

# First Notice

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1 TITLE 35: ENVIRONMENTAL PROTECTION  
2 SUBTITLE G: WASTE DISPOSAL  
3 CHAPTER I: POLLUTION CONTROL BOARD  
4 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS  
5

6 PART 725  
7 INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS  
8 WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES  
9

10 SUBPART A: GENERAL PROVISIONS  
11

12	Section	
13	725.101	Purpose, Scope, and Applicability
14	725.102	Electronic Reporting
15	725.104	Imminent Hazard Action
16		

17 SUBPART B: GENERAL FACILITY STANDARDS  
18

19	Section	
20	725.110	Applicability
21	725.111	USEPA Identification Number
22	725.112	Required Notices
23	725.113	General Waste Analysis
24	725.114	Security
25	725.115	General Inspection Requirements
26	725.116	Personnel Training
27	725.117	General Requirements for Ignitable, Reactive, or Incompatible Wastes
28	725.118	Location Standards
29	725.119	Construction Quality Assurance Program
30		

31 SUBPART C: PREPAREDNESS AND PREVENTION  
32

33	Section	
34	725.130	Applicability
35	725.131	Maintenance and Operation of Facility
36	725.132	Required Equipment
37	725.133	Testing and Maintenance of Equipment
38	725.134	Access to Communications or Alarm System
39	725.135	Required Aisle Space
40	725.137	Arrangements with Local Authorities
41		

42 SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES  
43

44	Section	
45	725.150	Applicability
46	725.151	Purpose and Implementation of Contingency Plan
47	725.152	Content of Contingency Plan
48	725.153	Copies of Contingency Plan
49	725.154	Amendment of Contingency Plan
50	725.155	Emergency Coordinator
51	725.156	Emergency Procedures

52

53           SUBPART E: MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

54

55	Section	
56	725.170	Applicability
57	725.171	Use of Manifest System
58	725.172	Manifest Discrepancies
59	725.173	Operating Record
60	725.174	Availability, Retention, and Disposition of Records
61	725.175	Annual Report
62	725.176	Unmanifested Waste Report
63	725.177	Additional Reports

64

65                           SUBPART F: GROUNDWATER MONITORING

66

67	Section	
68	725.190	Applicability
69	725.191	Groundwater Monitoring System
70	725.192	Sampling and Analysis
71	725.193	Preparation, Evaluation, and Response
72	725.194	Recordkeeping and Reporting

73

74                           SUBPART G: CLOSURE AND POST-CLOSURE CARE

75

76	Section	
77	725.210	Applicability
78	725.211	Closure Performance Standard
79	725.212	Closure Plan; Amendment of Plan
80	725.213	Closure; Time Allowed for Closure
81	725.214	Disposal or Decontamination of Equipment, Structures, and Soils
82	725.215	Certification of Closure
83	725.216	Survey Plat
84	725.217	Post-Closure Care and Use of Property
85	725.218	Post-Closure Care Plan; Amendment of Plan
86	725.219	Post-Closure Notices

87 725.220 Certification of Completion of Post-Closure Care  
88 725.221 Alternative Post-Closure Care Requirements

89

90 SUBPART H: FINANCIAL REQUIREMENTS

91

92 Section

93 725.240 Applicability

94 725.241 Definitions of Terms as Used in this Subpart H

95 725.242 Cost Estimate for Closure

96 725.243 Financial Assurance for Closure

97 725.244 Cost Estimate for Post-Closure Care

98 725.245 Financial Assurance for Post-Closure Monitoring and Maintenance

99 725.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-Closure  
100 Care

101 725.247 Liability Requirements

102 725.248 Incapacity of Owners or Operators, Guarantors, or Financial Institutions

103 725.251 Promulgation of Forms (Repealed)

104

105 SUBPART I: USE AND MANAGEMENT OF CONTAINERS

106

107 Section

108 725.270 Applicability

109 725.271 Condition of Containers

110 725.272 Compatibility of Waste with Containers

111 725.273 Management of Containers

112 725.274 Inspections

113 725.276 Special Requirements for Ignitable or Reactive Wastes

114 725.277 Special Requirements for Incompatible Wastes

115 725.278 Air Emission Standards

116

117 SUBPART J: TANK SYSTEMS

118

119 Section

120 725.290 Applicability

121 725.291 Assessment of Existing Tank System Integrity

122 725.292 Design and Installation of New Tank Systems or Components

123 725.293 Containment and Detection of Releases

124 725.294 General Operating Requirements

125 725.295 Inspections

126 725.296 Response to Leaks or Spills and Disposition of Tank Systems

127 725.297 Closure and Post-Closure Care

128 725.298 Special Requirements for Ignitable or Reactive Wastes

129 725.299 Special Requirements for Incompatible Wastes

- 130 725.300 Waste Analysis and Trial Tests
- 131 725.301 Generators of 100 to 1,000 Kilograms of Hazardous Waste Per Month (Repealed)
- 132 725.302 Air Emission Standards

133

134

SUBPART K: SURFACE IMPOUNDMENTS

135

136 Section

- 137 725.320 Applicability
- 138 725.321 Design and Operating Requirements
- 139 725.322 Action Leakage Rate
- 140 725.323 Containment System
- 141 725.324 Response Actions
- 142 725.325 Waste Analysis and Trial Tests
- 143 725.326 Monitoring and Inspections
- 144 725.328 Closure and Post-Closure Care
- 145 725.329 Special Requirements for Ignitable or Reactive Wastes
- 146 725.330 Special Requirements for Incompatible Wastes
- 147 725.331 Air Emission Standards

148

149

SUBPART L: WASTE PILES

150

151 Section

- 152 725.350 Applicability
- 153 725.351 Protection from Wind
- 154 725.352 Waste Analysis
- 155 725.353 Containment
- 156 725.354 Design and Operating Requirements
- 157 725.355 Action Leakage Rates
- 158 725.356 Special Requirements for Ignitable or Reactive Wastes
- 159 725.357 Special Requirements for Incompatible Wastes
- 160 725.358 Closure and Post-Closure Care
- 161 725.359 Response Actions
- 162 725.360 Monitoring and Inspections

163

164

SUBPART M: LAND TREATMENT

165

166 Section

- 167 725.370 Applicability
- 168 725.372 General Operating Requirements
- 169 725.373 Waste Analysis
- 170 725.376 Food Chain Crops
- 171 725.378 Unsaturated Zone (Zone of Aeration) Monitoring
- 172 725.379 Recordkeeping

173 725.380 Closure and Post-Closure Care  
174 725.381 Special Requirements for Ignitable or Reactive Wastes  
175 725.382 Special Requirements for Incompatible Wastes

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177

SUBPART N: LANDFILLS

178

179 Section

180 725.400 Applicability  
181 725.401 Design Requirements  
182 725.402 Action Leakage Rate  
183 725.403 Response Actions  
184 725.404 Monitoring and Inspections  
185 725.409 Surveying and Recordkeeping  
186 725.410 Closure and Post-Closure Care  
187 725.412 Special Requirements for Ignitable or Reactive Wastes  
188 725.413 Special Requirements for Incompatible Wastes  
189 725.414 Special Requirements for Liquid Wastes  
190 725.415 Special Requirements for Containers  
191 725.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab  
192 Packs)

193

194

SUBPART O: INCINERATORS

195

196 Section

197 725.440 Applicability  
198 725.441 Waste Analysis  
199 725.445 General Operating Requirements  
200 725.447 Monitoring and Inspections  
201 725.451 Closure  
202 725.452 Interim Status Incinerators Burning Particular Hazardous Wastes

203

204

SUBPART P: THERMAL TREATMENT

205

206 Section

207 725.470 Other Thermal Treatment  
208 725.473 General Operating Requirements  
209 725.475 Waste Analysis  
210 725.477 Monitoring and Inspections  
211 725.481 Closure  
212 725.482 Open Burning; Waste Explosives  
213 725.483 Interim Status Thermal Treatment Devices Burning Particular Hazardous Wastes

214

215

SUBPART Q: CHEMICAL, PHYSICAL, AND BIOLOGICAL TREATMENT

216		
217	Section	
218	725.500	Applicability
219	725.501	General Operating Requirements
220	725.502	Waste Analysis and Trial Tests
221	725.503	Inspections
222	725.504	Closure
223	725.505	Special Requirements for Ignitable or Reactive Wastes
224	725.506	Special Requirements for Incompatible Wastes

225

226                                   SUBPART R: UNDERGROUND INJECTION

227		
228	Section	
229	725.530	Applicability

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231                                   SUBPART W: DRIP PADS

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233	Section	
234	725.540	Applicability
235	725.541	Assessment of Existing Drip Pad Integrity
236	725.542	Design and Installation of New Drip Pads
237	725.543	Design and Operating Requirements
238	725.544	Inspections
239	725.545	Closure

240

241                                   SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

242		
243	Section	
244	725.930	Applicability
245	725.931	Definitions
246	725.932	Standards: Process Vents
247	725.933	Standards: Closed-Vent Systems and Control Devices
248	725.934	Test Methods and Procedures
249	725.935	Recordkeeping Requirements

250

251                                   SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

252		
253	Section	
254	725.950	Applicability
255	725.951	Definitions
256	725.952	Standards: Pumps in Light Liquid Service
257	725.953	Standards: Compressors
258	725.954	Standards: Pressure Relief Devices in Gas/Vapor Service

259	725.955	Standards: Sampling Connecting Systems
260	725.956	Standards: Open-Ended Valves or Lines
261	725.957	Standards: Valves in Gas/Vapor or Light Liquid Service
262	725.958	Standards: Pumps, Valves, Pressure Relief Devices, Flanges, and Other
263		Connectors
264	725.959	Standards: Delay of Repair
265	725.960	Standards: Closed-Vent Systems and Control Devices
266	725.961	Percent Leakage Alternative for Valves
267	725.962	Skip Period Alternative for Valves
268	725.963	Test Methods and Procedures
269	725.964	Recordkeeping Requirements

270

271                   SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,  
 272                   SURFACE IMPOUNDMENTS, AND CONTAINERS

273

274 Section

275	725.980	Applicability
276	725.981	Definitions
277	725.982	Schedule for Implementation of Air Emission Standards
278	725.983	Standards: General
279	725.984	Waste Determination Procedures
280	725.985	Standards: Tanks
281	725.986	Standards: Surface Impoundments
282	725.987	Standards: Containers
283	725.988	Standards: Closed-Vent Systems and Control Devices
284	725.989	Inspection and Monitoring Requirements
285	725.990	Recordkeeping Requirements
286	725.991	Alternative Tank Emission Control Requirements (Repealed)

287

288                   SUBPART DD: CONTAINMENT BUILDINGS

289

290 Section

291	725.1100	Applicability
292	725.1101	Design and Operating Standards
293	725.1102	Closure and Post-Closure Care

294

295                   SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

296

297 Section

298	725.1200	Applicability
299	725.1201	Design and Operating Standards
300	725.1202	Closure and Post-Closure Care

301

302	725.APPENDIX A	Recordkeeping Instructions
303	725.APPENDIX B	EPA Report Form and Instructions (Repealed)
304	725.APPENDIX C	USEPA Interim Primary Drinking Water Standards
305	725.APPENDIX D	Tests for Significance
306	725.APPENDIX E	Examples of Potentially Incompatible Wastes
307	725.APPENDIX F	Compounds with Henry's Law Constant Less Than 0.1 Y/X (at 25°C)

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309 AUTHORITY: Implementing Sections 7.2, 22.4, and 22.23e and authorized by Section 27 of the  
 310 Environmental Protection Act [415 ILCS 5/7.2, 22.4, 22.23e, and 27].

311

312 SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and  
 313 codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg.  
 314 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 14034, effective October 12,  
 315 1983; amended in R84-9 at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10  
 316 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective  
 317 August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in  
 318 R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338,  
 319 effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15,  
 320 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at  
 321 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective  
 322 November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990;  
 323 amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at  
 324 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective  
 325 October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in  
 326 R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg.  
 327 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22,  
 328 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18  
 329 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective  
 330 November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in  
 331 R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22  
 332 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective  
 333 April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28,  
 334 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999;  
 335 amended in R99-15 at 23 Ill. Reg. 9168, effective July 26, 1999; amended in R00-5 at 24 Ill.  
 336 Reg. 1076, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9575, effective June 20,  
 337 2000; amended in R03-7 at 27 Ill. Reg. 4187, effective February 14, 2003; amended in R05-8 at  
 338 29 Ill. Reg. 6028, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6389, effective  
 339 April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3460, effective February 23,  
 340 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1031, effective December 20, 2006;  
 341 amended in R07-5/R07-14 at 32 Ill. Reg. 12566, effective July 14, 2008; amended in R09-3 at 33  
 342 Ill. Reg. 1155, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18890,  
 343 effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 18052, effective October  
 344 14, 2011; amended in R13-15 at 37 Ill. Reg. 17811, effective October 24, 2013; amended in



345 R15-1 at 39 Ill. Reg. 1746, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11830,  
346 effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 23725,  
347 effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 634, effective December 6, 2018;  
348 amended in R19-11 at 43 Ill. Reg. 6049, effective May 2, 2019; amended in R20-8/R20-16 at 44  
349 Ill. Reg. 15374, effective September 3, 2020; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg.  
350 9911, effective June 20, 2024; amended in R24-12 at 48 Ill. Reg. 17086, effective November 7,  
351 2024; amended in R25-22 at 49 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

352  
353 **SUBPART A: GENERAL PROVISIONS**

354  
355 **Section 725.101 Purpose, Scope, and Applicability**

- 356
- 357 a) This Part establishes minimum standards that define the acceptable management  
358 of hazardous waste during the period of interim status and until certification of  
359 final closure or, if the facility is subject to post-closure care requirements, until  
360 post-closure care responsibilities are met.  
361
  - 362 b) Except as provided in Section 725.980(b), the standards in this Part and 35 Ill.  
363 Adm. Code 724.652 through 724.654 apply to owners and operators of facilities  
364 that treat, store, or dispose of hazardous waste and that have fully complied with  
365 the requirements for interim status under Section 3005(e) of RCRA (42 USC  
366 6925(e)) and 35 Ill. Adm. Code 703, until either a permit is issued under Section  
367 3005 of RCRA (42 USC 6905) or Section 21(f) of the Environmental Protection  
368 Act, or until applicable closure and post-closure care responsibilities under this  
369 Part are met, and to those owners and operators of facilities in existence on  
370 November 19, 1980 that have failed to provide timely notification as required by  
371 section 3010(a) of RCRA (42 USC 6930(a)) or that have failed to file Part A of  
372 the Permit Application, as required by federal 40 CFR 270.10(e) and (g) or 35 Ill.  
373 Adm. Code 703.150 and 703.152. These standards apply to all treatment, storage,  
374 or disposal of hazardous waste at these facilities, except as specifically provided  
375 otherwise in this Part or in 35 Ill. Adm. Code 721.  
376
- 377 **BOARD NOTE:** As stated in Section 3005(a) of RCRA (42 USC 6905(a)), after  
378 the effective date of regulations under that Section (i.e., 40 CFR 270 and 124) the  
379 treatment, storage, or disposal of hazardous waste is prohibited except in  
380 compliance with a permit. Section 3005(e) of RCRA (42 USC 6905(e)) provides  
381 for the continued operation of an existing facility that meets certain conditions  
382 until final administrative disposition of the owner's and operator's permit  
383 application is made.  
384
- 385 c) This Part does not apply to any of the following:  
386
  - 387 1) A person disposing of hazardous waste by means of ocean disposal subject

388 to a permit issued under the federal Marine Protection, Research and  
389 Sanctuaries Act (33 USC 1401 et seq.);

390  
391 BOARD NOTE: This Part applies to the treatment or storage of  
392 hazardous waste before it is loaded into an ocean vessel for incineration or  
393 disposal at sea, as provided in subsection (b).

394  
395 2) This subsection (c)(2) corresponds with 40 CFR 265.1(c)(2), marked  
396 "reserved" by USEPA. This statement maintains structural consistency  
397 with USEPA rules;

398  
399 3) The owner or operator of a POTW (publicly owned treatment works) that  
400 treats, stores, or disposes of hazardous waste;

401  
402 BOARD NOTE: The owner or operator of a facility under subsections  
403 (c)(1) and (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to  
404 the extent they are included in a permit by rule granted to such a person  
405 under 35 Ill. Adm. Code 702 and 703 or are required by Subpart F of 35  
406 Ill. Adm. Code 704.

407  
408 4) This subsection (c)(4) corresponds with 40 CFR 265.1(c)(4), which  
409 pertains exclusively to the applicability of the federal regulations in  
410 authorized states. There is no need for a parallel provision in the Illinois  
411 regulations. This statement maintains structural consistency with USEPA  
412 rules;

413  
414 5) The owner or operator of a facility permitted, licensed, or registered by  
415 Illinois to manage municipal or industrial solid waste, if the only  
416 hazardous waste the facility treats, stores, or disposes of is excluded from  
417 regulation under this Part by 35 Ill. Adm. Code 722.114;

418  
419 6) The owner or operator of a facility managing recyclable materials  
420 described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4), except to the  
421 extent that requirements of this Part are referred to in Subpart C, F, G, or  
422 H of 35 Ill. Adm. Code 726 or 35 Ill. Adm. Code 739;

423  
424 7) A generator accumulating waste on-site in compliance with applicable  
425 conditions for exemption in 35 Ill. Adm. Code 722.114 through 722.117  
426 and Subparts K and L of 35 Ill. Adm. Code 722, except to the extent the  
427 requirements of this Part are included in those Sections and Subparts;

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429 8) A farmer disposing of waste pesticides from the farmer's own use in  
430 compliance with 35 Ill. Adm. Code 722.170;

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- 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, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in Table T of 35 Ill. Adm. Code 728) or reactive (D003) waste in order to remove the characteristic before land disposal, the owner or operator must comply with the requirements set forth in Section 725.117(b);
  - 11) Immediate Response
    - A) Except as provided in subsection (c)(11)(B), a person engaged in treatment or containment activities during immediate response to any of the following situations:
      - i) A discharge of a hazardous waste;
      - ii) An imminent and substantial threat of a discharge of a hazardous waste;
      - iii) A discharge of a material that becomes a hazardous waste when discharged; or
      - iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.
    - 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 that is covered by subsection (c)(11)(A) that 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;
    - D) In the case of an explosives or munitions emergency response, if a

474 federal, state, or local official acting within the scope of his or her  
 475 official responsibilities or an explosives or munitions emergency  
 476 response specialist determines that immediate removal of the  
 477 material or waste is necessary to adequately protect human health  
 478 or the environment, that official or specialist may authorize the  
 479 removal of the material or waste by transporters that do not have  
 480 USEPA identification numbers and without the preparation of a  
 481 manifest. In the case of emergencies involving military munitions,  
 482 the responding military emergency response specialist's  
 483 organizational unit must retain records for three years identifying  
 484 the dates of the response, the responsible persons responding, the  
 485 type and description of material addressed, and its disposition;  
 486

- 487 12) A transporter storing manifested shipments of hazardous waste in  
 488 containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a  
 489 transfer facility for a period of ten days or less;  
 490
- 491 13) The addition of absorbent material to waste in a container (as defined in  
 492 35 Ill. Adm. Code 720.110) or the addition of waste to the absorbent  
 493 material in a container, provided that these actions occur at the time that  
 494 the waste is first placed in the containers and Sections 725.117(b),  
 495 725.271, and 725.272 are complied with;  
 496
- 497 14) A universal waste handler or universal waste transporter (as defined in 35  
 498 Ill. Adm. Code 720.110) that handles any of the wastes listed below is  
 499 subject to regulation under 35 Ill. Adm. Code 733 when handling the  
 500 following universal wastes:  
 501
- 502 A) Batteries, as described in 35 Ill. Adm. Code 733.102;
  - 503
  - 504 B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
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  - 506 C) Mercury-containing equipment, as described in 35 Ill. Adm. Code  
 507 733.104;
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  - 509 D) Lamps, as described in 35 Ill. Adm. Code 733.105;~~and~~
  - 510
  - 511 E) Aerosol cans, as described in 35 Ill. Adm. Code 733.106; and
  - 512
  - 513 F) [Paint and paint-related wastes, as described in 35 Ill. Adm. Code](#)  
 514 [733.107.](#)
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- 15) This subsection (c)(15) corresponds with 40 CFR 265.1(c)(15). This statement maintains structural consistency with the corresponding USEPA rule; or
- 16) A reverse distributor accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, as defined in 35 Ill. Adm. Code 726.600. A reverse distributor is subject to regulation under Subpart P of 35 Ill. Adm. Code 726 instead of this Part for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.
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- d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: USEPA hazardous waste numbers F020, F021, F022, F023, F026, or F027, unless the following conditions are met:
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- 1) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;
- 2) The waste is stored in tanks or containers;
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- 3) The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) and all other applicable requirements of Subpart L;
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- 4) The waste is burned in incinerators that are certified under the standards and procedures in Section 725.452; or
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- 5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified under the standards and procedures in Section 725.483.
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- e) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.
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- f) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 728, and 738.
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- g) Other bodies of regulations may apply to a person, facility, or activity, such as 35

559                   Ill. Adm. Code 809 (special waste hauling), 35 Ill. Adm. Code 807 or 810 through  
560                   817 (solid waste landfills), 35 Ill. Adm. Code 848 or 849 (used and scrap tires), or  
561                   35 Ill. Adm. Code 1420 through 1422 (potentially infectious medical waste),  
562                   depending on the provisions of those other regulations.

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(Source: Amended at 49 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)