

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

**PART 709
WASTESTREAM AUTHORIZATIONS**

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AUTHORITY: Implementing Sections 22.6 and 39(h) of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 ½, pars. 1022.6 and 1039(h)) and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2 par. 1027).

SOURCE: Emergency rule adopted in R83-28A at 8 Ill. Reg.12678, effective July 5, 1984, for a maximum of 150 days; adopted in R83-28B at 9 Ill. Reg.730, effective January 3, 1985; amended in R83-28C at 10 Ill. Reg.4875, effective March 7, 1986; emergency amendment in R86-9A at 10 Ill. Reg.19804, effective November 5, 1986, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 709.100 Purpose, Scope, and Applicability (Emergency Expired)

(Source: Emergency rule added at 10 Ill. Reg.19804, effective November 5, 1986, for a maximum of 150 days).

SUBPART A: GENERAL PROVISIONS

Section 709.102 Definitions

The definitions of 35 Ill. Adm. Code 729.301 apply to this Part, in addition to the following terms:

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1001)

"Agency" means the Illinois Environmental Protection Agency

"Board" means the Illinois Pollution Control Board

"Hazardous wastestream" means a "wastestream" which includes a "hazardous waste"

"Wastestream" means a "solid waste" as defined in 35 Ill. Adm. Code 721, which is routinely or periodically produced by a certain generator as a result of a certain activity, production process or treatment process. The Agency may issue multiple wastestream authorizations for a single wastestream, each identifying a different disposer or disposal method. The Agency may allow the combination of wastestreams into a single wastestream if such combination does not limit the possibilities for treatment, recycling or disposal of the wastes.

(Source: Amended at 10 Ill. Reg.4875, effective March 7, 1986)

Section 709.103 Deemed-issued Wastestream Authorizations

- a) If prior to July 5, 1984, the Agency issued a supplemental permit pursuant to 35 Ill. Adm. Code 807.210 for a residual from the treatment of liquid hazardous waste, and such supplemental permit is valid, such supplemental permit shall be deemed a wastestream authorization until such time as the Agency grants or denies a wastestream authorization, provided:**
 - 1) the residual meets one of the standards in 35 Ill. Adm. Code 729.310(b); and,**
 - 2) such person submitted an application, pursuant to Section 709.301, for a wastestream authorization to the Agency by September 7, 1984.**

- b) A supplemental permit shall cease to be deemed a wastestream authorization:**
 - 1) On September 7, 1984, unless an application for a wastestream authorization has been received by the Agency; or,**
 - 2) When the Agency grants or denies a wastestream authorization.**

(Source: Amended at 10 Ill. Reg.4875, effective March 7, 1986)

Section 709.104 Expiration of Supplemental Permits

- a) **Supplemental permits, issued pursuant to 35 Ill. Adm. Code 807.210, for liquid hazardous waste wastestreams which are restricted under 35 Ill. Adm. Code 729.310, became void after July 5, 1984.**
- b) **Supplemental permits for wastestreams containing halogenated compounds which are prohibited pursuant to 35 Ill. Adm. Code 729.240 or 729.241 became void after December 4, 1984.**
- c) **The Agency shall review existing supplemental permits to identify those which appear to authorize disposal in landfills of wastes which are restricted or prohibited, including those which the Agency believes became void on July 5, 1984, or December 4, 1984. The Agency shall notify persons with supplemental permits it believes authorize disposal of wastes which are restricted or prohibited. The Agency shall give each permittee the opportunity to demonstrate, by filing a new application within 60 days after receipt of notice, compliance with the restriction or prohibition before modifying or denying a supplemental permit.**

(Source: Amended at 10 Ill. Reg.4875, effective March 7, 1986)

Section 709.105 Severability

If any provision of this Part is adjudged invalid, or if the application to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of this Part as a whole, or of any Subpart, Section, paragraph, sentence or clause which has not been adjudged invalid.

(Source: Amended at 10 Ill. Reg.4875, effective March 7, 1986)

Section 709.106 Deemed-Issued Wastestream Authorizations Pursuant to 35 Ill. Adm. Code 709.200 (Emergency Expired)

(Source: Emergency rule added at 10 Ill. Reg.19804, effective November 5, 1986, for a maximum of 150 days.)

Section 709.110 Land Disposal Unit (Emergency Expired)

(Source: Emergency rule added at 10 Ill. Reg.19804, effective November 5, 1986, for a maximum of 150 days.)

SUBPART B: PROHIBITIONS

Section 709.200 Hazardous Waste Authorization (Emergency Expired)

(Source: Emergency rule added at 10 Ill. Reg.19804, effective November 5, 1986, for a maximum of 150 days.)

SUBPART B: PROHIBITIONS

Section 709.201 Liquid Hazardous Waste Authorization

- a) **Liquids: NO PERSON SHALL CAUSE, THREATEN OR ALLOW THE DISPOSAL IN ANY LANDFILL OF ANY LIQUID HAZARDOUS WASTE UNLESS THE AGENCY HAS ISSUED A WASTESTREAM AUTHORIZATION FOR THAT WASTESTREAM. (Section 22.6(a) of the Act)**
- b) **Residuals: No person shall engage in the treatment of a liquid hazardous waste and cause, threaten or allow the disposal in any landfill of any residual from such treatment unless the Agency has issued a wastestream authorization for that wastestream.**

(Source: Amended at 10 Ill. Reg.4875, effective March 7, 1986)

Section 709.202 Exemptions (Emergency Expired)

(Source: Emergency rule added at 10 Ill. Reg.19804, effective November 5, 1986, for a maximum of 150 days.)

SUBPART C: APPLICATIONS

Section 709.301 Application for Liquid Hazardous Waste

The Agency shall promulgate standardized application forms for liquid hazardous waste authorizations. Applications for liquid hazardous waste authorizations must be made on such forms after they become available. Until such time, applicants must provide the following minimal information:

- a) **The name, address and phone number of the original generator;**
- b) **The original generator's United States Environmental Protection Agency (USEPA) identification number (35 Ill. Adm. Code 722.122) and Agency identification number;**

- c) **The name of the waste;**
- d) **The source of the waste;**
- e) **USEPA hazardous waste code(s) (35 Ill. Adm. Code 721);**
- f) **The name(s) and address(es) of any treater(s) of the waste;**
- g) **Each treater's USEPA identification number and Agency site number, if applicable;**
- h) **Whether any treater has a RCRA permit or interim status;**
- i) **A detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all of the information which must be known to treat, store or dispose of the waste in accordance with the wastestream authorization sought.**
- j) **The quantity or rate at which the waste is generated.**
- k) **A plan for sampling the waste by the original generator or treater (including frequency) to assure that the wastestream continues to conform to the analysis in the application;**
- l) **A description of any treatment processes;**
- m) **Sufficient facts to show that the wastestream meets one of the standards for issuance of a wastestream authorization (Section 709.401);**
- n) **Identification of the disposal site or sites to which the applicant proposes to send the waste;**
- o) **Wastestream number of any supplemental wastestream permit issued for the waste pursuant to 35 Ill. Adm. Code 807.210, and the expiration date of any such permit.**
- p) **Such additional information as the generator believes is necessary to show that the wastestream may be disposed in accordance with the Act and Board regulations.**

(Source: Amended at 10 Ill. Reg.4875, effective March 7, 1986)

Section 709.302 Signatures

Applications shall be signed by the original generator or treater of the waste. Otherwise, the original generator or treater of the waste may authorize a permitted disposer or transporter to act on its behalf.

(Source: Amended at 10 Ill. Reg.4875, effective March 7, 1986)

Section 709.310 General Hazardous Waste Application (Emergency Expired)

(Source: Emergency rule added at 10 Ill. Reg.19804, effective November 5, 1986, for a maximum of 150 days.)

SUBPART D: REVIEW OF WASTESTREAMS

Section 709.400 General Standard for Issuance (Emergency Expired)

(Source: Emergency rule added at 10 Ill. Reg.19804, effective November 5, 1986, for a maximum of 150 days.)

SUBPART D: REVIEW OF WASTESTREAMS

Section 709.401 Standard for Issuance for Liquid Hazardous Waste

- a) **Liquids: THE AGENCY SHALL ISSUE A WASTESTREAM AUTHORIZATION FOR THE LAND DISPOSAL OF A LIQUID HAZARDOUS WASTE ONLY AFTER THE GENERATOR HAS REASONABLY DEMONSTRATED THAT THE WASTESTREAM MEETS THE STANDARD OF 35 ILL. ADM. CODE 729.310(A), AND THAT LAND DISPOSAL IS NOT PROHIBITED OR LIMITED BY BOARD REGULATIONS. (Section 22.6(c) of the Act)**
- b) **Residuals: The Agency shall issue a wastestream authorization for the land disposal of the residual from the treatment of a liquid hazardous waste if and only if the original generator or treater demonstrates that the residual meets one of the standards of 35 Ill. Adm. Code 729.310(b), and that land disposal is not prohibited or limited by Board regulations.**
- c) **Negative Finding: For wastes which are neither a liquid hazardous waste nor a residual from the treatment of a liquid hazardous waste, the Agency may issue a wastestream authorization upon a finding that the wastestream is not subject to any other landfilling prohibition.**

(Source: Amended at 10 Ill. Reg.4875, effective March 7, 1986)

Section 709.402 Negative Finding (Emergency Expired)

(Source: Emergency rule added at 10 Ill. Reg.19804, effective November 5, 1986, for a maximum of 150 days.)

Section 709.403 Denial of Wastestream Authorization (Emergency Expired)

(Source: Emergency rule added at 10 Ill. Reg.19804, effective November 5, 1986, for a maximum of 150 days.)

Section 709.404 Time Requirements for Agency Action (Emergency Expired)

(Source: Emergency rule added at 10 Ill. Reg.15804, effective November 5, 1986, for a maximum of 150 days.)

SUBPART E: CONDITIONS OF WASTESTREAM AUTHORIZATIONS

Section 709.501 Duration

A wastestream authorization shall be valid for a period of not less than one nor more than three years.

(Source: Amended at 10 Ill. Reg.4875, effective March 7, 1986)

Section 709.510 General Conditions

IN GRANTING A WASTESTREAM AUTHORIZATION THE AGENCY MAY IMPOSE SUCH CONDITIONS AS MAY BE NECESSARY TO ACCOMPLISH THE PURPOSES OF THE ACT AND WHICH ARE CONSISTENT WITH BOARD REGULATIONS, including requirements for the periodic testing of the wastestream to verify that it continues to meet one of the standards of 35 Ill. Adm. Code 729.310. (Section 22.6(c) of the Act)

(Source: Amended at 10 Ill. Reg.4875, effective March 7, 1986)

Section 709.520 Authorized Methods of Disposal

- a) **The Agency shall include conditions prohibiting methods of treatment or disposal which would result in violation of the Act or Board rules.**
- b) **The Agency shall include conditions authorizing disposal in accordance with the Act and Board regulations. Such conditions shall identify landfills authorized to receive the waste. Such identification shall be either by name of specific landfills, or by classification.**

- c) **The Agency shall require the addition of absorbent materials to liquid hazardous waste authorized pursuant to Section 709.401(a) in accordance with 35 Ill. Adm. Code 724.414 or 725.414.**

(Source: Amended at 10 Ill. Reg.4875, effective March 7, 1986)

SUBPART F: MODIFICATION, REVOCATION AND APPEAL

Section 709.601 Modification

- a) **A wastestream authorization may be modified pursuant to the application described in Section 709.301.**
- b) **After giving 60 days notice to the original generator and any treater, the Agency shall modify any wastestream authorization to make it consistent with newly adopted provisions of the Act or Board regulations.**

(Source: Amended at 10 Ill. Reg.4875, effective March 7, 1986)

Section 709.602 Revocation

Wastestream authorizations may be revoked by the Board pursuant to an enforcement action under Title VIII of the Act.

(Source: Amended at 10 Ill. Reg.4875, effective March 7, 1986)

Section 709.603 Appeal

Denial of a wastestream authorization, or issuance with conditions, may be appealed by the applicant to the Board pursuant to Title X of the Act and 35 Ill. Adm. Code 105.

(Source: Amended at 10 Ill. Reg.4875, effective March 7, 1986)