. Code Part 722.
- 3) 35 Ill. Adm. Code Part 723.
- 4) Subparts A, B, C, D, E and F of Part 35 Ill. Adm. Code 724,
Subparts A through F.
- 5) Subparts A, B, C, D, E, F, G, H, I, J and L of Part
35 Ill. Adm. Code 724, Subpart A through L.
- 6) 35 Ill. Adm. Code 722, 703 and 705 40-GFR-Parts 122 and
124, with respect to storage facilities.

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

Section 721.107 Residues of Hazardous Waste in Empty Containers

a)

- 1) Any hazardous waste remaining in either an empty container or an inner liner removed from an empty container, as defined in paragraph (b) of this Section, is not subject to regulation under 35 Ill. Adm. Code Parts 702, 703, 705 or 721 through 725 or 40-GFR-Part 122 or 124 or to the notification requirements of Section 3010 of RCRA.
- 2) Any hazardous waste in either a container that is not empty or an inner liner removed from a container that is not empty, as defined in paragraph (b) of this Section, is subject to regulations under 35 Ill. Adm. Code Parts 702, 703, 705 and 721 through 725 and 40-GFR-Parts 122 and 124 and to the notification requirements of Section 3010 of RCRA.

b)

- 1) A container or an inner liner removed from a container that has held any hazardous waste, except a waste that is compressed gas or that is identified as an acute hazardous waste (H) in Sections 721.131, 721.132, 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, and aspirating.

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- B) No more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner, or
- C)
- 1 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
- 1 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 a hazardous waste which is identified as an acute hazardous waste (H) in Sections 721.131, 721.132 or 721.133(e), 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 has been removed.

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

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TEXT OF ADOPTED AMENDMENT(S)

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

- b) A hazardous waste which is identified by a characteristic in this Subpart, but is not listed as a hazardous waste in Subpart D, is assigned the EPA 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 Act and certain recordkeeping and reporting requirements under 35 Ill. Adm. Code Parts 702, 703 and 722 through 725 and 40-CFR-Part-122.

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

(Board Note: Comment: Since the Appendix IA 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 method under the procedures set forth in 35 Ill. Adm. Code Section 720.121.

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

SUBPART D: LISTS OF HAZARDOUS 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 Sections 720.120 and 720.122.

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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)

- 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 VIII 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 Parts 702, 703 and 722 through 725 and 40-GFR-Part-122.

d) The following hazardous wastes listed in Section 721.131 or 721.132 are subject to the exclusion limits for acutely hazardous wastes established in Section 721.105: None.

(Source: Amended at ___ 17). Reg. _____, effective _____)

Section 721.131 Hazardous Wastes From Nonspecific Sources

Industry and
EPA Hazardous

Waste No.	Hazardous Waste	Hazard Code
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Generic:

FO01.....	The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride and chlorinated fluorocarbons; and sludges from the recovery of these solvents in degreasing operations.	(T)
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- F002..... The following spent halogenated solvents: (T)
 tetrachloroethylene, methylene chloride,
 trichloroethylene, 1,1,1-trichloroethane,
 chlorobenzene, 1,1,2-trichloro-1,2,2-
 trifluoroethane, orthodichlorobenzene
 and trichlorofluoromethane; and the still
 bottoms from the recovery of these solvents.
- F003..... The following spent non-halogenated solvents: (I)
 xylene, acetone, ethyl acetate, ethyl
 benzene, ethyl ether, methyl isobutyl ketone,
 n-butyl alcohol, cyclohexanone and methanol;
 and the still bottoms from the recovery of
 these solvents.
- F004..... The following spent non-halogenated solvents: (T)
 cresols and cresylic acid and nitrobenzene;
 and the still bottoms from the recovery of
 these solvents.
- F005..... The following spent non-halogenated solvents: (I, T)
 toluene, methyl ethyl ketone, carbon disulfide,
 isobutanol and pyridine; and the still bottoms
 from the recovery of these solvents.
- F006..... Wastewater treatment sludges from electroplating (T)
 operations except from the following processes:
 (1) sulfuric acid anodizing of aluminum; (2) tin
 plating on carbon steel; (3) zinc plating
 (segregated basis) on carbon steel; (4) aluminum
 or zinc-aluminum plating on carbon steel;
 (5) cleaning/stripping associated with tin,
 zinc and aluminum plating on carbon steel; and (6)
 chemical etching and milling of aluminum.
- F019..... Wastewater treatment sludges from the chemical (T)
 conversion coating of aluminum.
- F007..... Spent cyanide plating bath solutions from (R, T)
 electroplating operations (except for precious
 metals electroplating spent cyanide plating bath
 solutions).
- F008..... Plating bath sludges from the bottom of plating (R, T)
 baths from electroplating operations where
 cyanides are used in the process (except for
 precious metals electroplating plating bath
 sludges).
- F009..... Spent stripping and cleaning bath solutions from (R, T)
 electroplating operations where cyanides are
 used in the process (except for precious metals
 electroplating spent stripping and cleaning bath
 solutions).

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- F010..... Quenching bath sludge from all baths from metal heat treating operations where cyanides are used in the process except for precious metals heat-treating quenching bath sludges. (R, T)
- F011..... Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations (except for precious metals heat treating spent cyanide solution from salt bath pot cleaning). (R, T)
- F012..... Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process (except for precious metals heat treating quenching wastewater treatment sludges). (T)
- F020..... Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri-, tetra- or pentachlorophenol, or of intermediates used to produce their derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2, 4, 5-trichlorophenol.) (H)
- F021..... Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta- or hexachlorobenzenes under alkaline conditions. (H)
- F022..... Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or materials or materials previously used for the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of materials listed under F020 and F021. (H)
- F023..... Discarded unused formulations containing tri-, tetra- or pentachlorophenol or discarded unused formulations containing compounds derived from these trichlorophenols. (H)

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F024..... Wastes including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes from the production of chlorinated aliphatic hydrocarbons, having carbon content from one to five, utilizing free radical catalyzed processes. (This listing does not include light ends, spent filters and filter aids, spent dessicants, wastewater, wastewater treatment sludges, spent catalysts and wastes listed in Section 721.132.) (T)

(Board Note/Comment: The primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The letter H indicates Acute Hazardous Waste.)

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

Appendix G Basis for Listing Hazardous Wastes

EPA hazardous waste No. Hazardous constituents for which listed

- F001 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons.
- F002 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane.
- F003 N.A.
- F004 Chresols and cresylic acid, nitrobenzene.
- F005 Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine
- 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 Tetrachlorodibenzo-p-dioxins
- F021 Tetrachlorodibenzo-p-dioxins
- F022 Tetrachlorodibenzo-p-dioxins
- F023 Tetrachlorodibenzo-p-dioxins

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- 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.
- K001 Pentachlorophenol, phenol, 2-chlorophenol, p-chloro-m-cresol, 2,4-dimethylphenol, 2,4-dimethylphenol, 2,4-dinitrophenol, trichlorophenols, tetrachlorophenols, 2,4-dinitrophenol, cresosote, chrysene, naphthalene, fluoranthene, benzo(b)-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 (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.

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- K020 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.
- 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, naphthalene, phenolic compounds, arsenic.
- K061 Hexavalent chromium, lead, cadmium.
- K062 Hexavalent chromium, lead.

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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	Chlordane, 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.

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

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

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TEXT OF ADOPTED AMENDMENT(S)

Appendix H Hazardous Constituents

acetonitrile (ethanenitrile)
acetophenone (ethanone, 1-phenyl-)
3-(alpha-acetylbenzyl)-4-hydroxycoumarin and salts
(warfarin)
2-acetylaminofluorene
(acetamide, N-(9H-fluoren-2-yl)-)
acetyl chloride (ethanoyl chloride)
1-acetyl-2-thiourea
(acetamide, N-(aminothioxomethyl)-)
acrolein (2-propenal)
acrylamide (2-propenamamide)
acrylonitrile (2-propenenitrile)
aflatoxins
aldrin
(1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-
endo,exo-1,4:5,8-dimethanonaphthalene)
allyl alcohol (2-propen-1-ol)
aluminum phosphide
4-aminobiphenyl ([1,1'-biphenyl]-4-amine)
6-amino-1,1a,2,8,8a,8b-hexahydro-8-(hydroxymethyl)-8a-methoxy-
5-methylcarbamate azirino[2',3':3,4]pyrrolo[1,2a]indole-
4,7-dione, (ester)
(mitomycin C)
(azirino[2',3':3,4]pyrrolo[1,2a]indole-4,7-dione,
6-amino-8-[(aminocarbonyloxy)methyl]-1,1a,2,8,8a,8b-
hexahydro-8a-methoxy-5-methyl-)
5-(aminomethyl)-3-isoxazolol
(3(2H)-isoxazolone, 5-(aminomethyl)-)
4-aminopyridine (4-pyridinamine)
amitrole (1H-1,2,4-triazol-3-amine)
aniline (benzenamine)
antimony and compounds, N.O.S. (not otherwise specified)
aramite
(sulfurous acid, 2-chloroethyl-, 2-[4-(1,1-
dimethylethyl)phenoxy]-1-methylethyl ester)
arsenic and compounds, N.O.S.,
arsenic acid (orthoarsenic acid)
arsenic pentoxide (arsenic (V) oxide)
arsenic trioxide (arsenic (III) oxide)
auramine
(benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl-,
monohydrochloride])
azaserine (L-serine, diazoacetate (ester))
barium and compounds, N.O.S.
barium cyanide

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benz[c]acridine (3,4-benzacridine)
benz[a]anthracene (1,2-benzanthracene)
benzene (cyclohexatriene)
benzenearsonic acid (arsonic acid, phenyl-)
benzene, dichloromethyl- (benzal chloride)
benzenethiol (thiophenol)
benzidine ([1,1'-biphenyl]-4,4'-diamine)
benzo(b)fluoranthene (2,3-benzofluoranthene)
benzo(j)fluoranthene (7,8-benzofluoranthene)
benzo(a)pyrene (3,4-benzopyrene)
p-benzoquinone (1,4-cyclohexadienedione)
benzotrichloride (benzene, trichloromethyl-)
benzyl chloride (benzene, (chloromethyl)-)
beryllium and compounds, N.O.S.
bis(2-chloroethoxy)methane
(ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-])
bis(2-chloroethyl) ether
(ethane, 1,1'-oxybis[2-chloro-])
N,N-bis(2-chloroethyl)-2-naphthylamine
(chlornaphazine)
bis(2-chloroisopropyl) ether
(propane, 2,2'-oxybis[2-chloro]-)
bis(chloromethyl) ether
(methane, oxybis[chloro]-)
bis(2-ethylhexyl) phthalate
(1,2-benzenedicarboxylic acid, bis(2-ethylhexyl) ester)
bromoacetone (2-propanone, 1-bromo-)
bromomethane (methyl bromide)
4-bromophenyl phenyl ether
(benzene, 1-bromo-4-phenoxy-)
brucine (strychnidin-10-one, 2,3-dimethoxy-)
2-butanone peroxide (methyl ethyl ketone, peroxide)
butyl benzyl phthalate
(1,2-benzenedicarboxylic acid, butyl phenylmethyl ester)
2-sec-butyl-4,6-dinitrophenol (DNBP)
(phenol, 2,4-dinitro-6-(1-methylpropyl)-)
cadmium and compounds, N.O.S.
calcium chromate (chromic acid, calcium salt)
calcium cyanide
carbon disulfide (carbon bisulfide)
carbon oxyfluoride (carbonyl fluoride)
chloral (acetaldehyde, trichloro-)
chlorambucil
(butanoic acid, 4-[bis(2-chloroethyl)amino]benzene-)
chlordane (alpha and gamma isomers)
(4,7-methanoindan, 1,2,4,5,6,7,8,8-octachloro-
3,4,7,7a-tetrahydro-) (alpha and gamma isomers)

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TEXT OF ADOPTED AMENDMENT(S)

chlorinated benzenes, N.O.S.
 chlorinated ethane, N.O.S.
 chlorinated fluorocarbons, N.O.S.
 chlorinated naphthalene, N.O.S.
 chlorinated phenol, N.O.S.
 chloroacetaldehyde (acetaldehyde, chloro-)
 chloroalkyl ethers, N.O.S.
 p-chloroaniline (benzeneamine, 4-chloro-)
 chlorobenzene (benzene, chloro-)
 chlorobenzilate
 (benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)
 alpha-hydroxy-, ethyl ester)
(2-chloro-1,3-butadiene (chloroprene)
p-chloro-m-cresol
 (phenol, 4-chloro-3-methyl-)
 1-chloro-2,3-epoxypropane
 (oxirane, 2-(chloromethyl)-)
 2-chloroethyl vinyl ether
 (ethene, (2-chloroethoxy)-)
 chloroform (methane, trichloro-)
 chloromethane (methyl chloride)
 chloromethyl methyl ether (methane, chloromethoxy-)
 2-chloronaphthalene (naphthalene, beta-chloro-)
 2-chlorophenol (phenol, o-chloro-)
 1-(o-chlorophenyl)thiourea (thiourea, (2-chlorophenyl)-)
3-chloropropene (allyl chloride)
3-chloropropionitrile (propanenitrile, 3-chloro-)
 chromium and compounds, N.O.S.
 chrysene (1,2-benzphenanthrene)
 citrus red No. 2
 (2-naphthol, 1-[(2,5-dimethoxyphenyl)azo]-)
 coal tars
 copper cyanide
 creosote (creosote, wood)
 cresols (cresylic acid) (phenol, methyl-)
 crotonaldehyde (2-butenal)
 cyanides (soluble salts and complexes), N.O.S.
 cyanogen (ethanedinitrile)
 cyanogen bromide (bromine cyanide)
 cyanogen chloride (chlorine cyanide)
 cycasin
 (beta-D-glucopyranoside, (methyl-ONN-azoxy)methyl-)
 2-cyclohexyl-4,6-dinitrophenol
 (phenol, 2-cyclohexyl-4,6-dinitro-)
 cyclophosphamide
 (2H-1,3,2-oxazaphosphorine, [bis(2-chloroethyl)amino]-
 tetrahydro-, 2-oxide)

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TEXT OF ADOPTED AMENDMENT(S)

daunomycin

(5,12-naphthacenedione, (8S-cis)-8-acetyl-10-
 [(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl oxy]-
 7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-)

DDC (dichlorodiphenyl dichloroethane)

(ethane, 1,1-dichloro-2,2-bis(p-chlorophenyl)-)

DDE (ethylene, 1,1-dichloro-2,2-bis(4-chlorophenyl)-)

DDT (dichlorodiphenyl trichloroethane)

(ethane, 1,1,1-trichloro-2,2-bis(p-chlorophenyl)-)

diallate

(S-(2,3-dichloroallyl) diisopropyl thiocarbamate)

dibenz[a,h]acridine (1,2,5,6-dibenzacridine)

dibenz[a,j]acridine (1,2,7,8-dibenzacridine)

dibenz[a,h]anthracene (1,2,5,6-dibenzanthracene)

7H-dibenzo[c,g]carbazole (3,4,5,6-dibenzcarbazole)

dibenzo[a,e]pyrene (1,2,4,5-dibenzpyrene)

dibenzo[a,h]pyrene (1,2,5,6-dibenzpyrene)

dibenzo[a,i]pyrene (1,2,7,8-dibenzpyrene)

1,2-dibromo-3-chloropropane

(propane, 1,2-dibromo-3-chloro-)

1,2-dibromoethane (ethylene dibromide)

dibromomethane (methylene bromide)

di-n-butyl phthalate

(1,2-benzenedicarboxylic acid, dibutyl ester)

o-dichlorobenzene (benzene, 1,2-dichloro-)

m-dichlorobenzene (benzene, 1,3-dichloro-)

p-dichlorobenzene (benzene, 1,4-dichloro-)

dichlorobenzene, N.O.S. (benzene, dichloro-, N.O.S.)

3,3'-dichlorobenzidine

([1,1'-biphenyl]-4,4'-diamine, 3,3'-dichloro-)

1,4-dichloro-2-butene (2-butene, 1,4-dichloro-)

dichlorodifluoromethane (methane, dichlorodifluoro-)

1,1-dichloroethane (ethylidene dichloride)

1,2-dichloroethane (ethylene dichloride)

trans-1,2-dichloroethene (1,2-dichloroethylene)

dichloroethylene, N.O.S. (ethene, dichloro-, N.O.S.)

1,1-dichloroethylene (ethene, 1,1-dichloro-)

dichloromethane (methylene chloride)

2,4-dichlorophenol (phenol, 2,4-dichloro-)

2,6-dichlorophenol (phenol, 2,6-dichloro-)

2,4-dichlorophenoxyacetic acid (2,4-D), salts and esters

(acetic acid, 2,4-dichlorophenoxy-, salts and esters)

dichlorophenyl arsine (phenyl dichloroarsine)

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TEXT OF ADOPTED AMENDMENT(S)

- dichloropropane, N.O.S. (propane, dichloro-, N.O.S.)
 1,2-dichloropropane (propylene dichloride)
 dichloropropanol, N.O.S. (propanol, dichloro-, N.O.S.)
 dichloropropene, N.O.S. (propene, dichloro-, N.O.S.)
 1,3-dichloropropene (1-propene, 1,3-dichloro-)
 dieldrin
 (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,exo-1,4,8-dimethanonaphthalene)
 1,2:3,4-diepoxybutane (2,2'-bioxirane)
 diethylarsine (arsine, diethyl-)
 N,N'-diethylhydrazine (hydrazine, 1,2-diethyl-)
 0,0-diethyl S-methyl ester of phosphorodithioic acid
 (phosphorodithioic acid, 0,0-diethyl S-methyl ester)
 0,0-diethyl phosphoric acid, 0-p-nitrophenyl ester
 (phosphoric acid, diethyl p-nitrophenyl ester)
 diethyl phthalate
 (1,2-benzenedicarboxylic acid, diethyl ester)
 0,0-diethyl 0-2-pyrazinyl phosphorothioate
 (phosphorothioic acid, 0,0-diethyl 0-pyrazinyl ester)
 diethylstilbestrol
 (4,4'-stilbenediol, alpha,alpha-diethyl, bis(dihydrogen phosphate, (E)-)
 dihydrosafrole
 (benzene, 1,2-methylenedioxy-4-propyl-)
 3,4-dihydroxy-alpha-(methylamino)methyl benzyl alcohol
 (1,2-benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-)
 diisopropyl fluorophosphate (DFP)
 (phosphorofluoridic acid, bis(1-methylethyl) ester)
 dimethoate
 (phosphorodithioic acid, 0,0-dimethyl S-[2-(methylamino)-2-oxoethyl] ester)
 3,3'-dimethoxybenzidine
 ([1,1'-biphenyl]-4,4'-diamine, 3,3'-dimethoxy-)
 p-dimethylaminoazobenzene
 (benzenamine, N,N-dimethyl-4-(phenylazo)-)
 7,12-dimethylbenz[a]anthracene
 (1,2-benzanthracene, 7,12-dimethyl-)
 3,3'-dimethylbenzidine
 ([1,1'-biphenyl]-4,4'-diamine, 3,3'-dimethyl-)
 dimethylcarbamoyl chloride
 (carbamoyl chloride, dimethyl-)
 1,1-dimethylhydrazine (hydrazine, 1,1-dimethyl-)
 1,2-dimethylhydrazine (hydrazine, 1,2-dimethyl-)
 3,3-dimethyl-1-(methylthio)-2-butanone,
 0-[(methylamino)carbonyl]oxime
 (thiofanox)

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TEXT OF ADOPTED AMENDMENT(S)

alpha,alpha-dimethylphenethylamine
(ethanamine, 1,1-dimethyl-2-phenyl-)
2,4-dimethylphenol (phenol, 2,4-dimethyl-)
dimethyl phthalate
(1,2-benzenedicarboxylic acid, dimethyl ester)
dimethylsulfate
(sulfuric acid, dimethyl ester)
dinitrobenzene, N.O.S. (benzene, dinitro-, N.O.S.).
4,6-dinitro-o-cresol and salts
(phenol, 2,4-dinitro-6-methyl-, and salts)
2,4-dinitrophenol (phenol, 2,4-dinitro-)
2,4-dinitrotoluene (benzene, 1-methyl-2,4-dinitro-)
2,6-dinitrotoluene (benzene, 1-methyl-2,6-dinitro-)
di-n-octyl phthalate
(1,2-benzenedicarboxylic acid, dioctyl ester)
1,4-dioxane (1,4-diethylene oxide)
diphenylamine (benzenamine, N-phenyl-)
1,2-diphenylhydrazine (hydrazine, 1,2-diphenyl-)
di-n-propylnitrosamine (N-nitroso-di-n-propylamine)
disulfoton
(0,0-diethyl S-[2-(ethylthio)ethyl] phosphorodithioate)
2,4-dithiobiuret (thioimidodicarbonic diamide)
endsulfan
(5-norbornene, 2,3-dimethanol, 1,4,5,6,7,7-hexachloro-,
cyclic sulfite)
endrin and metabolites
(1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-
octahydro-endo,endo-1,4:5,8-dimethanonaphthalene,
and metabolites)
ethyl carbamate
(urethan) (carbamic acid, ethyl ester)
ethyl cyanide (propanenitrile)
ethylenebisdithiocarbamic acid, salts and esters
(1,2-ethanediyldithiocarbamic acid, salts and esters)
ethyleneimine (aziridine)
ethylene oxide (oxirane)
ethylenethiourea (2-imidazolidinethione)
ethyl methacrylate (2-propenoic acid, 2-methyl-, ethyl ester)
ethyl methanesulfonate (methanesulfonic acid, ethyl ester)
fluoranthene (benzo[j,k]fluorene)
fluorine
2-fluoroacetamide (acetamide, 2-fluoro-)
fluoroacetic acid, sodium salt
(acetic acid, fluoro-, sodium salt)
formaldehyde (methylene oxide)
formic acid (methanoic acid)
glycidylaldehyde (1-propanal, 2,3-epoxy-)
halomethane, N.O.S.

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TEXT OF ADOPTED AMENDMENT(S)

heptachlor
(4,7-methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-)
heptachlor epoxide (alpha, beta and gamma isomers)
(4,7-methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-2,3-epoxy-3a,4,7,7-tetrahydro-, alpha, beta and gamma isomers)
hexachlorobenzene (benzene, hexachloro-)
hexachlorobutadiene (1,2-butadiene, hexachloro-)
hexachlorocyclohexane (all isomers)
(lindane and isomers)
hexachlorocyclopentadiene
(cyclopentadiene, hexachloro-)
hexachloroethane (ethane, hexachloro-)
1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,endo-dimethanonaphthalene
(hexachlorohexahydro-endo,endo-dimethanonaphthalene)
hexachlorophene
(2,2'-methylenebis(3,4,6-trichlorophenol))
hexachloropropene (propene, hexachloro-)
hexaethyl tetraphosphate
(tetraphosphoric acid, hexaethyl ester)
hydrazine (diamine)
hydrocyanic acid (hydrogen cyanide)
hydrofluoric acid (hydrogen fluoride)
hydrogen sulfide
hydroxydimethylarsine oxide (cacodylic acid)
indeno(1,2,3-cd) pyrene
1,10-(1,2-phenylene)pyrene)
iodomethane (methyl iodide)
iron dextran (ferric dextran)
isocyanic acid, methyl ester (methyl isocyanate)
isobutyl alcohol (1-propanol, 2-methyl-)
isosafrrole (benzene, 1,2-methylenedioxy-4-allyl-)
kepone
(decachlorooctahydro-1,3,4-metheno-2H-cyclobuta[cd]pentalen-2-one)
lasiocarpine
(2-butenoic acid, 2-methyl-7-[(2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester)
lead and compounds, N.O.S.
lead acetate (acetic acid, lead salt)
lead phosphate (phosphoric acid, lead salt)
lead subacetate (lead, bis(acetato-O)tetrahydroxytri-maleic anhydride (2,5-furandione)
maleic hydrazide (1,2-dihydro-3,6-pyridazinedione)
malononitrile (propanedinitrile)

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TEXT OF ADOPTED AMENDMENT(S)

melphalan
alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-, L-)
mercury fulminate (fulminic acid, mercury salt)
mercury and compounds, N.O.S.
methacrylonitrile (2-propenenitrile, 2-methyl-)
methanethiol (thiomethanol)
methapyrilene
(pyridine, 2-[(2-dimethylamino)ethyl]-2-thenylamino-)
metholmyl
(acetimidic acid, N-[(methyl carbamoyl)oxy]thio-,
methyl ester)
methoxychlor
(ethane, 1,1,1-trichloro-2,2'-bis(p-methoxyphenyl)-)
2-methylaziridine (1,2-propylenimine)
3-methylcholanthrene
(benz[j]aceanthrylene, 1,2-dihydro-3-methyl-)
methyl chloro carbonate
(carbanochloridic acid, methyl ester)
4,4'-methylenebis(2-chloroaniline)
4,4'-methylenebis(2-chlorobenzeneamine)
methyl ethyl ketone (MEK) (2-butanone)
methyl hydrazine (hydrazine, methyl-)
2-methyl lactonitrile (propanenitrile, 2-hydroxy-2-methyl-)
methyl methacrylate (2-propenoic acid, 2-methyl-, methyl ester)
methyl methanesulfonate (methanesulfonic acid, methyl ester)
2-methyl-2-(methylthio)propionaldehyde-O-
(methyl carbonyl) oxime
(propanal, 2-methyl-2-(methylthio)-,
O-[(methylamino)carbonyl]oxime)
N-methyl-N'-nitro-N-nitrosoguanidine
(guanidine, N-nitroso-N-methyl-N'-nitro-)
methyl parathion
(O,O-dimethyl O-(4-nitrophenyl) phosphorothioate)
methyl thiouracil
(4-1H-pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-)
mustard gas (sulfide, bis(2-chloroethyl)-)
naphthalene
1,4-naphthoquinone (1,4-naphthalenedione)
1-naphthylamine (alpha-naphthylamine)
2-naphthylamine (beta-naphthylamine)
1-naphthyl-2-thiourea (thiourea, 1-naphthalenyl-)
nickel and compounds, N.O.S.
nickel carbonyl (nickel tetracarbonyl)
nickel cyanide (nickel (II) cyanide)
nicotine and salts
(pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts)

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TEXT OF ADOPTED AMENDMENT(S)

nitric oxide (nitrogen (II) oxide)
 p-nitroaniline (benzenamine, 4-nitro-)
 nitrobenzene (benzene, nitro-)
 nitrogen dioxide (nitrogen (IV) oxide)
 nitrogen mustard and hydrochloride salt
 (ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-,
 and hydrochloride salt)
 nitrogen mustard N-oxide and hydrochloride salt
 (ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-,
 N-oxide, and hydrochloride salt)
 nitroglycerin (1,2,3-propanetriol, trinitrate)
 4-nitrophenol (phenol, 4-nitro-)
 4-nitroquinoline-1-oxide (quinoline, 4-nitro-1-oxide-)
 nitrosamine, N.O.S.
 N-nitrosodi-n-butylamine (1-butanamine, N-butyl-N-nitroso-)
 N-nitrosodiethanolamine (ethanol, 2,2'-(nitrosoimino)bis-)
 N-nitrosodiethylamine (ethanamine, N-ethyl-N-nitroso-)
 N-nitrosodimethylamine (dimethylnitrosamine)
 N-nitroso-N-ethylurea (carbamide, N-ethyl-N-nitroso-)
 N-nitrosomethylethylamine (ethanamine, N-methyl-N-nitroso-)
 N-nitroso-N-methylurea (carbamide, N-methyl-N-nitroso-)
 N-nitroso-N-methylurethane
 (carbamic acid, methylnitroso-, ethyl ester)
 N-nitrosomethylvinylamine
 (ethenamine, N-methyl-N-nitroso-)
 N-nitrosomorpholine (morpholine, N-nitroso-)
 N-nitrosornicotine (nornicotine, N-nitroso-)
 N-nitrosopiperidine (pyridine, hexahydro-, N-nitroso-)
 N-nitrosopyrrolidine (pyrrole, tetrahydro-, N-nitroso-)
 N-nitrososarcosine (sarcosine, N-nitroso-)
 5-nitro-o-toluidine (benzenamine, 2-methyl-5-nitro-)
 octamethyl pyrophosphoramidate (diphosphoramidate, octamethyl-)
 osmium tetroxide (osmium (VIII) oxide)
 7-oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
 (endthal)
 paraldehyde
 (1,3,5-trioxane, 2,4,6-trimethyl-)
 parathion
 (phosphorothioic acid, 0,0-diethyl 0-(p-nitrophenyl)
 ester)
 pentachlorobenzene (benzene, pentachloro-)
 pentachloroethane (ethane, pentachloro-)
 pentachloronitrobenzene (PCNB)
 (benzene, pentachloronitro-)
 pentachlorophenol (phenol, pentachloro-)
 phenacetin (acetamide, N-(4-ethoxyphenyl)-)
 phenol (benzene, hydroxy-)

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TEXT OF ADOPTED AMENDMENT(S)

phenylenediamine (benzenediamine)
phenylmercury acetate (mercury, acetatophenyl-)
N-phenylthiourea (thiourea, phenyl-)
phosgene (carbonyl chloride)
phosphine (hydrogen phosphide)
phosphorodithioic acid, 0,0-diethyl S-[(ethylthio)methyl] ester
(phorate)
phosphorothioic acid, 0,0-dimethyl
O-[p-((dimethylamino)sulfonyl)phenyl] ester
(famphur)
phthalic acid esters, N.O.S.
(benzene, 1,2-dicarboxylic acid, esters, N.O.S.)
phthalic anhydride
(1,2-benzenedicarboxylic acid anhydride)
2-picoline (pyridine, 2-methyl-)
polychlorinated biphenyl, N.O.S.
potassium cyanide
potassium silver cyanide
(argenta te(1-), dicyano-, potassium)
pronamide
(3,5-dichloro-N-(1,1-dimethyl-2-propynyl)benzamide)
1,3-propane sulfone
(1,2-oxathiolane, 2,2-dioxide)
n-propylamine (1-propanamine)
propylthiouracil
(2,3-dihydro-6-propyl-2-thioxo-4(1H)-pyrimidinone)
2-propyn-1-ol (propargyl alcohol)
pyridine
reserpine
(yohimban-16-carboxylic acid, 11,17-dimethoxy-
18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester)
resorcinol (1,3-benzenediol)
saccharin and salts
(1,2-benzisothiazolin-3-one, 1,1-dioxide, and salts)
safrole (benzene, 1,2-methylenedioxy-4-allyl-)
selenious acid (selenium dioxide)
selenium and compounds, N.O.S.
selenium sulfide (sulfur selenide)
selenourea (carbamimidoseleonic acid)
silver and compounds, N.O.S.
silver cyanide
sodium cyanide
streptozotocin
(D-glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-)
strontium sulfide
strychnine and salts (strychnidin-10-one, and salts)
1,2,4,5-tetrachlorobenzene (benzene, 1,2,4,5-tetrachloro-)

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TEXT OF ADOPTED AMENDMENT(S)

- Tetrachlorodibenzo-p-dioxins
- 2,3,7,8-tetrachlorodibenzo-p-dioxin
(TCDD)
(dibenzo-p-dioxin, 2,3,7,8-tetrachloro-)
- tetrachloroethane, N.O.S.
(ethane, tetrachloro-, N.O.S.)
- 1,1,1,2-tetrachloroethane (ethane, 1,1,1,2-tetrachloro-)
- 1,1,2,2-tetrachloroethane (ethane, 1,1,2,2-tetrachloro-)
- tetrachloroethene (perchloroethylene)
- tetrachloromethane (carbon tetrachloride)
- 2,3,4,6-tetrachlorophenol (phenol, 2,3,4,6-tetrachloro-)
- tetraethyl dithiopyrophosphate
(dithiopyrophosphoric acid, tetraethyl ester)
- tetraethyl lead (plumbane, tetraethyl-)
- tetraethyl pyrophosphate (pyrophosphoric acid, tetraethyl ester)
- tetranitromethane (methane, tetranitro-)
- thallium and compounds, N.O.S.
- thallic oxide (thallium (III) oxide)
- thallium (I) acetate (acetic acid, thallium (I) salt)
- thallium (I) carbonate (carbonic acid, dithallium (I) salt)
- thallium (I) chloride
- thallium (I) nitrate (nitric acid, thallium (I) salt)
- thallium selenite
- thallium (I) sulfate (sulfuric acid, thallium (I) salt)
- thioacetamide (ethanethioamide)
- thiosemicarbazide (hydrazinocarbothioamide)
- thiourea (carbamide, thio-)
- thiuram (bis(dimethylthiocarbamoyl) disulfide)
- toluene (benzene, methyl-)
- toluenediamine (diaminotoluene)
(toluene diisocyanate (benzene, 1,3-diisocyanatomethyl-))
- o-toluidine hydrochloride
(benzeneamine, 2-methyl-, hydrochloride)
- toxaphene (camphene, octachloro-)
- tribromomethane (bromoform)
- 1,2,4-trichlorobenzene (benzene, 1,2,4-trichloro-)
- 1,1,1-trichloroethane (methyl chloroform)
- 1,1,2-trichloroethane (ethane, 1,1,2-trichloro-)
- trichloroethene (trichloroethylene)
- trichloromethanethiol (methanethiol, trichloro-)
- trichloromono fluoromethane (methane, trichlorofluoro-)
- 2,4,5-trichlorophenol (phenol, 2,4,5-trichloro-)
- 2,4,6-trichlorophenol (phenol, 2,4,6-trichloro-)
- 2,4,5-trichlorophenoxyacetic acid (2,4,5-T)
(acetic acid, 2,4,5-trichlorophenoxy-)

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TEXT OF ADOPTED AMENDMENT(S)

2,4,5-trichlorophenoxypropionic acid (2,4,5-TP) (silvex)
(propionic acid, 2-(2,4,5-trichlorophenoxy)-)
trichloropropane, N.O.S.
(propane, trichloro-, N.O.S.)
1,2,3-trichloropropane
(propane, 1,2,3-trichloro-)
0,0,0-triethyl phosphorothioate
(phosphorothioic acid, 0,0,0-triethyl ester)
sym-trinitrobenzene
(benzene, 1,3,5-trinitro-)
tris(1-aziridiny) phosphine sulfide
(phosphine sulfide, tris(1-aziridiny)-)
tris(2,3-dibromopropyl) phosphate
(1-propanol, 2,3-dibromo-, phosphate)
trypan blue
(2,7-naphthalenedisulfonic acid, 3,3'-[(3,3'-
dimethyl(1,1'-biphenyl)-4,4'-diyl)bis(azo)]bis(5-
amino-4-hydroxy-, tetrasodium salt)
undecamethylenediamine, N,N'-bis(2-chlorobenzylamine),
dihydrochloride
(N,N'-undecamethylenebis(2-chlorobenzylamine),
dihydrochloride)
uracil mustard
(uracil, 5-[bis(2-chloroethyl)amino]-)
vanadic acid, ammonium salt (ammonium vanadate)
vanadium pentoxide (vanadium (V) oxide)
vinyl chloride (ethene, chloro-)
zinc cyanide
zinc phosphide

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

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TEXT OF ADOPTED AMENDMENT(S)

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

SUBCHAPTER 02 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 ~~Required-information~~ 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

SUBPART E: SPECIAL CONDITIONS

Section
722.150 International Shipments
722.151 Farmers

Appendix A Form-Annual Report (EPA Form 8700-13) (Repealed)

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TEXT OF ADOPTED AMENDMENT(S)

AUTHORITY: Authorized by Section 27 and implementing Section 22.4 of the Environmental Protection Act (Ill. Rev. Stat. ~~1981~~1983, 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 317, at 6 Ill. Reg. 4828, effective as noted in ~~Section~~ 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 ___ Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 722.110 Purpose, Scope and Applicability

- a) These regulations establish standards for generators of hazardous waste.
- b) A generator who treats, stores or disposes of hazardous waste on-site must only comply with the following sections of this Part with respect to that waste: Section 722.111 for determining whether or not he has a hazardous waste, Section 722.112 for obtaining an EPA identification number, Section 722.140(c) and (d) for recordkeeping, Section 722.143 for additional reporting and if applicable, Section 722.151 for farmers.
- c) Any person who imports hazardous waste into the United States must comply with the standards applicable to generators established in this Part.
- d) A farmer who generates waste pesticides which are hazardous waste and who complies with all of the requirements of Section 722.151 is not required to comply with other standards in this Part, or 35 Ill. Adm. Code 702, 703, 724 or 725~~7~~-or-40-CFR 122~~7~~ with respect to such pesticides.
- e) A person who generates a hazardous waste as defined by 35 Ill. Adm. Code 721 is subject to the compliance requirements and penalties prescribed in Title VIII and XII of the Environmental Protection Act if he does not comply with the requirements of this Part.

(Board Note: A generator who treats, stores or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 35 Ill. Adm. Code 702, 703, 724 and 725 and 40 CFR 266 and ~~122~~.)

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- f) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage or disposal facility must comply with the generator standards established in this Part.

(Board Note: The provisions of Section 722.134 are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of Section 722.134 only apply to owners or operators who are shipping hazardous waste which they generated at that facility.)

- g) 35 Ill. Adm. Code 700 contains rules on application of other Board regulations.

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

SUBPART B: THE MANIFEST

Section 722.120 General Requirements

- ~~a) A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage or disposal must prepare a manifest before transporting the waste off-site.~~
- a) A generator who transports, or offers for transportation, hazardous waste for offsite treatment, storage or disposal within the State of Illinois shall prepare a manifest on the form supplied by the Agency.
- b) A generator who transports, or offers for transportation, hazardous waste for offsite treatment, storage or disposal outside the State of Illinois shall prepare a manifest on the form supplied by the Agency if the State to which the shipment is manifested does not supply and require the manifest (Office of Management and Budget OMB control number 2000-0404 on EPA form 8700-22, and, if necessary, EPA form 8700-22A.
- c) A generator who transports, or offers for transportation, hazardous waste for offsite treatment, storage or disposal outside the State of Illinois shall prepare a manifest OMB control number 2000-0404 on EPA form 8700-22, and if necessary EPA form 8700-22A, if the State to which the shipment is manifested supplies and requires such a manifest.
- b)d) A generator must designate on the manifest one facility which is permitted to handle the waste described on the manifest.
- e)e) A generator may also designate on the manifest one alternate facility which is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.

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- d)f) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste.

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

Section 722.121 Required-Information Acquisition of Manifests

- a) ~~The manifest must contain all of the following information:~~
- 1) ~~A manifest document number;~~
 - 2) ~~The generator's name, mailing address, telephone number and EPA identification number;~~
 - 3) ~~The name and EPA identification number of each transporter;~~
 - 4) ~~The name, address and EPA identification number of the designated facility and an alternate facility, if any;~~
 - 5) ~~The description of the wastes(s) (e.g., proper shipping name, etc.) required by regulations of the U.S. Department of Transportation in 49 CFR 172.101, 172.202, and 172.203;~~
 - 6) ~~The total quantity of each hazardous waste by units of weight or volume, and the type and number of containers as loaded into or onto the transport vehicle.~~
- b) ~~The following certification must appear on the manifest:~~
~~"This is to certify that the above named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation, the Illinois Pollution Control Board, the USEPA and other authorized state and local agencies."~~
- a) If the State of Illinois is the state to which the shipment is manifested (consignment state), the generator shall use the manifest supplied by the Agency.
- b) If the State of Illinois is not the consignment state, the generator shall use the manifest required by the consignment state. If the consignment state does not supply and require the manifest, then the generator shall use the manifest supplied by the Agency.

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

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TEXT OF ADOPTED AMENDMENT(S)

Section 722.141 Annual Reporting

a) ~~A generator who ships his hazardous waste off-site must submit Annual Reports:~~

~~1) On EPA form 8700-13 and 8700-13A according to the instructions on the form (See the Appendix to this Part);~~

~~2) To the Director;~~

~~3) No later than March 1 for the preceding calendar year.~~

a) A generator who ships his hazardous waste offsite must prepare and submit a single copy of an annual report to the Agency by March 1 for the preceding calendar year. The annual report must be submitted on a form supplied by the Agency, and must cover generator activities during the previous calendar year, and must include the following information:

1) The USEPA identification number, name and address of the generator;

2) The calendar year covered by the report;

3) The USEPA identification number, name and address for each off-site treatment, storage or disposal facility to which waste was shipped during the year; for exported shipments, the report must give the name and address of the foreign facility.

4) The name and USEPA identification number of each transporter used during the reporting year.

5) A description, USEPA hazardous waste number (from 35 Ill. Adm. Code 721, Subpart C or D), DOT hazard class, and quantity of each hazardous waste shipped off-site. This information must be listed by EPA identification number of each off-site facility to which waste was shipped.

6) The certification signed by the generator or his authorized representative.

b) Any generator who treats, stores, or disposes of hazardous waste on-site must submit an annual report covering those wastes in accordance with the provisions of 35 Ill. Adm. Code Parts 702, 703, 724, 725 and 40 CFR Parts 122 and 266.

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

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SUBPART E: SPECIAL CONDITIONS

Section 722.150 International Shipments

- a) Any person who exports hazardous waste to a foreign country or imports hazardous waste from a foreign country into the United States must comply with the requirements of this Part and with the special requirements of this Section.
- b) When shipping hazardous waste outside the United States, the generator must:
 - 1) Notify the Administrator and Director in writing four weeks before the initial shipment of hazardous waste to each country in each calendar year;
 - A) The waste must be identified by its EPA hazardous waste identification number and its DOT shipping description,
 - B) The name and address of the foreign consignee must be included in this notice;
 - C) ~~These notices must be sent to:--Hazardous Waste Export, Division for Oceans and Regulatory Affairs (A-107), U.S. Environmental Protection Agency, Washington, D.C. 20460.~~
 - C) These notices must be sent to the Office of International Activities (A-106), United States Environmental Protection Agency, Washington, D.C. 20460.

~~Note:--This requirement to notify will not be delegated to States authorized under 40 CFR Part 123.271. Therefore, all generators must notify the Administrator as required above.~~

- 2) Require that the foreign consignee confirm the delivery of the waste in foreign country. A copy of the manifest signed by the foreign consignee may be used for this purpose;
- 3) Meet the requirements under Section 722.121 722.120 for the manifest, except that:
 - A) In place of the name, address and EPA identification number of the designated facility, the name and address of the foreign consignee must be used;

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- B) The generator must identify the point of departure from the United States through which the waste must travel before entering a foreign country.
- 4) Obtain the manifest form from the Agency.
- c) A generator must file an Exception Report, if:
- 1) He has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within 45 days from the date it was accepted by the initial transporter; or
 - 2) Within 90 days from the date the waste was accepted by the initial transporter, the generator has not received written confirmation from the foreign consignee that the hazardous waste was received.
- d) When importing hazardous waste, a person must meet all requirements of Section ~~722.121~~722.120 for the manifest except that:
- 1) In place of the generator's name, address and EPA identification number, the name and address of the foreign generator and the importer's name, address and EPA identification number must be used.
 - 2) In place of the generator's signature on the certification statement, the U.S. importer or his agent must sign and date the certification and obtain the signature of the initial transporter.
- e) A person who imports hazardous waste must obtain the manifest form from the Agency.

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

Section 722.151 Farmers

A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards in this Part or 35 Ill. Adm. Code Part 702, 703, 724 or 725 or other standards in 40-CFR-Part-122 for such wastes, provided he triple rinses each emptied pesticide container in accordance with 35 Ill. Adm. Code Section 721.107(b)(3) and disposes of the pesticide residues on his own farm in a manner consistent with the disposal instructions on the pesticide label.

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

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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 HAZARDOUS 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: HAZARDOUS 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. 19791983, ch. 111 1/2, pars. 1027 and 1022.4), as amended by P.A. 82-380; ~~unless otherwise indicated.~~

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code Section 700.106; amended and codified in R81-22, 45 PCB 17, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code Section 700.106; ~~unless otherwise noted;~~ amended in R84-9, at 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 Section 722.130 at a transfer facility for a period of ten days or less is not subject to regulations under 35 Ill. Adm. Code Parts 702, 703, 724 and 725 and 40-GFR Part 422 with respect to the storage of those wastes.

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

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TEXT OF ADOPTED AMENDMENT(S)

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

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

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TEXT OF ADOPTED AMENDMENT(S)

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: GROUNDWATER PROTECTION

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
724.197 General Groundwater Monitoring Requirements
724.198 Detection Monitoring Program
724.199 Compliance Monitoring Program
724.200 Corrective Action Program

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
724.215 Certification of Closure
724.217 Post-closure Care and Use of Property
724.218 Post-closure Plan; Amendment of Plan
724.219 Notice to Local Land Authority
724.220 Notice in Deed to Property

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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: TANKS

Section	
724.290	Applicability
724.291	Design of Tanks
724.292	General Operating Requirements
724.294	Inspections
724.297	Closure
724.298	Special Requirements for Ignitable or Reactive Waste
724.299	Special Requirements for Incompatible Wastes

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

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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

SUBPART L: WASTE PILES

Section
724.350 Applicability
724.351 Design and Operating Requirements
724.352 Double-lined Piles: Exemption from Subpart F: Groundwater
Protection Requirements
724.353 Inspection of Liners: Exemption from Subpart F: Groundwater
Protection Requirements
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

SUBPART M: LAND TREATMENT

Section
724.370 Applicability
724.371 Treatment Program
724.372 Treatment Demonstration
724.373 Design and Operating Requirements
724.376 Food-chain Crops
724.378 Unsaturated Zone Monitoring
724.379 Recordkeeping
724.380 Closure and Post-closure Care
724.381 Special Requirements for Ignitable or Reactive Waste
724.382 Special Requirements for Incompatible Wastes

SUBPART N: LANDFILLS

Section
724.400 Applicability
724.401 Design and Operating Requirements
724.402 Double-lined Landfills: Exemption from Subpart F: Groundwater
Protection Requirements
724.403 Monitoring and Inspection
724.409 Surveying and Recordkeeping
724.410 Closure and Post-closure Care
724.412 Special Requirements for Ignitable or Reactive Waste
724.413 Special Requirements for Incompatible Wastes
724.414 Special Requirements for Liquid Waste

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724.415 Special Requirements for Containers
724.416 Disposal of Small Containers of Hazardous Waste in Overpacked
Drums (Lab Packs)

SUBPART 0: INCINERATORS

Section
724.440 Applicability
724.441 Waste Analysis
724.442 Principal Organic Hazardous Constituents (POHCs)
724.443 Performance Standards
724.444 Hazardous Waste Incinerator Permits
724.445 Operating Requirements
724.447 Monitoring and Inspections
724.451 Closure

Appendix A Recordkeeping Instructions
Appendix B EPA Report Form and Instructions (Repealed)
Appendix D Cochran's Approximation to the Behrens-Fisher Student's t-test
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. ~~1981~~1983, ch. 111 1/2,
pars. 1022.4 and 1027).

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14059, effective October 12,
1983; amended in R84-9 at ___ 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.

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(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 Illinois 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.

~~g-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 Illinois 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;

(Board Note: The owner or operator may be subject to 35 Ill. Adm. Code ~~807Chapter-7--Solid-Waste~~, and may have to have a supplemental permit under 35 Ill. Adm. Code 807.210Rule 210.)

- 2) The owner or operator of a facility which treats or stores hazardous waste, which treatment or storage meets the criteria in 35 Ill. Adm. Code 721.106(a), except to the extent that 35 Ill. Adm. Code 721.106(b) provides otherwise;
- 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134;
- 4) A farmer disposing of waste pesticides from his own use in compliance with 35 Ill. Adm. Code 722.151; or
- 5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;

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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) Persons with respect to these activities which are carried out to immediately contain or treat a spill of hazardous waste or material which, when spilled, becomes a hazardous waste, except that, with respect to such activities, the appropriate requirements of Subparts C and D are applicable to owners and operators of treatment, storage and disposal facilities otherwise subject to this Part.~~

~~(Board Note: This paragraph only applies to activities taken in immediate response to a spill. After the immediate response activities are completed, the applicable regulations of this Subchapter apply fully to the management of any spill residue or debris which is a hazardous waste under 35 Ill. Adm. Code 721.)~~

8)

A) Except as provided in paragraph (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 (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.

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.

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- 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.

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

SUBPART B: GENERAL FACILITY STANDARDS

Section 724.118 Location Standards

a) Seismic considerations.

- 1) Portions of new facilities where treatment, storage or disposal of hazardous waste will be conducted must not be located within 61 meters (200 feet) of a fault which has had displacement in Holocene time.
- 2) As used in paragraph (a)(1):
 - A) "Fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side.
 - B) "Displacement" means the relative movement of any two sides of a fault measured in any direction.
 - C) "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene to the present.

(Board Note: Procedures for demonstrating compliance with this standard in Part B of the permit application are specified in 35 Ill. Adm. Code 703.182. Facilities which are located in political jurisdictions other than those listed in Appendix F are assumed to be in compliance with this requirement.

b) Floodplains.

- 1) A facility located in a 100-year floodplain must be designed, constructed, operated and maintained to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can demonstrate to the Agency's satisfaction that:
 - A) Procedures are in effect which will cause the waste to be removed safely, before flood waters can reach the facility, to a location where the wastes will not be vulnerable to flood waters; or

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- B) For existing surface impoundments, waste piles, land treatment units and landfills, no adverse effects on human health or the environment will result if washout occurs, considering:
- i) The volume and physical and chemical characteristics of the waste in the facility;
 - ii) The concentration of hazardous constituents that would potentially affect surface waters as a result of washout;
 - iii) The impact of such concentrations on the current or potential uses of and water quality standards established for the affected surface waters; and
 - iv) The impact of hazardous constituents on the sediments of affected surface waters or the soils of the 100-year floodplain that could result from washout.
- 2) As used in paragraph (b)(1):
- A) "100-year floodplain" means any land area which is subject to a one percent or greater chance of flooding in any given year from any source.
 - B) "Washout" means the movement of hazardous waste from the active portion of the facility as a result of flooding.
 - C) "100-year flood" means a flood that has a one percent chance of being equalled or exceeded in any given year.

(Board Note: Comment: Requirements pertaining to other Federal laws which affect the location and permitting of facilities are found in 40 CFR 122.12270.3. For details relative to these laws, see EPA's manual for SEA (special environmental area) requirements for hazardous waste facility permits. Though EPA is responsible for complying with these requirements, applicants are advised to consider them in planning the location of a facility to help prevent subsequent project delays. Facilities may be required to obtain from the Illinois Department of Transportation a permit or certification that a facility is flood-proofed.)

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

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SUBPART E: MANIFEST SYSTEM,
RECORDKEEPING AND REPORTING

Section 724.175 Annual Report

The owner or operator must prepare and submit a single copy of an annual report to the Agency by March 1 of each year. The report form supplied by the Agency ~~pursuant to 40 CFR 264, Appendix I~~ must be used for this report. The annual report must cover facility activities during the previous calendar year and must include the following information:

- a) The EPA identification number, name and address of the facility;
- b) The calendar year covered by the report;
- c) For off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator;
- d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by EPA identification number of each generator;
- e) The method of treatment, storage or disposal for each hazardous waste;
- g) The most recent closure cost estimate under Section 724.242, and, for disposal facilities, the most recent post-closure cost estimate under Section 724.244; and
- h) The certification signed by the owner or operator of the facility or the owner or operator's authorized representative.

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

Section 724.176 Unmanifested Waste Report

If a facility accepts for treatment, storage or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in 35 Ill. Adm. Code 723.120(e)(2), and if the waste is not excluded from the manifest requirement by 35 Ill. Adm. Code 721.105, then the owner or operator must prepare and submit a single copy of a report to the Agency within 15 days after receiving the waste. ~~The report form and instructions in Appendix B must be used for this report. The report must include the following information:~~ The unmanifested waste report must be submitted on EPA form 8700-13B. Such report must be designated 'Unmanifested Waste Report' and include the following information:

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- a) The EPA identification number, name and address of the facility;
- b) The date the facility received the waste;
- c) The EPA identification number, name and address of the generator and the transporter, if available;
- d) A description and the quantity of each unmanifested hazardous waste and facility received;
- e) The method of treatment, storage or disposal for each hazardous waste;
- f) The certification signed by the owner or operator of the facility or the owner or operator's authorized representative; and
- g) A brief explanation of why the waste was unmanifested, if known.

(Board Note: Small quantities of hazardous waste are excluded from regulation under this Part and do not require a manifest. Where a facility receives unmanifested hazardous wastes, the Board suggests that the owner or operator obtain from each generator a certification that the waste qualifies for exclusion. Otherwise, the Board suggests that the owner or operator file an unmanifested waste report for the hazardous waste movement.)

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

Section 724.177 Additional Reports

In addition to submitting the annual report and unmanifested waste reports described in Sections 724.175 and 724.176, the owner or operator must also report to the Agency:

- a) Releases, fires and explosions as specified in Section 724.156(j);
- e)b) Facility closures specified in Section 724.215; and
- c) As otherwise required by Subparts F and K-N.

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

SUBPART G: CLOSURE AND POST-CLOSURE

Section 724.212 Closure Plan; Amendment of Plan

- a) The owner or operator of a hazardous waste management facility must have a written closure plan. The plan must be submitted with the permit application, in accordance with 35 Ill. Adm. Code 703.183, and

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approved by the Agency as part of the permit issuance proceeding under 35 Ill. Adm. Code 705. In accordance with 35 Ill. Adm. Code 703.241, the approved closure plan will become a condition of any RCRA permit. The Agency's decision must assure that the approved closure plan is consistent with Sections 724.211, 724.213, 724.214, 724.215 and the applicable requirements of Sections ~~724.276~~724.278, 724.297, 724.328, 724.358, 724.380, 724.410 and 724.451. A copy of the approved plan and all revisions to the plan must be kept at the facility until closure is completed and certified in accordance with Section 724.215. The plan must identify steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life. The closure plan must include, at least:

- 1) A description of how and when the facility will be partially closed, if applicable, and finally closed. The description must identify the maximum extent of the operation which will be unclosed during the life of the facility, and how the requirements of Sections 724.211, 724.213, 724.214, 724.215 and the applicable closure requirements of Sections 724.278, 724.297, 724.328, 724.358, 724.380, 724.410 and 724.451 will be met;
 - 2) An estimate of the maximum inventory of wastes in storage and in treatment at any time during the life of the facility. (Any change in this estimate is a minor modification under 35 Ill. Adm. Code 702.187);
 - 3) A description of the steps needed to decontaminate facility equipment during closure; and
 - 4) An estimate of the expected year of closure and schedule for final closure. The schedule must include, at a minimum, the total time required to close the facility and the time required for intervening closure activities which will allow tracking of the progress of closure. (For example, in the case of a landfill, estimates of the time required to treat and dispose of all waste inventory and of the time required to place a final cover must be included.)
- b) The owner or operator may amend the closure plan at any time during the active life of the facility. (The active life of the facility is that period during which wastes are periodically received.) The owner or operator must amend the plan whenever changes in operating plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure. When it requests a

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permit modification to authorize a change in operating plans or facility design, the owner or operator must request a modification of the closure plan at the same time (see 35 Ill. Adm. Code 705.128(a)). If a permit modification is not needed to authorize the change in operating plans or facility design, the request for modification of the closure plan must be made within 60 days after the change in plans or design occurs.

(Board Note: Changes in estimates of maximum inventory and of the estimated year of closure under Section 724.212(a)(2) and (4) may be made as minor permit modifications under 35 Ill. Adm. Code 702.187(e).)

- c) The owner or operator must notify the Agency at least 180 days prior to the date it expects to begin closure.

(Board Note: The date when the owner or operator "expects to begin closure" should be within 30 days after the date it expects to receive the final volume of waste. If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or Board Order under Title VIII of the Illinois Environmental Protection Act, to cease receiving wastes or to close, then the requirement of this paragraph does not apply. However, the owner or operator must close the facility in accordance with the deadlines established in Section 724.213.)

{Source: Amended at ___ Ill. Reg. ____, effective _____ }

Section 724.220 Notice in Deed to Property

- a) The owner of the property on which a disposal facility is located must record, in accordance with Illinois law, a notation on the deed to the facility property -- or on some other instrument which is normally examined during title search -- that will in perpetuity notify any potential purchaser of the property that:
- 1) The land has been used to manage hazardous wastes;
 - 2) Its use is restricted under Section 724.217(c);
 - 3) The survey plat and record of the type, location and quantity of hazardous wastes disposed of within each cell or area of the facility required in Section 725.219 have been filed with the Agency, the County Recorder and any local zoning authority.

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- b) If at any time the owner or operator or any subsequent owner of the land upon which a hazardous waste facility was located removes the waste and waste residues, the liner, if any, and all contaminated underlying and surrounding soil, the owner or operator may remove the notation on the deed to the facility property or other instrument normally examined during title search, or may add a notation to the deed or instrument indicating the removal of the waste.

(Board Note: On removing the waste and waste residues, the liner, if any, and the contaminated soil, the owner or operator, unless it can demonstrate in accordance with 35 Ill. Adm. Code 721.103(d) that any solid waste removed is not a hazardous waste, becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 725.)

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

SUBPART H: FINANCIAL REQUIREMENTS

Section 724.242 Cost Estimate for Closure

- a) The owner or operator must have a written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Sections 724.211 through 724.215 and applicable closure requirements in Sections 724.278, 724.297, 724.328, 724.358, 724.380, 724.410 and 724.451. The estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see Section 724.212(a)).
- b) The owner or operator must adjust the closure cost estimate for inflation within 30 days after each anniversary of the date on which the first closure cost estimate was prepared. The adjustment must be made as specified in paragraphs (b)(1) and (b)(2) using an inflation factor ~~derived~~ derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.
- 1) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.
 - 2) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

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- c) The owner or operator must revise the closure cost estimate whenever a change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in Section 724.242(b).
- d) The owner or operator must keep the following at the facility during the operating life of the facility: The latest closure cost estimate prepared in accordance with Sections 724.242(a) and ~~(b)~~(c) and, when this estimate has been adjusted in accordance with Section 724.242(b), the latest adjusted closure cost estimate.

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

Section 724.247 Liability Requirements

- a) Coverage for sudden accidental occurrences. An owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of such facilities, must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated in one of three ways, as specified in paragraphs (a)(1), (a)(2), and (a)(3):
 - 1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this paragraph.
 - A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be identical to the wording specified in 40 CFR 264.151(i). The wording of the certificate of insurance must be identical to the wording specified in 40 CFR 264.151(j). The owner or operator must submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator must provide a signed duplicate original of the insurance policy. An owner or operator of a new facility must submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste.

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- B) Each insurance policy must be issued by an insurer which, at a minimum, is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.
- 2) An owner or operator may meet the requirements of this section by passing a financial test for liability coverage as specified in paragraph (f).
- 3) An owner or operator may demonstrate the required liability coverage through use of both the financial test and insurance as these mechanisms are specified in this Section. The amounts of coverage demonstrated must total at least the minimum amounts required by this paragraph.
- b) Coverage for nonsudden accidental occurrences. An owner or operator of a surface impoundment, landfill or land treatment facility which is used to manage hazardous waste, or a group of such facilities, must demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least \$3 million per occurrence with an annual aggregate of at least \$6 million, exclusive of legal defense costs. This liability coverage may be demonstrated in one of three ways, as specified in paragraphs (b)(1), (b)(2), and (b)(3):
- 1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this paragraph.
- A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidence by a Certificate of Liability Insurance. The wording of the endorsement must be identical to the wording specified in 40 CFR 264.151(i). The wording of the certificate of insurance must be identical to the wording specified in 40 CFR 264.153(j). The owner or operator must submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator must provide a signed duplicate original of the insurance policy. An owner or operator of a new facility must submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste.

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- B) Each insurance policy must be issued by an insurer which, at a minimum, is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer in one or more states.
- 2) An owner or operator may meet the requirements of this Section by passing a financial test for liability coverage as specified in paragraph (f).
- 3) An owner or operator may demonstrate the required liability coverage through use of both the financial test and insurance as these mechanisms are specified in this Section. The amounts of coverage must total at least the minimum amounts required by this paragraph.
- 4) For existing facilities, the required liability coverage for nonsudden accidental occurrences must be demonstrated by the dates listed below. The total sales or revenues of the owner or operator in all lines of business, in the fiscal year preceding the effective date of these regulations, will determine which of the dates applies. If the owner and operator of a facility are two different parties, or if there is more than one owner or operator, the sales or revenues of the owner or operator with the largest sales or revenues will determine the date by which the coverage must be demonstrated. The dates are as follows:
- A) For an owner or operator with sales or revenues totalling \$10 million or more, ~~July-26,-1982~~ January 15, 1983.
- B) For an owner or operator with sales or revenues greater than \$5 million but less than \$10 million, ~~July-26,~~ 1984 January 15, 1984.
- C) All other owners or operators, ~~July-26,-1985~~ January 15, 1985.
- c) Request for adjusted level of required liability coverage. If an owner or operator can demonstrate to the satisfaction of the Agency that the levels of financial responsibility required by paragraphs (a) or (b) are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the owner or operator may obtain an adjusted level of required liability coverage from the Agency. The request for an adjusted level of required liability coverage must be submitted to the Agency as part of the application under 35 Ill. Adm. Code 703.182 for a facility that does not have a permit, or pursuant to the procedures for permit modification under 35 Ill. Adm. Code

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705.128 for a facility that has a permit. If granted, the modification will take the form of an adjusted level of required liability coverage, such level to be based on the Agency assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The Agency may require an owner or operator who requests an adjusted level of required liability coverage to provide such technical and engineering information as is deemed necessary by the Agency to determine a level of financial responsibility other than that required by paragraph (a) or (b). Any request for an adjusted level of required liability coverage for a permitted facility will be treated as a request for a permit modification under 35 Ill. Adm. Code 702.184(e)(3) and 705.128.

- d) Adjustments by the Agency. If the Agency determines that the levels of financial responsibility required by paragraph (a) or (b) are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the Agency may adjust the level of financial responsibility required under paragraph (a) or (b) as may be necessary to protect human health and the environment. This adjusted level will be based on the Agency's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the Agency determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill or land treatment facility, it may require that an owner or operator of the facility comply with paragraph (b). An owner or operator must furnish to the Agency, within a reasonable time, any information which the Agency requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustment of the level or type of coverage for a facility that has a permit will be treated as a permit modification under 35 Ill. Adm. Code 702.184(e)(3) and 705.128.
- e) Period of coverage. An owner or operator must continuously provide liability coverage for a facility as required by this section until certifications of closure of the facility, as specified in Section 724.215, are received by the Agency.
- f) Financial test for liability coverage.
- 1) An owner or operator may satisfy the requirements of this section by demonstrating that it passes a financial test as specified in this paragraph. To pass this test the owner or operator must meet the criteria of paragraph (f)(1)(A) or (f)(1)(B):

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- A) The owner or operator must have:
- i) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by this test; and
 - ii) Tangible net worth of at least \$10 million; and
 - iii) Assets in the United States amounting to either: at least 90 percent of the total assets; or at least six times the amount of liability coverage to be demonstrated by this test.
- B) The owner or operator must have:
- i) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's, or Aaa, Aa, A or Baa as issued by Moody's; and
 - ii) Tangible net worth of at least \$10 million; and
 - iii) Tangible net worth at least six times the amount of liability coverage to be demonstrated by this test; and
 - iv) Assets in the United States amounting to either: at least 90 percent of the total assets; or at least six times the amount of liability coverage to be demonstrated by this test.
- 2) The phrase "amount of liability coverage" as used in paragraph (f)(1) refers to the annual aggregate amounts for which coverage is required under paragraphs (a) and (b).
- 3) To demonstrate that it meets this test, the owner or operator must submit the following three items to the Agency:
- A) A letter signed by the owner's or operator's chief financial officer and worded as specified in 40 CFR 264.151(g). If an owner or operator is using the financial test to demonstrate both assurance for closure or post-closure care, as specified by Sections 724.243(f), 724.245(f), 725.243(e) and 725.245(e), and liability coverage, it must submit the letter specified in 40 CFR 264.151(g) to cover both forms of financial responsibility; a separate letter as specified in 40 CFR 264.151(f) is not required.

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- B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year.
- C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:
- 1) He has compared the ~~dated~~ data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
 - 11) In connection with that procedure, no matters came to his attention which caused him to believe that the specified data should be adjusted.
- 4) An owner or operator of a new facility must submit the items specified in paragraph (f)(3) to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal.
- 5) After the initial submission of items specified in paragraph (f)(3), the owner or operator must send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in paragraph (f)(3).
- 6) If the owner or operator no longer meets the requirements of paragraph (f)(1), it must obtain insurance for the entire amount of required liability coverage as specified in this Section. Evidence of insurance must be submitted to the Agency within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.
- 7) The Agency may disallow use of this test on the basis of qualifications, in the opinion expressed by the independent certified public accountant in his report on examination of the owner's or operator's financial statements (see paragraph (f)(3)(B)). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency will evaluate other qualifications on an individual basis. The owner or operator must provide evidence of insurance for the entire amount of required liability coverage as specified in this section within 30 days after notification of disallowance.

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

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Section 724.251 Wording of the Instruments

The Board incorporates by reference 40 CFR 264.151. The Agency will promulgate standardized forms based on 40 CFR 264.151 with such changes in wording as are necessary under Illinois law. Any owner or operator required to establish financial assurance under this Subpart shall do so only upon the standardized forms promulgated by the Agency. The Agency may reject any financial assurance document which is not submitted on such standardized forms.

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

SUBPART I: USE AND MANAGEMENT
OF CONTAINERS

Section 724.270 Applicability

The regulations in this Subpart apply to owners and operators of all hazardous waste facilities that store containers of hazardous waste, except as Section 724.101 provides otherwise.

(Board Note: Under Sections ~~724.107~~721.107 and ~~724.133(e)~~721.133(c), if a hazardous waste is emptied from a container the residue remaining in the container is not considered a hazardous waste if the container is "empty" as defined in Section ~~724.107~~721.107. In that event, management of the container is exempt from the requirements of this Subpart.)

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

Section 724.277 Special Requirements for Incompatible Wastes

- a) Incompatible wastes, or incompatible wastes and materials (see Appendix E for examples), must not be placed in the same container, unless Section 724.117(b) is complied with.
- b) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material.

(Board Note: As required by Section 724.113, the waste analysis plan must include analyses needed to comply with Section 724.277. Also

Section ~~724.217(e)~~724.117(c) requires waste analyses, trial tests or other documentation to assure compliance with Section 724.117(b). As required by Section 724.173, the owner or operator must place the results of each waste analysis and trial test, and any documented information, in the operating record of the facility.)

- c) A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers,

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piles, open tanks or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall or other device.

(Board Note: The purpose of this Section is to prevent fires, explosions, gaseous emission, leaching or other discharge of hazardous waste or hazardous waste constituents which could result from the mixing of incompatible wastes or materials if containers break or leak.)

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

SUBPART N: LANDFILLS

Section 724.414 Special Requirements for Liquid Waste

- a) Bulk or non-containerized liquid waste or waste containing free liquids must not be placed in a landfill unless:
 - 1) The landfill has a liner and leachate collection and removal system that meet the requirement of Section 724.401(a); or
 - 2) Before disposal, the liquid waste or waste containing free liquids is treated or stabilized, chemically or physically (e.g., by mixing with an absorbent solid), so that free liquids are no longer present.
- b) Containers holding free liquids must not be placed in a landfill unless:
 - 1) All free-standing liquid:
 - A) has been removed by decanting or other methods;
 - B) has been mixed with absorbent or solidified so that free-standing liquid is no longer observed; or
 - C) has been otherwise eliminated; or
 - 2) The container is very small, such as an ampule; or
 - 3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or
 - 4) The container is a lab pack as defined in Section 724.416 and is disposed of in accordance with Section 724.416.
- c) This Section has been superseded by 35 Ill. Adm. Code 729.

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

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Section 724.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

Small containers of hazardous waste in overpacked drums (lab packs) may be placed in a landfill if the following requirements are met:

- a) Hazardous waste must be packaged in non-leaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by or be ignited by the contained waste. Inside containers must be tightly and securely sealed. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR 173, 178 and 179), if those regulations specify a particular inside container for the waste.
- b) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR 178 and 179) of no more than 416 liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of absorbent material to completely absorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and absorbent material.
- c) In accordance with Section 724.117(b), the absorbent material used must not be capable of reacting dangerously with, being decomposed by or being ignited by the contents of the inside containers.
- d) Incompatible wastes, as defined in 35 Ill. Adm. Code 720.110, must not be placed in the same outside container.
- e) Reactive wastes, other than cyanide- or sulfide-bearing waste as defined in 35 Ill. Adm. Code 721.123(a)(5), must be treated or rendered non-reactive prior to packaging in accordance with paragraphs (a) through (d). Cyanide- and sulfide-bearing reactive waste may be packed in accordance with paragraphs (a) through (d) without first being treated or rendered non-reactive.
- f) This Section has been superseded by 35 Ill. Adm. Code 729.

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

APPENDIX B
EPA REPORT FORM AND INSTRUCTIONS (Repealed)

See-40-CFR-264, -Appendix-B

(Source: Repealed at ___ Ill. Reg. _____, Effective _____)

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

SUBCHARTER c: HAZARDOUS WASTE
OPERATING REQUIREMENTS

PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS
OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

SUBPART A: GENERAL

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725.101 Purpose, Scope and Applicability
725.104 Imminent Hazard Action

SUBPART B: GENERAL FACILITY STANDARDS

Section
725.110 Applicability
725.111 USEPA Identification Number
725.112 Required Notices
725.113 General Waste Analysis
725.114 Security
725.115 General Inspection Requirements
725.116 Personnel Training
725.117 General Requirements for Ignitable, Reactive or
Incompatible Wastes

SUBPART C: PREPAREDNESS AND PREVENTION

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725.130 Applicability
725.131 Maintenance and Operation of Facility
725.132 Required Equipment
725.133 Testing and Maintenance of Equipment
725.134 Access to Communications or Alarm System
725.135 Required Aisle/Space
725.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND
EMERGENCY PROCEDURES

Section
725.150 Applicability
725.151 Purpose and Implementation of Contingency Plan

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725.152 Content of Contingency Plan
725.153 Copies of Contingency Plan
725.154 Amendment of Contingency Plan
725.155 Emergency Coordinator
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SUBPART E: MANIFEST SYSTEM,
RECORDKEEPING AND REPORTING

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725.171 Use of Manifest System
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725.173 Operating Record
725.174 Availability, Retention and Disposition of Records
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SUBPART F: GROUNDWATER MONITORING

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725.190 Applicability
725.191 Groundwater Monitoring System
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725.193 Preparation, Evaluation and Response
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SUBPART G: CLOSURE AND POST-CLOSURE

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725.211 Closure Performance Standard
725.212 Closure Plan; Amendment of Plan
725.213 Closure; Time Allowed for Closure
725.214 Disposal or Decontamination of Equipment
725.215 Certification of Closure
725.217 Post-closure Care and Use of Property
725.218 Post-closure Plan; Amendment of Plan
725.219 Notice to Local Land Authority
725.220 Notice in Deed to Property

SUBPART H: FINANCIAL REQUIREMENTS

Section
725.240 Applicability
725.241 Definitions of Terms as Used in this Subpart

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725.242 Cost Estimate for Facility Closure
725.243 Financial Assurance for Facility Closure
725.244 Cost Estimate for Post-closure Care
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Appendix C EPA Interim Primary Drinking Water Standards
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Appendix E Examples of Potentially Incompatible Waste

AUTHORITY: Authorized by Section 27 and implementing Section 22.4 of the Environmental Protection Act (Ill. Rev. Stat. ~~1981~~1983, 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 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, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at _____ 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.

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- b) ~~The standards in this Part apply to owners and operators of facilities which treat, store or dispose of hazardous waste until final administrative disposition of their Resource Conservation and Recovery Act (RCRA) permit application is made (Section 21-(f)(1) of the Illinois Environmental Protection Act).~~ 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 final administrative disposition of their permit application is made, 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 Part 721; provided, however, that persons who ultimately qualify for interim status under 35 Ill. Adm. Code 700.105 shall be deemed to have complied with 35 Ill. Adm. Code 725 during any period between the time they first became subject to 35 Ill. Adm. Code 725 and the time they acquire interim status within the time limits relating to the filing of a Part A application, as provided in 35 Ill. Adm. Code 700.105 and 40 CFR 122.22.

(Board Note: Comment: As stated in Section 3005(e)(a) of RCRA, after the effective date of regulations under that Section, i.e., 40 CFR 122.270 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 700.105 703.140 et seq. provides that a permit is deemed issued under Section 21(f)(1) of the Illinois 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);

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~~(Board Note:Comment: These Part 725 regulations do apply 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 (b) of this Section.)~~

- 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; an Underground Injection Control (UIC) program approved or promulgated under the Safe Drinking Water Act (21 USC-349; 42 USC-201, 200f to 200j-9);

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

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

~~(Board Note:Comment: The owner or operator of a facility under paragraphs (c)(1) through (c)(3) of this Section 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 40 CFR-122 35 Ill. Adm. Code 702 and 703 or are required by 40 CFR-122.45 35 Ill. Adm. Code 704, Subpart F.)~~

- 4) Deleted.

- 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 which treats or stores hazardous waste, which treatment or storage meets the criteria in 35 Ill. Adm. Code 721.106(a), except to the extent that 35 Ill. Adm. Code 721.106(b) provides otherwise;

- 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;

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- 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) ~~Persons with respect to those activities which are carried out to immediately contain or treat a spill of hazardous waste or material which, when spilled, becomes a hazardous waste, except that, with respect to such activities, the appropriate requirements of Subpart C and D of this Part are applicable to owners and operators of treatment, storage and disposal facilities otherwise subject to this Part; or~~

~~Comment:--This paragraph only applies to activities taken in immediate response to a spill.--After the immediate response activities are completed, the regulations of 35 Ill. Adm. Code 720.725 apply fully to the management of any spill residue or debris which is a hazardous waste under 35 Ill. Adm. Code 721.~~

11)

- A) Except as provided in paragraph (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 (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.

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- 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) 35 Ill. Adm. Code 700 contains rules concerning application of other Board regulations.

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

Section 725.112 Required Notices

- a) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the Regional Administrator in writing at least four weeks in advance of the date that the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.
- b) Before transferring ownership or operation of a facility during ~~its~~ operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of this Part and ~~40-CFR-Part-122~~ 35 Ill. Adm. Code 702 and 703 (Also see ~~40 CFR-Section-122.23(e)~~ 35 Ill. Adm. Code 703.155.)

(Board Note: ~~Comment:~~ An owner's or operator's failure to notify the new owner or operator of the requirements of this Part in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.)

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

Section 725.175 Annual Report

The owner or operator must prepare and submit a single copy of an annual report to the ~~Agency Director~~ by March 1 of each year. The report form and instructions ~~in Appendix I~~ is supplied by the Agency must be used for this report. The annual report must cover facility activities during the previous calendar year and must include the following information:

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- a) The USEPA identification number (Section 725.111), name and address of the facility;
- b) The calendar year covered by the report;
- c) For off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator;
- d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities this information must be listed by EPA identification number of each generator;
- e) The method of treatment, storage or disposal for each hazardous waste;
- f) Monitoring data under Section 725.194(a)(2)(B) and (C) and (b)(2) where required;
- g) The most recent closure cost estimate under Section 725.242 and for disposal facilities the most recent post-closure cost estimate under Section 725.244; and
- h) The certification signed by the owner or operator of the facility or his authorized representative.

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

Section 725.176 Unmanifested Waste Report

If a facility accepts for treatment, storage or disposal any hazardous waste from an off-site source without an accompanying manifest or without an accompanying shipping paper as described in Section 35 Ill. Adm. Code 723.120(e)(2) and if the waste is not excluded from the manifest requirement by Section 35 Ill. Adm. Code 721.105 then the owner or operator must prepare and submit a single copy of a report to the Director within 15 days after receiving the waste. ~~The report form and instructions in Appendix II must be used for this report. The report must include the following information:~~ The unmanifested waste report must be submitted on EPA form 8700-13B. Such report must be designated "Unmanifested Waste Report" and include the following information:

- a) The USEPA identification number, name and address of the facility;

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- b) The date the facility received the waste;
- c) The USEPA identification number, name and address of the generator and the transporter, if available;
- d) A description and the quantity of each unmanifested hazardous waste the facility received;
- e) The method of treatment, storage or disposal for each hazardous waste;
- f) The certification signed by the owner or operator of the facility or his authorized representative; and
- g) A brief explanation of why the waste was unmanifested, if known.

(Board Note: ~~Comment:~~ Small quantities of hazardous waste are excluded from regulation under this Part and do not require a manifest. Where a facility received unmanifested hazardous waste, the Board suggests that the owner or operator obtain from each generator a certification that the waste qualifies for exclusion. Otherwise, the Board suggests that the owner or operator file an unmanifested waste report for the hazardous waste movement.)

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

SUBPART F: GROUNDWATER MONITORING

Section 725.190 Applicability

- a) The owner or operator of a surface impoundment, landfill or land treatment facility which is used to manage hazardous waste must implement a groundwater monitoring program capable of determining the facility's impact on the quality of groundwater in the uppermost aquifer underlying the facility, except as Section 725.101 and paragraph (c) provide otherwise.
- b) Except as paragraphs (c) and (d) ~~of this Section~~ provide otherwise, the owner or operator must install, operate and maintain a groundwater monitoring system which meets the requirements of Section 725.191 and must comply with Sections 725.192 through 725.194. This groundwater monitoring program must be carried out during the active life of the facility and for disposal facilities during the post-closure care period as well.

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- c) All or part of the groundwater monitoring requirements of this Subpart may be waived if the owner or operator can demonstrate that there is a low potential for migration of hazardous waste or hazardous waste constituents from the facility via the uppermost aquifer to water supply wells (domestic, industrial or agricultural) or to surface water. This demonstration must be in writing and must be kept at the facility. This demonstration must be certified by a qualified geologist or geotechnical engineer and must establish the following:
- 1) The potential for migration of hazardous waste or hazardous waste constituents from the facility to the uppermost aquifer by an evaluation of:
 - A) A water balance of precipitation, evapotranspiration, runoff and infiltration; and
 - B) Unsaturated zone characteristics (i.e., geologic materials, physical properties and depth to ground water); and
 - 2) The potential for hazardous waste or hazardous waste constituents which enter the uppermost aquifer to migrate to a water supply well or surface water by an evaluation of:
 - A) Saturated zone characteristics (i.e., geologic materials, physical properties and rate of groundwater flow); and
 - B) The proximity of the facility to water supply wells or surface water.
- d) If an owner or operator assumes (or knows) that groundwater monitoring of indicator parameters in accordance with Sections 725.191 and 725.192 would show statistically significant increases (or decreases in the case of pH) when evaluated under Section 725.193(b), he may install, operate and maintain an alternate groundwater monitoring system (other than the one described in Sections 725.191 and 725.192). If the owner or operator decides to use an alternate groundwater monitoring system he must have:
- 1) Submit to the Agency By November 19, 1981, submitted to the Regional Administrator a specific plan, certified by a qualified geologist or geotechnical engineer, which satisfies the requirements of Section 725.193(d)(3) 40 CFR 265.93(d)(3) for an alternate groundwater monitoring system;
 - 2) Initiate By November 19, 1981, initiated the determinations specified in Section 725.193(d)(4) 40 CFR 265.93(d)(4);

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- 3) Prepare and submit a written report in accordance with Section 725.193(d)(5);
 - 4) Continue to make the determinations specified in Section 725.193(d)(4) on a quarterly basis until final closure of the facility; and
 - 5) Comply with the recordkeeping and reporting requirements in Section 725.194(b).
- e) The groundwater monitoring requirements of this Subpart may be waived with respect to any surface impoundment which:
- 1) Is used to neutralize wastes which are hazardous solely because they exhibit the corrosivity characteristic under 35 Ill. Adm. Code 721.122 or are listed as hazardous wastes in ~~Subpart D of~~ 35 Ill. Adm. Code 721, Subpart D only for this reason; and
 - 2) Contains no other hazardous wastes, if the owner or operator can demonstrate that there is no potential for migration of hazardous wastes from the impoundment. The demonstration must establish, based upon consideration of the characteristics of the wastes and the impoundment, that the corrosive wastes will be neutralized to the extent that they no longer meet the corrosivity characteristic before they can migrate out of the impoundment. The demonstration must be in writing and must be certified by a qualified professional.

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

Section 725.193 Preparation, Evaluation and Response

- a) By no later than November 19, 1981, the owner or operator must prepare an outline of a groundwater quality assessment program. The outline must describe a more comprehensive groundwater monitoring program (than that described in Sections 725.191 and 725.192) capable of determining:
 - 1) Whether hazardous waste or hazardous waste constituents have entered the groundwater;
 - 2) The rate and extent of migration of hazardous waste or hazardous waste constituents in the groundwater; and

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- 3) The concentrations of hazardous waste or hazardous waste constituents in the groundwater.
- b) For each indicator parameter specified in Section 725.192(b)(3) the owner or operator must calculate the arithmetic mean and variance, based on at least four replicate measurements on each sample, for each well monitored in accordance with Section 725.192(d)(2) and compare these results with its initial background arithmetic mean. The comparison must consider individually each of the wells in the monitoring system and must use the Student's t-test at the 0.01 level of significance (see Appendix ~~IV~~) to determine statistically significant increases (and decreases, in the case of pH) over initial background.
 - c)
 - 1) If the comparisons for the upgradient wells made under paragraph (b) ~~of this Section~~ show a significant increase (or pH decrease) the owner or operator must submit this information in accordance with Section 725.194(a)(2)(B).
 - 2) If the comparisons for downgradient wells made under paragraph (b) ~~of this Section~~ show a significant increase (or pH decrease) the owner or operator must then immediately obtain additional groundwater samples for those downgradient wells where a significant difference was detected, split the samples in two and obtain analyses of all additional samples to determine whether the significant difference was a result of laboratory error.
 - d)
 - 1) If the analyses performed under paragraph (c)(2) ~~of this Section~~ confirm the significant increase (or pH decrease) the owner or operator must provide written notice to the Director -- within seven days of the date of such confirmation -- that the facility may be affecting groundwater quality.
 - 2) Within 15 days after the notification under paragraph (d)(1) ~~of this Section~~, the owner or operator must develop and submit to the Director a specific plan, based on the outline required under paragraph (a) ~~of this Section~~ and certified by a qualified geologist or geotechnical engineer for a groundwater quality assessment program at the facility.

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- 3) The plan to be submitted under Section 725.190(d)(1) or paragraph (d)(2) ~~of this Section~~ must specify:
 - A) The number, location and depth of wells;
 - B) Sampling and analytical methods for those hazardous wastes or hazardous waste constituents in the facility;
 - C) Evaluation procedures, including any use or previously gathered groundwater quality information; and
 - D) A schedule of implementation.
- 4) The owner or operator must implement the groundwater quality assessment plan which satisfies the requirements of paragraph (d)(3) ~~of this Section~~ and, at a minimum, determine:
 - A) The rate and extent of migration of the hazardous waste or hazardous waste constituents in the groundwater; and
 - B) The concentrations of the hazardous waste or hazardous waste constituents in the groundwater.
- 5) The owner or operator must make his first determination under paragraph (d)(4) ~~of this Section~~ as soon as technically feasible and, within 15 days after that determination, submit to the Director a written report containing an assessment of the groundwater quality.
- 6) If the owner or operator determines, based on the results of the first determination under paragraph (d)(4), that no hazardous waste or hazardous waste constituents from the facility have entered the groundwater, then he may reinstate the indicator evaluation program described in Section 725.192 and paragraph (b) of this Section. If the owner or operator reinstates the indicator evaluation program, he must so notify the Director in the report submitted under paragraph (d)(5) of this Section.
- 7) If the owner or operator determines, based on the first determination under paragraph (d)(4), that hazardous waste or hazardous waste constituents from the facility have entered the groundwater, then he:

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- A) Must continue to make the determinations required under paragraph (d)(4) of this Section on a quarterly basis until final closure of the facility if the groundwater quality assessment plan was implemented prior to final closure of the facility; or
- B) May cease to make the determinations required under paragraph (d)(4) of this Section if the groundwater quality assessment plan was implemented during the post-closure care period.
- e) Notwithstanding any other provision of this Subpart, any groundwater quality assessment to satisfy the requirements of paragraph Section 725.193(d)(4) which is initiated prior to final closure of the facility must be completed and reported in accordance with paragraph Section 725.193(d)(5).
- f) Unless the groundwater is monitored to satisfy the requirements of paragraph Section 725.193(d)(4) at least annually the owner or operator must evaluate the data on groundwater surface elevations obtained under Section 725.192(e) to determine whether the requirements under Section 725.191(a) for locating the monitoring wells continues to be satisfied. If the evaluation shows that Section 725.191(a) is no longer satisfied, the owner or operator must immediately modify the number, location or depth of the monitoring wells to bring the groundwater monitoring system into compliance with this requirement.

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

SUBPART H: FINANCIAL REQUIREMENTS

Section 725.245 Financial Assurance for Post-closure Monitoring and Maintenance

~~The Board adopts by reference 40 CFR 265.145 through 265.150. These will be referred to as Sections 725.245 through 725.250.~~ The Board adopts by reference 40 CFR 265.145 through 265.150. These will be referred to as Sections 725.245 through 725.250.

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

Section 725.251 Promulgation of Forms

The Agency may, pursuant to Section 39(a) of the Act, promulgate standardized forms consistent with this Subpart and 40 CFR 265, Subpart H. Any owner or operator required to establish financial assurance under

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this Subpart shall do so only upon the standardized forms promulgated by the Agency. The Agency may reject any financial assurance document which is not submitted on such standardized forms.

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

SUBPART M: LAND TREATMENT

Section 725.376 Food Chain Crops

- a) An owner or operator of a hazardous waste land treatment facility on which food chain crops are being grown, or have been grown and will be grown in the future, must notify the Director by July 16, 1982.

(Board Note: The growth of food chain crops at a facility which has never before been used for this purpose is a significant change in process under 35 Ill. Adm. Code 703.155(e)-and-40-GFR 122.23(e)(3). Owners or operators of such land treatment facilities who propose to grow food chain crops after the effective date of this Part must comply with 35 Ill. Adm. Code 703.155(e)-and-40-GFR-122.23(e)(3).)

b)

- 1) Food chain crops must not be grown on the treated area of a hazardous waste land treatment facility unless the owner or operator can demonstrate, based on field testing, that any arsenic, lead, mercury or other constituents identified under Section 725.373(b):
- A) Will not be transferred to the food portion of the crop by plant uptake or direct contact and will not otherwise be ingested by food chain animals (e.g., by grazing); or
 - B) Will not occur in greater concentrations in the crops grown on the land treatment facility than in the same crops grown on untreated soils under similar conditions in the same region.
- 2) The information necessary to make the demonstration required by paragraph (b)(1) must be kept at the facility and must, at a minimum:
- A) Be based on tests for the specific waste and application rates being used at the facility; and

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- B) Include descriptions of crop and soil characteristics, sample selection, criteria, sample size determination, analytical methods and statistical procedures.
- c) Food chain crops must not be grown on a land treatment facility receiving waste that contains cadmium unless all requirements of paragraph (c)(1)(A) through (C) or all requirements of paragraph (c)(2)(A) through (D) are met.

1)

- A) The pH of the waste and soil mixture is 6.5 or greater at the time of each waste application, except for waste containing cadmium at concentrations of 2 mg/kg (dry weight) or less;
- B) The annual application of cadmium from waste does not exceed 0.5 kilograms per hectare (kg/ha) on land used for production of tobacco, leafy vegetables or root crops grown for human consumption. For other food chain crops the annual cadmium application rate does not exceed:

ANNUAL CADMIUM APPLICATION RATE
(kilograms per hectare)

Present to June 30, 1984	2.0
July 1, 1984 to December 31, 1986	1.25
Beginning January 1, 1987	0.5

- C) The cumulative application of cadmium from waste does not exceed the levels in either paragraph (c)(1)(C)(i) or paragraph (c)(1)(C)(ii).

i)

MAXIMUM CUMULATIVE APPLICATION
OF CADMIUM
(kilograms per hectare)

FOR BACKGROUND SOIL pH LESS THAN 6.5

Soil cation exchange capacity
(milliequivalents per 100 grams)

Less than 5	5
5 to 15	5
Greater than 15	5

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FOR BACKGROUND SOIL pH GREATER THAN 6.5

Soil cation exchange capacity
(milliequivalents per 100 grams)

Less than 5	5
5 to 15	10
Greater than 15	20

- ii) For soils with a background pH of less than 6.5, the cumulative cadmium application rate does not exceed the levels below: provided, that the pH of the waste and soil mixture is adjusted to and maintained at 6.5 or greater whenever food chain crops are grown.

MAXIMUM CUMULATIVE APPLICATION
OF CADMIUM
(kilograms per hectare)

FOR BACKGROUND SOIL pH LESS THAN 6.5
WITH pH ADJUSTMENT

Soil cation exchange capacity
(milliequivalents per 100 grams)

Less than 5	5
5 to 15	10
Greater than 15	20

2)

- A) The only food chain crop produced is animal feed.
- B) The pH of the waste and soil mixture is 6.5 or greater at the time of waste application or at the time the crop is planted, whichever occurs later and this pH level is maintained whenever food chain crops are grown.
- C) There is a facility operating plan which demonstrates how the animal feed will be distributed to preclude ingestion by humans. The facility operating plan describes the measures to be taken to safeguard against possible health hazards from cadmium entering the food chain which may result from alternative land uses.

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- D) Future property owners are notified by a stipulation in the land record or property deed which states that the property has received waste at high cadmium application rates and that food chain crops ~~should~~must not be grown except in compliance with paragraph (c)(2).

(Board Note: As required by Section 725.173, if an owner or operator grows food chain crops on his land treatment facility, he must place the information developed in this section in the operating record of the facility.)

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

SUBPART N: LANDFILLS

Section 725.414 Special Requirements for Liquid Waste

- a) Bulk or noncontainerized liquid waste or waste containing free liquids must not be placed in a landfill unless:
- 1) The landfill has a liner and leachate collection and removal system which meets the requirements of 35 Ill. Amn. Code 724.401(a); or
 - 2) Before disposal, the liquid waste or waste containing free liquids is treated or stabilized, chemically or physically (e.g., by mixing with an absorbent solid) so that free liquids are no longer present.
- b) Containers holding free liquids must not be placed in a landfill unless:
- 1) All free-standing liquid:
 - A) Has been removed by decanting, or other methods; or
 - B) Has been mixed with absorbent or solidified so that free-standing liquid is no longer observed; or
 - C) Has been otherwise eliminated; or
 - 2) The container is very small, such as an ampule; or
 - 3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or

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- 4) The container is a lab pack as defined in Section 725.416 and is disposed of in accordance with Section 725.416.

c) This Section has been superseded by 35 Ill. Adm. Code 729.

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

Section 725.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

Small containers of hazardous waste in overpacked drums (lab packs) may be placed in a landfill if the following requirements are met:

- a) Hazardous waste must be packaged in non-leaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by, or be ignited by the waste held therein. Inside containers must be tightly and securely sealed. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR 173, 178 and 179), if those regulations specify a particular inside container for the waste.
- b) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR 178 and 179) of no more than 416 liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of absorbent material to completely absorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and absorbent material.
- c) The absorbent material used must not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers, in accordance with Section 725.117(b).
- d) Incompatible wastes, as defined in 35 Ill. Adm. Code 720.110, must not be placed in the same outside container.
- e) Reactive waste, other than cyanide- or sulfide-bearing waste as defined in 35 Ill. Adm. Code 721.123(a)(5), must be treated or rendered non-reactive prior to packaging in accordance with paragraphs (a) through (d) of this Section. Cyanide- or sulfide-bearing reactive waste may be packaged in accordance with paragraphs (a) through (d) of this Section without first being treated or rendered non-reactive.

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TEXT OF ADOPTED AMENDMENT(S)

f) This Section has been superseded by 35 Ill. Adm. Code 729.

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

SUBPART R: UNDERGROUND INJECTION

Section 725.530 Applicability

Except as Section 725.101 provides otherwise:

- a) the owner or operator of a facility which disposes of hazardous waste by underground injection is excluded from the requirements of Subpart G and H of this Part.
- b) the requirements of this Subpart apply to owners and operators of wells used to dispose of hazardous waste which are classified as Class I under ~~40-CFR-Section-122.32(a)~~ 35 Ill. Adm. Code 704.106(a) and which are classified as Class IV under ~~40-CFR Section-122.32(d)~~ 35 Ill. Adm. Code 704.106(d).

(Board Note: Comment: In addition to the requirements of Subpart A through E of this Part, the owner or operator of a facility which disposes of hazardous waste by underground injection ultimately must comply with the requirements of Sections 725.531 - 725.537. These Sections are reserved at this time. The USEPA intends to submit proposed regulations at a later date that would establish those requirements.)

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

Section 725. Appendix B EPA Report Form and Instructions (Repealed)

~~See Appendix II to 40-CFR Part 265~~

(Source: Repealed at ___ Ill. Reg. ____, effective _____)